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GCEDC STAMP Committee Meeting
Wednesday, October 5, 2022
Location: 99 MedTech Drive, Innovation Zone
8:00 a.m.

MINUTES

ATTENDANCE

Committee Members: P. Zelif, C. Kemp, M. Clattenburg
Staff: M. Masse, J. Krencik, S. Hyde, L. Casey, L. Farrell
Guests: M. Landers (County Manager), R. Crossen (Town of Alabama Supervisor), A. Walters (Phillips Lytle/Video Conference)
Absent: C. Yunker

1. Call to Order / Enter Public Session

P. Zelif called the meeting to order at 8:02 a.m. in the Innovation Zone.

1a. Executive Session

M. Clattenburg made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:02 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 C. Kemp and approved by all members present.

1b. Re-Enter Public Session

M. Clattenburg made a motion to enter back into public session at 8:42 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: August 31, 2022

C. Kemp made a motion to approve the August 31, 2022 minutes; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Zelif - Yes
C. Yunker - Absent

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M. Clattenburg – Yes
C. Kemp - Yes

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. Second Amendment to MOU with NCWD – In March of 2019 the GCEDC and the NCWD approved a proposal from Wendel Engineering (NCWD’s engineer) to complete the design, engineering, permitting and identification of rights of way to be able to supply up to 6 MGD to the Genesee-Niagara County line, as well as the legal expenses of their attorney (Seaman Norris) in connection with the proposal. Wendel and Seaman Norris have provided proposals to the NCWD on the costs associated with securing the necessary easements for the 6 MGD water supply project.

Fund Commitment: Not to exceed \$81,750 (\$36,750 for Wendel and \$45,000 for Seaman Norris) from the \$8 million NYS award.

M. Clattenburg made a motion to recommend to the full Board the Second Amendment to the MOU with NCWD not to exceed \$81,750 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3b. Consultant Evaluation of TCP Issues – As part of the STAMP development and the neighboring Tonawanda Seneca Nation, in accordance with Section 106 for the wetland permits, the GCEDC is working with the Tonawanda Seneca Nation on an assessment of the TCP potentials as it relates to the criteria for eligibility of listing on the National Historic Register. KTA Preservation Specialists has prepared a proposal to prepare an assessment of any potential impacts to the Nation from the construction of a proposed development on the STAMP site.

Fund commitment: Not to exceed \$1,440 included in the \$33 million NYS award.

Committee action request: Recommend approval of consultant contract with KTA Preservation Specialists for evaluation of TCP issues.

C. Kemp made a motion to recommend to the full Board the approval of the Consultant contract with KTA Preservation Specialists for evaluation of TCP issues not to exceed \$1,440 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3c. Genesee County Water Supply Agreement – In March of 2017 the GCEDC entered a water supply agreement with Genesee County to supply STAMP with water. The GCEDC may pursue supplies outside of Genesee County once it becomes technically and economically unfeasible for the County to provide the quantities needed. If there are users at STAMP who are non-manufacturing companies, there is a 10% surcharge that MCWA will require Genesee County to pay them.

There is a clause in the agreement that allows for the GCEDC to transfer the Water Supply Agreement to a water works corporation that is formed under NYS Transportation Corporation law. This assignment requires the GCEDC to notify the County.

Fund Commitment: None.

M. Clattenburg made a motion to recommend to the full Board the approval of the assignment of the Water Supply Agreement with Genesee County to the STAMP Water Works Corp. as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3d. Payment for Storage Yard – In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, the GCEDC had to extend the rental agreement for the storage of pipes until we can begin construction with the issuance of NYSDEC permits.

Fund Commitment: \$4,000 from the \$33 million NYS award.

Board Action Request: Approval of payment of \$4,000 to the landowner.

C. Kemp made a motion to recommend to the full Board the approval of the Payment for the Storage Yard in the amount of \$4,000 to the landowner as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3e. Title Fee on Filing Easement for National Grid Powerline Re-Route – In connection with the filing of the new easement for the power line reroute for National Grid, there is a title fee payment that needs to be made. This is a cost of the project as stipulated in the signed Cost Reimbursement

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Agreement that the GCEDC needs to pay. The title fee is based on the value of the improvements within the easement to protect National Grid in case another party tries to claim title to the property.

Fund Commitment: \$25,620 from the \$33 million NYS award.

Committee Action request: Recommend approval of paying the title fee in the amount of \$25,620.

M. Clattenburg made a motion to recommend to the full Board the approval of the title fee in the amount of \$25,620.00 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3f. Phillips Lytle Legal Services – Phillips Lytle has prepared a proposal to cover the scope of work for the remainder of 2022 as it relates to Tech Team support for the off-site sewer permitting and wetland permitting, the wastewater treatment facility permitting, and force main installation.

Fund Commitment: Not to exceed \$185,000 to be included in the \$8 million NYS award.

C. Kemp made a motion to recommend to the full Board the approval of the Phillips Lytle proposal to cover the scope of work for the remainder of 2022 not to exceed \$185,000 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3g. Amended SEQR for STAMP for Modified Part 182 Permit - On March 1, 2012, as Lead Agency under SEQR, the GCEDC Board approved the Findings Statement that concluded the GEIS process for the STAMP project. Since that time, there have been several changes to STAMP that weren't anticipated at the time SEQR was completed in 2016. Changes to the Project included modifications to the STAMP master plan including an expansion of the footprint of STAMP, demolition of additional houses along Crosby Road, construction of a new municipal water system to serve the residents of the Town of Alabama, and construction of a new sewer force main to discharge wastewater from STAMP to the Village of Medina wastewater treatment plant, twelve miles north of the STAMP Site, as well as the reroute of on-site powerlines to the western edge of the STAMP Site. In July of 2016 the Agency adopted an Amended Findings Statement to the GEIS approving the 2016 Project Modifications in accordance with the requirements of the GEIS and SEQR; and in August of 2019, the Agency again considered certain infrastructure modifications to the Project and the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR; and there were additional Project modifications reviewed in 2019, 2020 and 2022 including all actions necessary to undertake the following:

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Having considered the Environmental Information, STAMP Environmental Record, and having considered the relevant environmental impacts, associated with continuing construction of the Powerline Reroute past November 1st, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that the requirements of 6 N.Y.C.R.R. Part 617 have been met; and Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Fund commitment: None.

M. Clattenburg made a motion to recommend to the full Board the approval of the resolution as an amended negative declaration pursuant to and in accordance with SEQRA as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

4. Adjournment

As there was no further business, M. Clattenburg made a motion to adjourn at 8:54 a.m., seconded by C. Kemp and passed unanimously.