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## GCEDC STAMP Committee Meeting

Tuesday, May 4, 2021

Location: Electronically

2:00 p.m.

### MINUTES

#### ATTENDANCE

Committee Members:

C. Yunker, P. Zelif, A. Vanderhoof, M. Clattenburg

Staff:

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

Guests:

R. Crossen (Town of Alabama Supervisor), T. Carpenter (Clark Patterson Lee)

Absent:

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

P. Zelif called the meeting to order at 2:02 p.m. via conference call / video conference.

Because of the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law, this Meeting is being held electronically via conference call 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 2:03 p.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.

The motion was seconded by A. Vanderhoof and approved by all members present.

#### 1b. Re-Enter Public Session

M. Clattenburg made a motion to enter back into public session at 2:20 p.m., seconded by A. Vanderhoof and approved by all.

#### 2. Chairman's Report & Activities

**2a. Agenda Additions / Other Business** – Nothing at this time.

**2b. Minutes: March 23, 2021**

**C. Yunker made a motion to approve the March 23, 2021 minutes; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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P. Zelif - Yes  
C. Yunker - Yes  
A. Vanderhoof - Yes  
M. Clattenburg - Yes

**The item was approved as presented.**

**3. Discussions / Official Recommendations to the Board:**

**3a. Construction Update** – M. Masse stated that there are delays and issues obtaining the permit from US Fish & Wildlife Services. M. Masse has engaged Senator Schumer’s team to see if the issues can be resolved timely as there is a tight timeline to complete the work needed. Most other construction has been completed.

**3b. CC Environment 2021 Contract** – In connection with ongoing work at STAMP, CC Environment and Planning has submitted a contract for 2021 work to cover the following:

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

Fund commitment: Not to exceed \$10,000 to be included in the \$8 million under the line item for onsite sewer plant.

**M. Clattenburg made a motion to recommend to the full Board the approval of the 2021 CC Environment contract not to exceed \$10,000; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Zelif - Yes  
C. Yunker - Yes  
A. Vanderhoof- Yes  
M. Clattenburg- Yes

**The item was approved as presented.**

**3c. Contract B Award Recommendation for Force Main** A total of six (6) bids were received for Contract B: North Area, which consists of installing 18,300 LF of 18-inch and 20-inch force main via open cut (14,400 LF) and directional drilling (3,900 LF) methods, along NYS Route 63, from the northern Refuge boundary to the Oak Orchard discharge location north of Shelby Center. Due to regulatory agency requirements, this contract has restrictive timelines. The work must be substantially complete within 180 days. Work may only take place between Oak Orchard Creek and Fletcher Chapel Road (1,800 LF in Contract B) between July 15 and December 1.

The low bid for Contract B: North Area was submitted by Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00. We have reviewed their qualifications and have discussed their bid in detail. We feel the bid received is a true representation of the costs to complete this project and that the contractor is qualified to complete the contract.

The GCEDC currently has approximately \$2,600,000 that could be committed to this work. Due to the very restrictive annual time constraints for this contract, the level of effort required to obtain the many required agency approvals, and the amount of work remaining at STAMP to make it shovel ready for

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tenants, we recommend that the GCEDC award and compete as much of this contract as current funding allows.

Fund commitment: Not to exceed \$2,600,000 covered under the \$33 million.

**C. Yunker made a motion to recommend to the full Board the acceptance of the bid received from Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00 and authorize Deduct Change Order No. 1 in the amount of \$2,593,445.00 for a total Contract B Award Amount of \$2,600,000.00, contingent upon contract approval from NYS Empire State Development; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Zelif - Yes  
C. Yunker - Yes  
A. Vanderhoof- Yes  
M. Clattenburg- Yes

**The item was approved as presented.**

**3d. KTA contract for TCP Assistance** – 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 the completion of a Traditional Cultural Property (TCP) assessment as it relates to the criteria for eligibility of listing on the National Historic Register. On March 6, 2018, the GCEDC Board approved a \$2,500 not to exceed amount to KTA Preservation Specialists for work related to the TCP. This work would be to assist the GCEDC in the development of an analysis of any potential impacts that the WWTF could have on the Seneca Nation. This work had not been competed or started yet. With Plug Power committing to the STAMP site the GCEDC needs to complete an analysis for their project as well. KTA Preservation Specialists has revised their original proposal to increase the scope of work to include the Plug Project and is seeking to increase their contract from \$2,500 to \$7,200.

**M. Clattenburg 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 \$7,200; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

P. Zelif - Yes  
C. Yunker - Yes  
A. Vanderhoof- Yes  
M. Clattenburg- Yes

**The item was approved as presented.**

**3e. Change Order #2 Pembroke Line** – During construction of the Pembroke line, Morsch Pipeline has run into some unforeseen and unknown issues. One of the issues was sections of rock that were not found during the test bore drillings that were done prior to contracting. There was also one section of rock that was known but had archeological issues, so the plan was to directional drill through the rock. The rock proved to be too difficult to directional drill through so a switch was made to open trench cut that section, but the archeological issue needed to be cleared first. The change order reflects the two items listed above.

Fund Commitment: Not to exceed \$59,945 covered under the County funds.

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**C. Yunker made a motion to recommend to the full Board the approval of Change Order Number 2 as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

P. Zeliff - Yes

C. Yunker - Yes

A. Vanderhoof- Yes

M. Clattenburg- Yes

**The item was approved as presented.**

**4. Adjournment**

As there was no further business, A. Vanderhoof made a motion to adjourn at 2:38 p.m., seconded by C. Yunker and passed unanimously.