



Thursday, March 7, 2019
Innovation Zone Conference Room
GCEDC STAMP Committee Meeting
9:30 a.m.

MINUTES

ATTENDANCE

Committee Members:	P. Battaglia (Video Conference), P. Zelif, A. Vanderhoof
GCEDC / GGLDC Board Members:	
Staff:	M. Masse, E. Richardson, S. Hyde, J. Krencik, L. Farrell
Guests:	A. Walters (Philips Lytle), S. Hess (CC Environment & Planning)
Absent:	C. Yunker

1. Call to Order / Enter Public Session

P. Zelif called the meeting to order at 9:46 a.m. in the Innovation Zone.

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 9:46 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.
2. The proposed acquisition, sale or lease of real property or the proposed acquisition or 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 A. Vanderhoof and approved by all members present.

Re-Enter Public Session

P. Battaglia made a motion to enter back into public session at 9:57 a.m., seconded by A. Vanderhoof and approved by all.

3. Chairman's Report & Activities

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

3b. Minutes: February 5, 2019

P. Battaglia made a motion to approve the minutes from February 5, 2019; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Zeliff - Yes
P. Battaglia - Yes (Video Conference)
C. Yunker - Absent
A. Vanderhoof- Yes

The item was approved as presented.

4. Discussions / Official Recommendations to the Board:

4a. \$33M STAMP Grant Draw Review YTD – M. Masse reminded the Committee that the imprest account was set up and in January 2018 Empire State Development (ESD) deposited \$15.1M into the account. The first 12 Grant Utilization Request Forms (GURF) have been submitted and authorization has been received to release those funds. The requests have taken approx. 3-5 days to receive approval. GURF #13 has been submitted and is awaiting approval.

4b. Construction Update – M. Masse shared that the Pembroke Line is almost ready to go out to bid. Keeler Construction will resume construction of the Route 63/77 Turn Lane in the Spring.

4c. \$8M Incentive Proposal - STAMP – The GCEDC received the Incentive Proposal that lists out the terms and conditions of the \$8 million recently awarded for Track II infrastructure design and engineering (water, sewer, and electric). Highlights of the IP are as follows:

1. This will be set up as an imprest account, or an extension of the current account.
2. Must follow all of the same procedures and protocols that we have with Z337.
3. There is no set percentage of MWBE goals, just maximum feasible participation.
4. There is a “Good faith efforts” for a new 6% goal to use NYS Certified Service-Disabled Veteran owned Business Enterprises (SDVOB).
5. There is a 1% commitment fee (ESD is looking into waiving this fee).
6. Can incur expenses once IP is signed.

P. Battaglia made a motion to recommend approval of the \$8M Incentive Proposal as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Zeliff - Yes
P. Battaglia - Yes (Video Conference)
C. Yunker - Absent
A. Vanderhoof- Yes

The item was approved as presented.

4d. Niagara County Intermunicipal Agreement - \$8M Funding – The GCEDC and the Niagara County Water District (NCWD) have had several discussions regarding supplying potable water to the STAMP site of up to 1 million gallons per day (MGD). On April 10, 2015 the NCWD issued a letter to the GCEDC stating its willingness to support, cooperate and supply water to the Genesee County line to service businesses at STAMP. In April of 2018 the NCWD’s engineering firm (Wendel) completed a Facility and

Infrastructure Impact Study as analysis about the NCWD's ability to provide water for the STAMP site as various levels (1 MGD, 2.4 MGD, 4 MGD, 8 MGD, and 13 MGD). In May of 2018 the GCEDC requested that the NCWD provide a proposal to perform the necessary engineering and planning efforts required to make STAMP 6 MGD water supply infrastructure project bid ready, including design, permitting and right-of-way / easement identification. The NCWD has provided a proposal from their engineer to perform this scope of work, as well as the legal expenses of their attorney (Seaman Norris) in connection with the proposal.

A. Walters of Phillips Lytle reviewed some of the highlights of the agreement with the Committee. He noted that Niagara County is under no obligation to actually provide the water to the STAMP site but anticipates that it would be included in a separate agreement. Part of this study would be to set the rate and then we would negotiate a supply agreement at a later time.

P. Battaglia shared that his business sense says that this is a bad decision; paying for a study with no real commitment that they would actually sell us the water.

P. Zelif asked that if this agreement is entered into by both parties, doesn't it imply that Niagara County has the intent to sell us the water? If we were to go to litigation, wouldn't that give us grounds to make them provide us with water?

A. Walters shared that the agreement as it is written is a nonbinding agreement. But Niagara County has a real incentive to supply us with water. This is a real opportunity for them. However, we can terminate the agreement at any time, and halt work on the study if we land a project that does not need that much water.

P. Battaglia shared that he is inclined to vote no on this agreement and suggested tabling it until the next board meeting.

4e. Clark Patterson Lee Contract - \$8M Funding – The GCEDC is currently close to getting the Manufacturing Annex Campus at the STAMP site to a shovel ready status based on the definitions reviewed previously with the Committee. This proposal is crucial to being able to have a sewer solution ready to go to construction that can be built within 12 months to meet a company's facility construction time line.

M. Masse asked the Committee to recommend approval of the contract with Clark Patterson Lee for \$1.35M for design and engineering of a 1MGD sanitary sewer treatment plant. This expense is to be covered under the new \$8M ESD grant.

P. Zelif made a motion to recommend approval of the contract with Clark Patterson Lee for \$1.35M for Design and Engineering of a 1MGP Sanitary Sewer Treatment Plant; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Zelif - Yes
P. Battaglia - Yes (Video Conference)
C. Yunker - Absent
A. Vanderhoof- Yes

The item was approved as presented.

4f. CC Environment & Planning Contract - \$33M Funding – In connection with ongoing work at STAMP, CC Environment and Planning has submitted a contract for 2019 work to cover the following:

1. Onsite regulatory, industry permitting and land management support.
2. Offsite regulatory, industry permitting support.

S. Hess shared that this proposal includes smaller tasks combined for efficiency purposes. As the STAMP project continues to be somewhat unpredictable at times with many moving pieces, the proposal was organized a little differently.

M. Masse asked the Committee to recommend approval of the contract with CC Environment & Planning for \$35,457 for Site Development Environmental Services & Support. This expense is to be covered under the \$33M ESD grant.

P. Zeliff made a motion to recommend approval of a contract with CC Environment & Planning for \$35,457 for STAMP Site Development Environmental Services & Support; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Zeliff - Yes
P. Battaglia - Yes (Video Conference)
C. Yunker - Absent
A. Vanderhoof- Yes

The item was approved as presented.

4g. Phillips Lytle Contract - \$33M Funding - Phillips Lytle has prepared a proposal to cover the scope of work for 2019 as it relates to the TCP study as well as off-site sewer permitting and wetland permitting.

P. Zeliff requested that a rate sheet be provided.

A. Walters shared that he would send one over this afternoon prior to the board meeting.

M. Masse asked the Committee to recommend approval of the proposal with Phillips Lytle for \$100,000 for Additional 2019 Project Support. This expense is to be covered under the \$33M ESD grant.

A. Vanderhoof made a motion to recommend approval of a \$100,000 proposal with Phillips Lytle for Additional 2019 Project Support; the motion was seconded by P. Battaglia. Roll call resulted as follows:

P. Zeliff - Yes
P. Battaglia - Yes (Video Conference)
C. Yunker - Absent
A. Vanderhoof- Yes

The item was approved as presented.

5. Adjournment

As there was no further business, A. Vanderhoof made a motion to adjourn at 10:23 a.m., seconded by P. Battaglia and passed unanimously.