



**Tuesday, July 11, 2017**  
**STAMP Committee Meeting - GCEDC**  
**Innovation Zone Conference Room**  
**10:00 am**

**MINUTES**

**ATTENDANCE**

Committee Members:	J. Rizzo, P. Battaglia, C. Yunker, P. Zeliff
GCEDC / GGLDC Board Members:	H. Upton
Staff:	S. Hyde, M. Masse, E. Richardson
Guests:	S. Hess, T. Carpenter
Absent:	

**1. Call to Order / Enter Public Session**

P. Zeliff called the meeting to order at 10:02 a.m. in the Innovation Zone Conference Room.

**2. Executive Session**

P. Battaglia made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 10:02 a.m., 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 C. Yunker and approved by all members present.

**Re-Enter Public Session**

P. Battaglia made a motion to enter back into public session at 10:11a.m., seconded by J. Rizzo and approved by all.

**3. Chairman's Report & Activities**

**3a. Agenda Additions / Other Business – None.**

**3b. Minutes: May 30, 2017**

**C. Yunker made a motion to approve the minutes from May 30, 2017; the motion was seconded by P. Battaglia.**

**Roll call resulted as follows:**

P. Zelif - Yes  
J. Rizzo - Yes  
P. Battaglia - Yes  
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 #6 have been received in full. These draws include the interest expense that had been outstanding for some time now which has now also been received. Draws #7 – Draw #10 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. Access Roadway – Recommendation of Award** – T. Carpenter shared that a total of six bids were received for the access road construction from Route 77/63. The low bidder was Keeler Construction of Albion, NY with a Base Bid amount of \$1,577,620, Alternate Bid 1 amount of \$111,600 for top course and striping for the access road and an Alternate Bid 2 of \$432,845 for the NYS Route 77/63 turn lane. Clark Patterson Lee has reviewed their qualifications and have discussed their bid in detail. They feel the bid received is a true representation of the costs to complete this project and that the contractor is qualified to complete to the work.

Clark Patterson Lee recommends that the GCEDC accept the bid and award the contract to Keeler Construction for a Base Bid amount of \$1,577,620, Alternate Bid 1 amount of \$111,600 and an Alternate Bid 2 amount of \$432,845, for a total contract award amount of \$2,122,065. This contract will be covered under the \$33M ESD grant.

**P. Battaglia made a motion to recommend accepting the bid and award the contract to Keeler Construction for a Base Bid amount of \$1,577,620, Alternate Bid 1 amount of \$111,600 and an Alternate Bid 2 amount of \$432,845, for a total contract award amount of \$2,122,065; the motion was seconded by J. Rizzo. Roll call resulted as follows:**

P. Zelif - Yes  
J. Rizzo - Yes  
P. Battaglia - Yes  
C. Yunker - Yes

**The item was approved as presented.**

**4c. Purchase of Mitigation Credits –** S. Hess shared that regarding the construction of the access roadway, there are unavoidable impacts to wetlands and it is necessary to have a culvert crossing where three “tributaries” converge on the site. These impacts have been permitted by the US Army Corps of Engineers (USACE) through a Nationwide permit. The USACE has issued this permit to authorize permanent impacts to approx. .41 acres of federally-regulated wetlands and 254 linear feet of stream. Impacts to wetlands greater than .10 acres trigger mitigation requirements. As a condition of this permit, the USACE has directed the GCEDC to purchase .5 credits from the Ducks Unlimited In-Lieu Fee Mitigation Program in the Niagara River Service Area. The GCEDC must supply a copy to the USACE of the signed Credit Sale Letter verifying acceptance of the full payment for the appropriate credits prior to commencement of construction. The credit purchase is a one-time fee. There are no further cost requirements associated with monitoring or contingency. Liability for the mitigation requirement transfers to Ducks Unlimited upon credit purchase.

M. Masse asked the Committee to recommend approval to the full Board purchase of the appropriate mitigation credits in the amount of \$41,500.

**J. Rizzo made a motion to recommend accepting the Purchase of Mitigation Credits in the amount of \$41,500; the motion was seconded by P. Battaglia. Roll call resulted as follows:**

P. Zelif - Yes  
J. Rizzo - Yes  
P. Battaglia - Yes  
C. Yunker - Yes

**The item was approved as presented.**

**4d. Long-Term Management Plan –** M. Masse shared that as part of the Incentive Zoning Agreement and to satisfy mitigation for potential environmental impacts as proposed during the SEQR review and identified in the Findings Statement, the GCEDC agreed to put together a Long-Term Management Plan (LTP) to guide management of natural resources and land use on the STAMP site before, during and after development.

S. Hess went through a power point presentation (which can be found in the meeting materials) that gives an overview of the LTP.

C. Yunker commented that on page 10, of the Long-Term Management Plan document, Section 3.1 “Site History”, it mentions there “has been the shift from small family farmsteads to corporate farming and industrialized agriculture”. Most of the farms in Genesee County object to being categorized or called corporate/industrialized agriculture. The farms in the area are larger family operated farms. This is a small change in the wording but one that he feels needs to be made. Another comment is one of the goals and objectives is to review the agricultural nuisance, and as you develop the 100 ft. buffers it’s going to reduce some agricultural acreage so that will have to be taken into consideration. Over time, farms will have to manage drainage and one best practice outlined in the plan was to delay mowing hay fields until after August 1<sup>st</sup>. Currently, most farms have already cut their fields twice by that date. Delaying hay harvest until after August 1<sup>st</sup> will drastically diminish the quality and the productivity of those

hay fields. If you are going to do that, then you can expect lower rental rates on those acreages. The hay is essentially worthless if you wait until after August 1<sup>st</sup> to harvest it. He would expect that there would be some pushback from the farmers that currently rent some acreage at STAMP.

S. Hess stated that is good insight. Many of the recommendations outlined in the goals and objectives for this Long-Term Management Plan are items that will make Department of Environmental Conservation (DEC) very happy but are not required. The plan is structured in a way that does not require any more than is required by SEQR. She would recommend removing the August 1<sup>st</sup> date from the goals and objectives and try stating it in a softer way, where possible, work with agriculture to delay mowing on fields.

C. Yunker said that you might consider language that more specifically delays the mowing of the buffer areas rather than the fields.

S. Hess stated one more concern that was brought up by the Town of Alabama is related to the open space along Route 77. They were concerned with the aesthetics of that area. Developing this area could really be a dramatic change from the rural landscape it was before. They would like to see some reforestation of that open area as much as possible. She would suggest putting that in this management plan if the Board agrees.

P. Zeff said rather than making a recommendation to the Board now, it would make most sense to make the changes that were suggested today and be brought back for a final review at the next meeting.

**No Vote.**

**4e. Material Testing for Roadway –** M. Masse shared that regarding the construction of the entrance road at STAMP, Clark Patterson Lee has recommended that construction testing services be performed on the work by an independent third party. They have requested three quotes that would include the following work:

- a. Witness proof rolling of subgrade soils prior to placement of subbase materials
- b. Compaction testing of select fill material
- c. Compaction testing of subbase materials
- d. Compaction testing of asphalt courses

The low bidder was SJB Services, Inc. with a bid of \$10,000

M. Masse asked the Committee to recommend approval of a contract with SJB Services, Inc. for Materials Testing for Roadway Construction at STAMP not to exceed \$10,000. This will be covered under the \$33M ESD grant.

**P. Battaglia made a motion to recommend approval of a contract with SJB Services, Inc. for the Material Testing for Roadway not to exceed \$10,000; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Zeff - Yes  
J. Rizzo - Yes  
P. Battaglia - Yes

C. Yunker - Yes

**The item was approved as presented.**

**4f. Update on Current 115kV Study –** M. Masse shared that the GCEDC had a phone conversation with National Grid regarding the work they are currently undertaking with Mohawk Valley Edge on electrical upgrades and substation without an identified tenant for the park yet. This is to cut down timelines for long lead items to be able to be quicker to market when a tenant commits. The GCEDC asked if there was a similar path that we could move forward on with them regarding the 115kV substation being proposed along with the tap and tap line. National Grid feels that with respect to the ability for GCEDC to proceed with engineering, procurement and construction of its station in the absence of a specific tenant service needs (e.g., demand, voltage sage immunity requirements, power and load factors, etc.), O'Brien and Gere needs to be consulted; National Grid cannot make that call. But National Grid did give the following potential paths the GCEDC could take, with National Grid, to help cut down timelines for the services installation:

1. Execute a Support Services Agreement (SSA) to proceed with only the engineering services related to the National Grid tap on the 115kV line, and to proceed with engineering review of the 115kV radial tap line design and substation design that O'Brien and Gere will be completing in accordance with National Grid's standards and specifications. (Note: Once National Grid completes the final engineering of the tap, a revised cost estimate for the tap can be provided as well as an updated estimate of completion (EAC).) A Cost Reimbursement Agreement (CRA) can be negotiated and executed at any point (i.e., wither during or immediately following engineering completion).
2. Execute a CRA to cover all the engineering, procurement, and construction activities associated with the substation, the 115kV tap, and the tap line. This is like item #2 except the construction piece would occur after a tenant was secured, however, it would cut down on the timeline by having the CRA in place. The terms and conditions of the CRA state that the customer is responsible for all actual costs. If there are concerns about a time delay between engineering and procurement and construction, then it may be possible to insert language in the agreement to address escalation of costs. National Grid would need to check with its attorneys on this matter.

Regardless of whether it is decided to proceed with options 1 or 2, National Grid recommends that the draft study be revised and finalized to: (1) remove of scope that was associated with the supervisory control, (2) make the report generic by not specifying Project Eagle, and (3) bring the cost estimates current. item #1 be completed first. (The cost estimates are almost 3 years old and need to be updated.)

After a brief discussion, the Committee asked M. Masse to follow up with National Grid on what would need to be redone to the completed study once a tenant commits.

## **5. Adjournment**

As there was no further business, J. Rizzo made a motion to adjourn at 10:51 a.m., seconded by P. Battaglia and passed unanimously.