



GCEDC STAMP Committee Meeting

Wednesday, January 12, 2022

Location: Electronically

8:00 a.m.

MINUTES

ATTENDANCE

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

1. Call to Order / Enter Public Session

P. Zelif called the meeting to order at 8:03 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

M. Clattenburg made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:03 a.m., for the following reasons:

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

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 8:37 a.m., seconded by C. Kemp and approved by all.

2. Chairman's Report & Activities

2a. Agenda Additions / Other Business –

M. Clattenburg made a motion to add "Amendment to STAMP Land Management Plan 5-Year Update Contract" to *Discussions / Official Recommendations to the Board* as agenda item 3g; 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 added to the agenda.

2b. Minutes: November 30, 2021

M. Clattenburg made a motion to approve the November 30, 2021 minutes; 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.

3. Discussions / Official Recommendations to the Board:

3a. Appraisal for Electric Right of Way- The GCEDC asked five companies for bids to prepare the appraisal for the Right of Way (ROW) for the on-site power line re-route and the removal of the old ROW for the existing power line that will be taken down. The results of the bids are as follows:

1. No bid submitted – KLV Appraisal Group, Inc.
2. \$12,500 – Thurston, Casale & Ryan, LLC
3. No bid submitted – Emminger, Newton, Pigeon & Maygar, Inc.
4. No bid submitted - Edmunds Enterprises
5. \$7,000 - CNY Pomeroy Appraisers, Inc.

The appraisers who were solicited had been preapproved by the US Department of the Interior as qualified to complete the previous ROW through the USFWS refuge and discussed with National Grid as well.

Fund Commitment: Not to exceed \$7,000 to CNY Pomeroy Appraisers, Inc. for the appraisal work of the ROW for the on-site power line re-route to be covered under the \$33 million.

M. Clattenburg made a motion to recommend to the full Board the approval of the Appraisal for the Electric Right of Way for the on-site power line re-route to CNY Pomeroy Appraisers not to exceed \$7,000; 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. Town of Alabama Interest Reimbursement- In January 2019 the GCEDC entered an amended Intermunicipal Agreement with the Town of Alabama to reimburse them for certain legal fees not to exceed \$8,750 and \$73,000 in interest expense in connection with the Town's borrowing on a BAN to pay for parts of the water project that were to be reimbursed with a CFA award grant of \$1.5 million and a SAM grant of \$250,000. The GCEDC has been billed and paid a total of \$60,186.56 in interest expense to date. The Town hired a consultant at the start of the water project to manage the income and expenses. The Town contacted their consultant last June stating that they were concerned that there were not sufficient funds in the Town's account to cover the expenditures. The consultant went back and reviewed all the project transactions and found several bills that were not submitted for payment which included a \$26,775.42 bill to the GCEDC for interest expense. This bill results in an amount of \$13,961.99 over the previous approval amount of \$73,000.

Fund commitment: \$13,961.99 increase to the \$73,000 previously approved interest expense to be covered under the \$33 million.

M. Clattenburg made a motion to recommend to the full Board the approval to pay an additional \$13,961.99 over the previously approved \$73,000 to the Town of Alabama for interest expense on their BAN for the water project portion that was covered by the GCEDC; 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.

3c. National Grid Amended Cost Reimbursement Agreement- In October of 2020 the GCEDC approved a Cost Reimbursement Agreement (CRA) with National Grid for the reroute of the existing power line that bisects the STAMP site. That CRA was for \$5,129,000. Since that time there have been some revisions to the scope of work covered under the CRA as well as the costs to complete the work. A project at STAMP is entering into a CRA with National Grid to remove some of the costs associated with the original project that they will now cover. However, there has been a 26% increase in the foundation costs as well as a 36% increase in the structure costs as the original cost estimates were done pre-Covid.

Fund commitment: An additional \$172,825 over the originally approved \$5,129,000 included in the \$33 million.

M. Clattenburg made a motion to recommend to the full Board the authorization of the First Amendment to the Cost Reimbursement Agreement with National Grid not to exceed \$5,301,825 in total; 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. Onsite Water Main, Crosby Road Reconstruction, Lay Down Area, and Hold & Haul Contract Awards- The GCEDC went out to bid for the infrastructure to support Plug Power's facility as well as what is needed for the lay down area for the power line reroute. The bid was put out as one project but with four base bids as follows:

- A. Full depth reconstruction of approximately 1,800 LF of Crosby Road.
- B. Installation of approximately 5,500 LF of water main from Route 77/STAMP Drive to the Plug Power site.
- C. Installation of approximately 150 LF of sanitary sewer, manholes, premanufactured pump station, sanitary sewer holding tank and appurtenances to provide Plug Power with sanitary sewer facilities.
- D. Construction of a temporary access road and temporary 5-acre gravel laydown yard for National Grid.

The bid documents stated that the Owner reserves the right to award the Base Bids individually or the combination of the Base Bids to the lowest, responsive, responsible bidder based on which Bid combination best fits the project budget and priorities.

Fund commitment: \$2,273,225. These contracts will be covered by the following sources: Plug Power net land sale proceeds (\$1,953,073) and borrowing from the RLF #1 Fund (\$320,152).

M. Clattenburg made a motion to recommend to the full Board the approval to award Base bid A & B to 716 Site Contracting and Base bid C & D to Keeler Construction, Inc 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.

3e. Phillips Lytle 2022 Services Agreement- Phillips Lytle has prepared a proposal to cover the scope of work for 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 as well as the new water main from Niagara County.

Fund Commitment: Not to exceed \$238,000 to be included in the \$8 million.

M. Clattenburg made a motion to recommend to the full Board the approval of the Phillips Lytle 2022 Services Agreement as presented, not to exceed \$238,000; 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. UB Site Work Monitor - The GCEDC requested a quote from UB for site work observation services related to earth work for the lay down area. This quote is on a per day basis with an estimated time frame of 15 days to complete the earth work. The quote is for 18 days so there is some room if the project goes a little longer (the contractor estimated 18 days to complete the entire project).

Fund Commitment: Not to exceed \$11,700 to be included in the \$33 million.

M. Clattenburg made a motion to recommend to the full Board the approval of the UB contract, not to exceed \$11,700; 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.

3g. Amendment to STAMP Land Management Plan 5-Year Update Contract - On October 7, 2021, the Board approved the CC Environment and Planning proposal to update and revise the Land Management Plan not to exceed \$22,600 with a completion date of March 31, 2022. The amendment request in the amount of \$17,517 reflects additional work to cover wildlife surveys requested by the NYS Department of Environmental Conservation for listed species including short-eared owl, northern harrier and sedge wren. This amendment request also reflects a proposal to extend the contract through August 31, 2022 for completion of the full update including NYSDEC review.

M. Clattenburg made a motion to recommend to the full Board the approval of the amendment to the STAMP Land Management Plan 5-Year Update Contract, not to exceed \$17,517; 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 8:51 a.m., seconded by C. Kemp and passed unanimously.