



GCEDC STAMP Committee Meeting
Wednesday, March 29, 2023
Location: 99 MedTech Drive, Innovation Zone
8:00 a.m.

MINUTES

ATTENDANCE

Committee Members: C. Kemp, M. Clattenburg, C. Yunker
Staff: M. Masse, J. Krencik, L. Casey, L. Farrell, S. Hyde, C. Suozzi
Guests: M. Fitzgerald (Phillips Lytle/Video Conference), M. Landers (County Manager)
Absent: P. Zelif

1. Call to Order / Enter Public Session

C. Yunker called the meeting to order at 8:02 a.m. in the Innovation Zone.

1a. Executive Session

C. Kemp made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:04 a.m., for the following reasons:

1. Discussions regarding proposed, pending, or current litigation.
2. 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.
3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

The motion was seconded by M. Clattenburg and approved by all members present.

1b. Re-Enter Public Session

M. Clattenburg made a motion to enter back into public session at 8:36 a.m., seconded by C. Kemp and approved by all.

2. Chairman's Report & Activities

2a. Agenda Additions / Other Business – Nothing at this time.

2b. Minutes: February 28, 2023

C. Kemp made a motion to approve the February 28, 2023 minutes; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Zelif - Absent
C. Yunker - Yes

M. Clattenburg – Yes
C. Kemp - Yes

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. Phillips Lytle for Business Park Association Formation – Phillips Lytle has prepared a proposal to cover the scope of work for the formation of the Business Park Association for STAMP. This amount can be included in with the common area charges that companies at STAMP would pay their portion of based on acreage owned versus total developable acreage at the site.

M. Masse stated that there is language included in the Purchase and Sale Agreements with Plug Power and Edwards Vacuum that states they may be responsible for Common Area Maintenance charges for the Association.

Fund Commitment: Not to exceed \$35,000 to be paid out of operational funds.

Board Action Request: Recommend approval to the full Board of Phillips Lytle contract not to exceed \$35,000.

M. Clattenburg made a motion to recommend to the full Board the approval of the Phillips Lytle contract for the Business Park Association Formation not to exceed \$35,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zelif - Absent
C. Yunker - Yes
M. Clattenburg – Yes
C. Kemp - Yes

3b. Survey for Edwards Genesee Real Estate Transactions – The GCEDC asked three companies for bids to survey the two parcels that are covered under the PSA and the Ground Lease agreement with Edwards:

The Instrument Survey Map shall show acreage inclusive of the rights of way, if any, show all recorded encumbrances, meet all the Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys and be certified as an ALTA/NSPS survey. The Instrument Survey Map shall be certified to meet the standard requirements of the Genesee County Bar Association and, if applicable, meet the filing standards for subdivision as set forth by the responsible agency of the county in which the Property is located.

The PSA calls for Edwards to reimburse us for the survey up to \$2,500.

The results of the bids are as follows:

1. Bid of \$7,760 – Frandina Engineering and Land Surveying
2. Bid of \$6,500 - Welch & O'Donoghue
3. Townsend & Lamendola declined to bid

Fund Commitment: Not to exceed \$6,500 to Welch & O'Donoghue for STAMP survey work from operating funds.

Board Action Request: Approval of survey contract for STAMP.

M. Clattenburg made a motion to recommend to the full Board the approval of the survey work by Welch & O'Donoghue not to exceed \$6,500 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zelif - Absent
C. Yunker - Yes
M. Clattenburg – Yes
C. Kemp - Yes

3c. General Services Agreement with CC Environment & Planning – As the GCEDC continues to work on permitting the STAMP site there are issues that arise in dealing with the DEC. This contract will allow the GCEDC to utilize CC Environment and Planning's historical knowledge of STAMP as well as their environmental knowledge to move through and respond to any issues/concerns that the DEC may bring up. This will also cover their oversight of the tree planting for north of the substation access road.

Fund Commitment: \$30,000 to be covered under the \$8 million.

Committee Action request: Recommend approval to the full Board the proposal for CC Environment and Planning.

M. Clattenburg made a motion to recommend to the full Board the approval of the CC Environment & Planning contract not to exceed \$30,000 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zelif - Absent
C. Yunker - Yes
M. Clattenburg – Yes
C. Kemp - Yes

3d. Access Agreement for Construction Parking Area for Plug Power - As part of their construction of their hydrogen facility, Plug Power would like to utilize the approximate 6.5 acre parcel directly to the south of their site as a construction parking area. Plug Power will be responsible for all DEC permits (except the Part 182) and compliance.

Plug Power will make a one-time payment to the GCEDC in the amount of \$10,000 for the access agreement.

Fund Commitment: None.

Committee Action Request: Recommend approval of access agreement.

M. Clattenburg made a motion to recommend to the full Board the approval of the access agreement for Plug Power as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zelif - Absent
C. Yunker - Yes
M. Clattenburg – Yes
C. Kemp - Yes

4. Adjournment

As there was no further business, C. Yunker made a motion to adjourn at 10:36 a.m., seconded by C. Kemp and passed unanimously.