

DRAFT



GCEDC STAMP Committee Meeting

Wednesday, May 4, 2022

Location: Electronically

8:00 a.m.

MINUTES

ATTENDANCE

Committee Members:

P. Zeliff, M. Clattenburg, C. Kemp, C. Yunker

Staff:

M. Masse, J. Krencik, S. Hyde, C. Suozzi, L. Casey, L. Farrell, P. Kennett

Guests:

R. Crossen (Town of Alabama Supervisor), A. Walters (Phillips Lytle), Zachary Zweifler (Scannell Properties), Jack Kelly (Scannell Properties)

Absent:

1. Call to Order / Enter Public Session

P. Zeliff called the meeting to order at 8:14 a.m. via conference call / video conference.

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.

1a. Executive Session

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:14 a.m., for the following reasons:

1. Discussions regarding proposed, pending, or current litigation.
2. 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.

C. Kemp joined at 8:17 a.m.

L. Farrell left during executive session.

1b. Re-Enter Public Session

M. Clattenburg made a motion to enter back into public session at 9:36 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: March 23, 2022

M. Clattenburg made a motion to approve the March 23, 2022 minutes; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. Easement Approval - In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. Based on a compensation model the following payment is needed for one easement:

1. Temporary Easement 21 - \$500

Fund Commitment: \$500 from the \$33 million.

M. Clattenburg made a motion to recommend to the full Board the approval of the ROW easement payment not to exceed \$500 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

3b. Revised Land Lease Agreement for STAMP Farming- The GCEDC has previously approved a standard lease agreement for any farming activities on any of our corporate parks. While discussing some options with a farmer at STAMP to assist with our land management plans as well as the potential for a tenant to commit to STAMP and potentially impact the land prior to the crop being harvested, the farmer has made a request for the STAMP Committee to consider a revision in the lease agreement for 2022. Farming the land at the STAMP site helps with overall maintenance of the property as well as preventing any wetlands from expanding or other things which could cause issues for potential development. The farmer at STAMP is concerned that if he is only reimbursed for the cost of the crop, and not the fair market value, if the lease is cancelled early for a project to start construction, being reimbursed of cost for his crop would have a severe negative impact on his farming operations. His request is to change the reimbursement to be based on the fair market value of the crop that is impacted.

Fund commitment: None.

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C. Yunker made a motion to recommend to the full Board the approval the Revised Land Lease Agreement with Norm Giess for STAMP Farming as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3c. Draft Land Management Plan - The draft land management plan was provided to the Committee members on April 29th to allow ample time for review. No comment or vote was requested at this time. The Committee requested a red-lined version, denoting the changes from 2017.

3d. NYPA Facilities Study - Upon completion of the SIS study, NYPA required that a Facilities Study (FS) be completed on the proposed substation. NYPA completed the study, and requested a deposit of \$100,000 for this work at the signing of the Facilities Study in 2020. This payment and agreement were approved in February of 2020. The original agreement had a scheduled FS completion date of May of 2020. The final Q580 FS Report Rev. 6 was issued on April 7, 2022. It took almost 2 years to finalize the FS due to the major change in the configuration of the Q580 STAMP Station and the associated additional studies needed to justify/confirm the reliability and operability of the revised configuration.

Fund commitment: An increase of \$53,000 covered under the existing \$8 million NYESD grant.

C. Yunker made a motion to recommend to the full Board the approval to pay an additional \$53,000 for the Facilities Study Agreement as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3e. Access License Agreement for Plug Power and/or Affiliates for Substation Construction - Phillips Lytle has prepared for the GCEDC an Access License Agreement to allow Plug Power, O’Connell Electric, and their agents to enable construction of the substation on GCEDC owned property until the transfer of the property to National Grid and NYPA can be completed. Any contractors would be required to sign indemnity agreements, provide proof of insurance, and list the GCEDC as an additional insured on their policy with the applicable coverage limits as set forth by the GCEDC.

Fund Commitment: None.

The Committee recommended that under section 3, the automatic termination date should be extended to 365 days from the effective date.

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M. Clattenburg made a motion to recommend to the full Board the approval of the Access License Agreement with the above-mentioned amendment; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

The item was approved as presented.

4. Adjournment

As there was no further business, C. Yunker made a motion to adjourn at 9:46 a.m., seconded by M. Clattenburg and passed unanimously.