



**Meeting Agenda – STAMP Committee**  
 Genesee County Economic Development Center  
 Tuesday, October 5, 2021 - 10:30 a.m.  
 Location: Innovation Zone Conference Room, Suite 107

Page #s	Topic	Discussion Leader	Desired Outcome
	<b>1. Call to Order – Enter Public Session</b>	P. Zeff	
	1a. Executive Session Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 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. 1b. Enter Public Session	P. Zeff	
2-5	<b>2. Chairman’s Report &amp; Activities</b>  2a. Agenda Additions / Deletions / Other Business  2b. Minutes: August 5, 2021	P. Zeff	Vote
6-10	<b>3. Discussions / Official Recommendations to the Board:</b> 3a. Survey Bids for Work at STAMP	M. Masse	Disc / Vote
11-14	3b. Proposal to Update the Land Management Plan	M. Masse	Disc / Vote
15	3c. STAMP Substation Letter of Intent	S. Hyde	Disc / Vote
	4. Adjournment	P. Zeff	Vote



**GCEDC STAMP Committee Meeting**

**Thursday, August 5, 2021**

**Location: Innovation Zone**

**12:30 p.m.**

**MINUTES**

**ATTENDANCE**

Committee Members: C. Yunker, P. Zeliff, M. Clattenburg  
Staff: M. Masse, J. Krencik, S. Hyde, L. Farrell, C. Suozzi, P. Kennett  
Guests: P. Battaglia  
Absent: A. Vanderhoof

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

P. Zeliff called the meeting to order at 12:32 p.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 12:32 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 C. Yunker and approved by all members present.

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

C. Yunker made a motion to enter back into public session at 1:28 p.m., seconded by M. Clattenburg and approved by all.

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

**2a. Agenda Additions / Other Business** – M. Clattenburg made a motion to add 3f to the agenda, Water Recycling Study (STAMP); the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Zeliff - Yes  
C. Yunker - Yes  
A. Vanderhoof - Absent  
M. Clattenburg - Yes

**The item was added to the agenda.**

**2b. Minutes: June 29, 2021**

C. Yunker made a motion to approve the June 29, 2021 minutes; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

**The item was approved as presented.**

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

**3a. CC Environment 2021 Contract (Funding Reallocation)** – M. Masse asked the Committee to recommend to the full Board a reallocation of the CC Environment and Planning contract approved at the May Board meeting for \$10,000 to be paid under the \$8M ESD grant, to instead be paid under the \$33M ESD grant.

The contract is in connection with ongoing work at STAMP and will cover (1) onsite regulatory, industry permitting and land management support and (2) offsite regulatory, industry and permitting support.

**C. Yunker made a motion to recommend to the full Board the reallocation of the CC Environment and Planning contract for \$10,000 to be paid under the \$33M ESD grant; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3b. Morsch Pipeline Change Order** – During construction of the Pembroke line, Morsch Pipeline had 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. M. Masse informed the committee that this is the 4<sup>th</sup> and final change order as he has received a certificate of substantial completion. M. Masse also mentioned that this is over the amount that was received from the County for this expense.

Fund Commitment: **\$41,287.50 to be covered by operating funds.**

**C. Yunker made a motion to recommend to the full Board the approval of the 4<sup>th</sup> change order with Morsch Pipeline for \$41,287.50; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

- P. Zeliff - Yes
- C. Yunker - Yes
- A. Vanderhoof - Absent
- M. Clattenburg – Yes

**The item was approved as presented.**

**3c. Dedication of Pembroke Line to Pembroke and Alabama** – The construction of the 12 inch transmission main line from Pembroke to Alabama is substantially complete with a few punch list items remaining. The GCEDC is looking to dedicate the transmission line to the Town of Pembroke and the Town of Alabama based on the location of the line. M. Masse presented a map that depicts who the transmission line will be dedicated to based upon location, this map is included in the agenda packet.

**M. Clattenburg made a motion to recommend to the full Board the approval of the dedication of the transmission main line that runs from Pembroke to Alabama to the Town of Pembroke and the Town of Alabama based upon the location of the line; the motion was seconded by C. Yunker. Roll call resulted as follows:**

- P. Zeliff - Yes
- C. Yunker - Yes
- A. Vanderhoof - Absent
- M. Clattenburg – Yes

**The item was approved as presented.**

**3d. Rent Payment for USFWS Force Main** – The GCEDC has received its revised draft permit from the US Fish and Wildlife Service (USFWS) regarding the force main that will go from the STAMP site to Oak Orchard Creek in Shelby. The appraisal for the right of way (ROW) was completed and sent into USFWS for their incorporation of a rent value into the permit. The amount for the rent charge is \$15,730 and is a one-time payment for the fifty year term of the permit. M. Masse mentioned that he asked for a copy of the appraisal but was not allowed to see a copy. The USFWS did treat the GCEDC as a governmental agency and waived all other fees.

Fund Commitment: \$15,730 to be covered by the \$33M ESD grant.

**M. Clattenburg made a motion to recommend to the full Board the approval of the rent payment to USFWS for \$15,730 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

- P. Zeliff - Yes
- C. Yunker - Yes
- A. Vanderhoof - Absent
- M. Clattenburg – Yes

The item was approved as presented.

**3e. Professional Services for Proposal for ROW Easement Acquisition** – The GCEDC has struggled to get property owners to enter into right of way (ROW) agreements for the construction of the force main that will discharge into Oak Orchard Creek. A proposal was received from Right of Way Professionals, LLC that does a lot of ROW work for municipalities and private companies.

Fund Commitment: Not to exceed \$24,000 to be covered by \$33M ESD grant.

**C. Yunker made a motion to recommend to the full Board the approval of a contract with Right of Way Professionals for ROW Easement Acquisition not to exceed \$24,000 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Zeff - Yes  
C. Yunker - Yes  
A. Vanderhoof - Absent  
M. Clattenburg – Yes

The item was approved as presented.

**3f. Water Recycling Study (STAMP)** – S. Hyde noted that there are a number of companies in the pipeline who have intense water / wastewater needs for the STAMP site. In order for them to make their site selection, S. Hyde believes that it is critical that a proof of concept study be completed. The study will evaluate the use of a recycling facility to be able to restore wastewater back into potable water for reuse.

Fund Commitment: Up to \$50,000 (operating funds as clarified at the full Board meeting).

**C. Yunker made a motion to recommend to the full Board the approval of a contract for up to \$50,000 to complete a study to evaluate the use of a water recycling facility; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Zeff - Yes  
C. Yunker - Yes  
A. Vanderhoof - Absent  
M. Clattenburg – Yes

The item was approved as presented.

**4. Adjournment**

As there was no further business, C. Yunker made a motion to adjourn at 1:35 p.m., seconded by M. Clattenburg and passed unanimously.

## Approval of survey contract for STAMP

**Discussion:** The GCEDC asked four companies for bids to survey the following at STAMP.

Base Bid:

1. Boundary survey with legal description, metes and bounds for new substation at north end of site. That boundary survey will then be split into two parcels with National Grid and NYPA being the two parties who will take ownership of the parcels upon subdivision. The survey work will need to be completed according to NYPA and National Grid specifications. See attachment A.
2. Boundary survey with legal description, metes and bounds for new 100 foot easement for National Grid for new 115 kV transmission line. The survey work will need to be completed according to National Grid specifications. See attachment B-1 and B-2.
3. Boundary survey with legal description, metes and bounds to be used to subdivide out the "Utility area" on the STAMP site. See attachment C.

Bid Alternate A:

4. Boundary survey with legal description, metes and bounds for an approximate 178 acres adjacent to the Tonawanda Seneca Nation Territory to be used for the filing of a conservation easement on four separate land parcels. All work needs to be coordinated with a representative from the Tonawanda Seneca Nation. See attachment C.

The results of the bids are as follows:

1. Base bid of \$10,450 and bid alternate of \$4,810 (total of \$15,260) – Frandina Engineering and Land Surveying
2. Welch & O'Donoghue no bid submitted
3. Townsend & Lamendola no bid submitted
4. Ravi Engineering and Land Surveying declined to bid

**Fund Commitment:** Not to exceed \$15,260 to Frandina Engineering and Land Surveying for STAMP survey work to be covered under the \$8 million.

**Board Action Request:** Approval of survey contract for STAMP.



PROPOSAL

September 29, 2021

Mark Masse  
Genesee County Economic Development Center  
99 MedTech Drive  
Suite 106  
Batavia NY 14020

Sent via email to: [mmasse@gcedc.com](mailto:mmasse@gcedc.com)

**RE: STAMP Utility and Easement survey quotes  
Alabama, NY**

Dear Mr. Masse,

We have been preparing surveys at the STAMP site since its inception when the first parcels were assembled to create this world class industrial park. We are thoroughly familiar with every parcel and can be trusted to continue to provide accurate surveys as the project progresses.

We already have the field work for the boundary surveys so that will be a substantial savings. We did include field time in our estimate to stake out the easements once the maps are approved. We know what is involved to prepare complete maps of the proposed substation and easements, with legal descriptions, to be approved by the utilities.

Our scope for the base bid is:

1. Prepare new boundary survey with legal description for the new substation at the north end of the site
  - a. Create 2 new maps to split new substation parcel into 2 parcels for conveyance to National Grid and NYPA. Includes field stakeout of the approved layout.
2. Prepare new boundary survey with legal description for new 100-foot easement for National Grid and the new 115 kV transmission line. We will need the design CAD file for placement. This will be prepared according to National Grid specifications. Includes field stakeout of the approved layout.
3. Prepare new boundary survey with legal description to subdivide out the proposed Utility Area. Includes field stakeout of the approved layout.

Our scope for Bid Alternate A is:

1. Boundary survey with legal description for an approximate 178 acres adjacent to the Tonawanda Seneca Nation Territory to be used for the filing of a conservation easement on four separate land parcels. All work will be coordinated with a representative from the Tonawanda Seneca Nation. When we prepared the initial boundary surveys, we did have an escort from the Nation accompany our field crew. Includes field stakeout of the approved layout.



**FRANDINA ENGINEERING AND LAND SURVEYING, PC**  
 CIVIL ENGINEERS AND LAND SURVEYORS  
*NYS Certified WBE and DBE Firm*

1701 HERTEL AVENUE  
 BUFFALO, NEW YORK 14216  
 716.883.1299  
[www.FRANDINA.com](http://www.FRANDINA.com)

Our quotes, using NYS Prevailing wage rates are good until June 30, 2022.

Base Bid: \$10,450

Alternate A: \$4,810

Thank you for requesting this quote from us and please sign below if you want to proceed.  
 Please confirm receipt of this quote.

Very truly yours,

Rosanne Frandina, PE, LS  
 President

CC: Proposals #3923

Accepted by:		
Printed Name and title	Signature	Date



## Mark Masse

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**From:** Sean Baldwin <sbaldwin@ravieng.com> on behalf of Sean Baldwin  
**Sent:** Tuesday, September 28, 2021 10:55 AM  
**To:** Mark Masse; Peter Morton; Dave Honnick  
**Cc:** Nancy Van Dussen  
**Subject:** RE: Genesee County : Bid quote

Mark,

We are going to have to respectfully decline to propose on this one. With our current & forecasted workload, we would not be able to take on this work.

Please keep us in mind for future surveying services.

Thanks,  
Sean

Sean J. Baldwin, Survey Department Manager  
Ravi Engineering & Land Surveying, P.C.  
2110 South Clinton Avenue, Suite 1 Rochester, New York 14618  
Direct: 585.697.2061 Office: 585.223.3660 x336 Cell: 585.755.0390  
[sbaldwin@ravieng.com](mailto:sbaldwin@ravieng.com) [www.ravieng.com](http://www.ravieng.com)

**From:** Mark Masse <mmasse@gcedc.com>  
**Sent:** Wednesday, September 22, 2021 12:09 PM  
**To:** Peter Morton <pmorton@ravieng.com>; Sean Baldwin <sbaldwin@ravieng.com>; Dave Honnick <dhonnick@ravieng.com>  
**Cc:** Nancy Van Dussen <nvandussen@ravieng.com>  
**Subject:** RE: Genesee County : Bid quote

As a follow up I will need the bid proposal by the close of business on Thursday, September 29, 2021.  
Thanks,

Mark A. Masse, CPA



Senior Vice President of Operations  
Genesee County Economic Development Center  
Leadership Genesee Class of 2002  
99 MedTech Drive  
Suite 106  
Batavia, NY 14020  
Phone: (585) 343-4866, ext. 17  
Cell: (585) 343-2166  
Fax: (585) 343-0848

Email: [mmasse@gcedc.com](mailto:mmasse@gcedc.com)

Web site: [gcedc.com](http://gcedc.com)

**From:** Peter Morton <[pmorton@ravieng.com](mailto:pmorton@ravieng.com)>

**Sent:** Wednesday, September 22, 2021 12:07 PM

**To:** Sean Baldwin <[sbaldwin@ravieng.com](mailto:sbaldwin@ravieng.com)>; Dave Honnick <[dhonnick@ravieng.com](mailto:dhonnick@ravieng.com)>

**Cc:** Mark Masse <[mmasse@gcedc.com](mailto:mmasse@gcedc.com)>; Nancy Van Dussen <[nvandussen@ravieng.com](mailto:nvandussen@ravieng.com)>

**Subject:** Genesee County : Bid quote

Dave & Sean, see below and attached:

**From:** Mark Masse <[mmasse@gcedc.com](mailto:mmasse@gcedc.com)>

**Sent:** Wednesday, September 22, 2021 12:04 PM

**To:** Peter Morton <[pmorton@ravieng.com](mailto:pmorton@ravieng.com)>

**Subject:** Bid quote

Peter,

Attached is a bid request for a substantial amount of survey work that is needed at the STAMP site in Alabama, NY. Please do not hesitate to contact me with any questions.

Thanks,

Mark A. Masse, CPA



Senior Vice President of Operations  
Genesee County Economic Development Center  
Leadership Genesee Class of 2002  
99 MedTech Drive  
Suite 106  
Batavia, NY 14020  
Phone: (585) 343-4866, ext. 17  
Cell: (585) 343-2166  
Fax: (585) 343-0848  
Email: [mmasse@gcedc.com](mailto:mmasse@gcedc.com)  
Web site: [gcedc.com](http://gcedc.com)

Mark Masse

**STAMP Committee  
October 5, 2021**

**Land Management Plan for STAMP**

**Discussion:** In July of 2017, as part of the Incentive Zoning Agreement and to satisfy mitigation action proposed during SEQR review and identified in Findings Statements, the GCEDC agreed to put together a Long Term Management Plan (LTP) to guide management of natural resources and land use on the STAMP site before, during and after development. This document was required to be updated every five years. As the first project is locating at STAMP there are a number of things that should be revisited and revised in the LTP before the next tenant commits. The Town of Alabama Planning Board is utilizing this document as part of their review process.

**Fund Commitment:** \$22,600 to be covered under the \$8 million.

**Committee Action request:** Recommend approval to the full Board the proposal for CC Environment and Planning to update and revise the LTP.



## CC Environment & Planning

Sheila S. Hess  
Principal Ecologist/CEO

September 21, 2021

Genesee County Economic Development Center  
Attn: Mark Masse, Vice President of Operations  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

### Re: STAMP Land Management Plan 5-Year Update Proposal

Dear Mark:

I am pleased to submit the following proposal for CC Environment & Planning to develop a five-year update to the 2017 Land Management Plan for STAMP (Science & Technology Advanced Manufacturing Park) in the Town of Alabama, Genesee County, NY. As a member of the STAMP Technical Team for the past six years, CC Environment & Planning has the background, project expertise, and relationships to ensure efficient and effective delivery of the services described below. I am looking forward to continuing our work with Genesee County Economic Development Center.

This Letter Agreement (hereinafter referred to as "Agreement") is a proposal for consulting services by CC Environment & Planning (hereinafter named as "Contractor") for Genesee County Economic Development Center (hereinafter referred to as "Client"). This Agreement shall commence upon signature. The following services and terms of the Agreement between the Client and the Contractor are as follows:

#### **Objective**

The overall objective of this proposal is to complete a five-year update to the 2017 Land Management Plan for STAMP as required/requested by NYS Department of Environmental Conservation and as per Section 7.3 of the 2017 Land Management Plan which states:

*"The goals and objectives of the LMP should be reviewed every five years. Review should include GCEDC, members of the Technical Team, implementation partners, Site tenants, and the Town of Alabama. This review should include a summary of Annual Work Plans to date, results of management actions and monitoring activities, and the status of objectives. Modifications to the LMP will include adjustments to objectives, addition or removal of strategies and techniques necessary to reach goals, and contingencies for unforeseen changes to project development plans. The LMP Implementation Team should communicate substantive project changes with Site tenants, project partners, and the local community assist with preconstruction design, review, planning, and permitting activities to enable on and off-site infrastructure development and site construction."*

### **Scope of Services**

1. Review and Summary of Plan Objectives and Management Actions to Date
2. Review and Description of Changes to Natural Resources and Habitats
  - a. Field data collection including listed species review and winter raptor surveys
  - b. Preparation of updated maps and figures
3. Recommendations for Adaptive Management and Updates to Objectives and Strategies
4. Draft Updated Plan for Tech Team and Agency Review and Comment
5. Revisions and Final Plan Document

### **Schedule**

Project activities will commence immediately upon receipt of a signed contract. The proposed completion date for all tasks is March 31, 2021.

### **Fee**

The Contractor proposes to provide the above scope of services and associated deliverables for a lump sum fee of \$22,600. Invoices will be submitted monthly based on the percent of services completed.

### **Conditions**

The Contractor guarantees the quality of this work. Once this offer is accepted payments are to be made at times specified upon presentation of an invoice by Contractor. However, the Client and the Contractor may mutually decide to reschedule, postpone or delay this project as business needs may suddenly dictate without penalty and without time limit, subject only to mutually agreeable time frames in the future.

### **Assumptions**

The proposed schedule and fee for this project are based on the following assumptions:

1. The Client and the project team will provide appropriate, timely access to contacts and information and provide requested feedback necessary to complete the scope of services as scheduled.
2. All parties will make every effort to ensure timely answers to questions as related to the scope of services and progress.
3. All parties will inform each other immediately of any unforeseen changes, new developments, or other issues that affect and influence this project so necessary adjustments can be made.
4. Adjustments to the total fee based on unforeseen circumstances, an adjusted timeline, or additional services outside the stated scope will require negotiation and written consent of both parties.

**ACCEPTANCE**

If this proposal meets with your approval, please countersign below and return one copy for our records. If you have any questions, please contact me. We appreciate the opportunity to provide you with these services toward the continued development of STAMP.

Sincerely,



Sheila S. Hess, Principal Ecologist/CEO  
CC Environment & Planning

**AUTHORIZATION**

CC Environment & Planning is hereby authorized by Genesee County Economic Development Center to proceed with the services described herein in accordance with the terms and conditions proposed herein.

\_\_\_\_\_  
Genesee County Economic Development Center

\_\_\_\_\_  
Date

**STAMP Main Campus Substation Letter of Intent (LOI)**

**Memo to the GCEDC STAMP Committee / GCEDC Board of Directors**

**S. G. Hyde, President and CEO**

**October 5, 2021 / October 7, 2021**

**3c. STAMP Main Substation – Letter of Intent (LOI)**

Consistent with agreements made while negotiating the transaction to secure Plug Power's investment to construct North America's largest "Green Hydrogen" production facility at STAMP – Plug Power has agreed to advance the funds and build the 500MW main campus electric substation at STAMP that will energize their facility as well as future projects locating at the site.

A Master Development Agreement (MDA) among four parties is currently being negotiated to document key facets of the transaction in terms of funding, construction, ownership, operations, and maintenance as well as risk management aspects associated with the transaction. Given the effort to develop this document among four parties is rather unique – it is quite time consuming and will not be complete for some time. Since other aspects of the project are moving into the "legal closing" phase enabling ground-breaking – it was discussed by the parties to the STAMP main campus substation transaction that developing an LOI as an interim measure conveys a level of commitment by several of the parties to complete this effort.

Given the above, I respectfully request the GCEDC STAMP Committee and GCEDC Board of Directors to review the LOI\* between Plug Power and/or its affiliate Yellowtail Energy LLC, The New York Power Authority and The Genesee County Economic Development Center and vote to affirm GCEDC's commitment to this transaction which significantly advances the infrastructure development and construction at STAMP.

CEO Recommendation: Approval

\*Please note – the LOI is being drafted as of the publishing of this board packet; it will be distributed the week of October 3<sup>rd</sup> by email under separate cover as soon as it's available.