



Thursday, March 30, 2017
STAMP Committee Meeting - GCEDC
Innovation Zone
1:00 pm

MINUTES

ATTENDANCE

Committee Members: J. Rizzo, P. Battaglia (via video conference), C. Yunker
 GCEDC / GGLDC Board Members:
 Staff: S. Hyde, M. Masse, C. Suozzi, E. Richardson
 Guests:
 Absent: P. Zelif

1. Call to Order / Enter Public Session

J. Rizzo called the meeting to order at 1:08 pm in the Innovation Zone Conference Room.

2. Executive Session

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 1:08 pm, for the following reasons:

1. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The motion was seconded by P. Battaglia and approved by all members present.

Re-Enter Public Session

C. Yunker made a motion to enter back into public session at 1:25 p.m., seconded by P. Battaglia and approved by all.

3. Chairman's Report & Activities

3a. Agenda Additions / Other Business – Nothing at this time.

3b. Minutes: February 28, 2017 -

C. Yunker made a motion to approve the Minutes from January 31, 2017; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Zelif -	Absent
J. Rizzo -	Yes
P. Battaglia -	Yes (via video conference)
C. Yunker -	Yes

The item was approved as presented.

4. Discussions / Official Recommendations to the Board:

4a. \$33M STAMP Grant Draw Review YTD – M. Masse shared with the Committee an analysis of the \$33M STAMP Grant Draws. Draw #1, Draw #2 and Draw #5 have been received in full and Draw #3 and Draw #4 have been received less interest expense. Draws #6 and #7 have been submitted and are awaiting reimbursement. All expenses are paid using the Line of Credit with KeyBank (formerly First Niagara) and repaid once the reimbursements are received from NYS. This will be reviewed again next month per the request of the Committee.

4b. Genesee County Water Supply Agreement – M. Masse shared that the GCEDC needs to enter into a water supply agreement with Genesee County in order to provide water to the STAMP site. The GCEDC has worked with County officials, County attorney and the Water Resources Agency Board to create the supply agreement presented here. The Genesee County Public Service Committee, and the full Legislature have approved this agreement.

P. Battaglia stated that the agreement states that the GCEDC will make 12 annual payments of \$448,500 to the County and the County will pay the GCEDC \$4,000,000 when requested, any time after January 2018. The 12 annual payments to the county will be funded by a Community Benefit Agreement with National Fuel / Empire Pipeline.

M. Masse stated that was correct. The payments being made by the GCEDC are tax dollars that the County consented to give up as part of the Empire Pipeline PIF. The difference is approx. \$1.3M that the County will utilize towards other Phase II improvements to help increase total water supply to the County and, it would increase the ability to purchase more water for the County.

M. Masse shared that the agreement is standard apart from the payment stream. The price is set and the amount of capacity was put in there. There was concern from the County that if they left the agreement broad, stating that they would supply STAMP with water, and not be specific, that the GCEDC could request, for example, 4 million gpd (gallons per day) and the County couldn't provide it. That's why the agreement states that they would provide the GCEDC with a minimum of 200,000 gpd so that the County wasn't committing to potential future improvements by not putting that wording in there.

J. Rizzo thinks that the language is backwards. You should be able to incorporate language to address the County's concerns straightforwardly. He feels as if that part of the agreement is not worded correctly. The agreement should be able to say that the County agrees to supply the STAMP site with up to a maximum of 200,000 gallons per day and the GCEDC is not required to take 200,000 gpd. If the GCEDC needed more, they could ask the County, and if they can supply it then they supply it. He finds the wording, as it is now, confusing. At this point, it is hard to tell if it would be worth running it back through their committee system in order to get the language changed. J. Rizzo added that the agreement may make sense to the parties that have worked with this so far, but if a stranger were to read it, it has a totally different meaning. Maybe Phillips Lytle could look at the agreement and rework the language to make more sense.

P. Battaglia added that the way he reads the agreement, the County is agreeing to supply the STAMP site with a minimum of 200,000 gpd. Is that not the intent of the agreement?

C. Yunker shared that the County is able to supply a minimum of 200,000 gpd, but also that the GCEDC is required to take a minimum of 200,000 gpd, even if it is not needed. C. Yunker asked P. Battaglia if he was ok with the way the agreement is worded.

P. Battaglia stated that he read the agreement and understood it, however, he isn't saying that there isn't a better way of wording it. It sounded like the County was committing to the GCEDC a minimum of 200,000 gpd and that the GCEDC could ask for more if we needed it, and if the County had it they would provide it.

C. Yunker thought that if changing the language in the agreement was just a matter of readability and not legality of substance then it can probably stay the same. If the GCEDC will not be adversely affected by taking less than 200,000 gpd, and this agreement assures that, then he doesn't have a problem leaving the agreement as is.

C. Yunker made a motion to recommend approval for the Genesee County Water Supply Agreement; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Zelf -	Absent
J. Rizzo -	Yes
P. Battaglia -	Yes (via video conference)
C. Yunker -	Yes

The item was approved as presented.

4c. Additional Survey Work – Frandina Engineering & Land Surveying – Parcels 10.-1-39.11 & 10.-1-39.12 – M. Masse shared that in May of 2016, the GCEDC approved survey work for two parcels at STAMP. The original quote was for \$2,860. After completion of the survey, the actual amount totaled \$4,012.50. The increase was due to the fact the Frandina had to send out a crew for field work a second time to confirm parcel lines. This expense will be covered under the \$33M ESD grant.

C. Yunker made a motion to recommend approval of the Additional Survey Work – Frandina Engineering & Land Surveying – Parcels 10.-1-39.11 & 10.-1-39.12); the motion was seconded by Paul Battaglia. Roll call resulted as follows:

P. Zelif -	Absent
J. Rizzo -	Yes
P. Battaglia -	Yes (via video conference)
C. Yunker -	Yes

The item was approved as presented.

4d. Emergency Management Services – Training Proposal – M. Masse shared that Genesee County Emergency Management Services (EMS) has submitted a proposal to the GCEDC to allow them to complete some training and potential live fire exercise on one structure at the STAMP site prior to demolition. They will be inspecting the property to see if they would be allowed to do a burn demolition on it when their training is complete.

J. Rizzo suggested requiring a certificate of insurance, naming the GCEDC as additional insured from EMS.

J. Rizzo made a motion to recommend approval of the Emergency Management Services – Training Proposal contingent on receiving a certificate of insurance naming the GCEDC as additional insured; the motion was seconded by Paul Battaglia. Roll call resulted as follows:

P. Zelif -	Absent
J. Rizzo -	Yes
P. Battaglia -	Yes (via video conference)
C. Yunker -	Yes

The item was approved as presented.

4e. Support Letter for NY Green’s Submission of NYSDOS Grant – M. Masse shared that Genesee County has consented to allow NY Green to apply for a grant from the NYS Department of State (NYSDOS) to prepare a Countywide Resiliency Plan as it relates to the impact that water has on our community, and the protection of that natural resource. M. Masse shared that any time spent by GCEDC personnel will be counted as an in-kind services match. M. Masse asked the Committee to recommend approval of signing the letter of support for NY Green’s submission of NYSDOS Grant.

P. Battaglia made a motion to recommend approval of the Support Letter for NY Green’s Submission of NYSDOS Grant; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Zelif -	Absent
J. Rizzo -	Yes
P. Battaglia -	Yes (via video conference)
C. Yunker -	Yes

The item was approved as presented.

4f. CC Environment & Planning – Preparation of Data Recovery Plan (DRP) – M. Masse shared that the GCEDC has completed the necessary Phase IIB site investigations regarding archeological work at the STAMP site. The next step is preparing a Data Recovery Plan (DRP) that will be used to recommend any Phase III data recovery and mitigation of unavoidable impacts to those sites. M. Masse asked the Committee to recommend approval of the proposal with CC Environmental and Planning to prepare the DRP, not to exceed \$6,500. This is budgeted for under the \$33M ESD Grant.

P. Battaglia made a motion to recommend approval of the CC Environment & Planning – Preparation of Data Recovery Plan (DRP), not to exceed \$6,500; the motion was seconded by Paul Battaglia. Roll call resulted as follows:

P. Zelif -	Absent
J. Rizzo -	Yes
P. Battaglia -	Yes (via video conference)
C. Yunker -	Yes

The item was approved as presented.

Adjournment

As there was no further business, C. Yunker made a motion to adjourn at 1:57 p.m., seconded by P. Battaglia and passed unanimously.