

# Meeting Agenda – STAMP Committee

Genesee County Economic Development Center Tuesday, May 4, 2021 Location: Electronically 2:00 p.m.

Page #'s	Topic	Discussion Leader	Desired Outcome
	1. Call to Order – Enter Public Session	P. Zeliff	
	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 / video conference instead of a public meeting open for the public to attend in person.		
	1a. Executive Session	P. Zeliff	
	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		
	2. Chairman's Report & Activities	P. Zeliff	
2-5	2a. Agenda Additions / Deletions / Other Business 2b. Minutes: March 23, 2021		Vote
	3. Discussions / Official Recommendations to the Board:		
	3a. Construction Update	M. Masse	Discussion
6-13	3b. CC Environment 2021 Contract	M. Masse	Disc / Vote
14-18	3d. Contract B Award Recommendation for Force Main	M. Masse	Disc / Vote
19-22	3e. KTA contract for TCP Assistance	M. Masse	Disc / Vote
23-30	3f. Change Order #2 Pembroke Line	M. Masse	Disc / Vote
	4. Adjournment	P. Zeliff	Vote



# **GCEDC STAMP Committee Meeting**

Tuesday, March 23, 2021 Location: Electronically

10:30 a.m. MINUTES

## **ATTENDANCE**

Committee Members:

C. Yunker, P. Zeliff, A. Vanderhoof

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. Zeliff called the meeting to order at 10:33 a.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

A. Vanderhoof made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 10:34 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.

The motion was seconded by C. Yunker and approved by all members present.

## 1b. Re-Enter Public Session

A. Vanderhoof made a motion to enter back into public session at 10:51 a.m., seconded by C. Yunker and approved by all.

## 2. Chairman's Report & Activities

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

2b. Minutes: March 2, 2021

C. Yunker made a motion to approve the March 2, 2021 minutes; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:



P. Zeliff - Yes C. Yunker - Yes A. Vanderhoof- Yes

The item was approved as presented.

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

**3a. Award of Contract for Force Main Part A & Part B** – A total of two (2) bids were received for Contract A: Central Area, which consists of installing 15,500 LF of 20-inch force main via directional drilling method, along NYS Route 63 through the U.S. Fish and Wildlife Service Refuge. Due to regulatory agency requirements, this contract has very restrictive timelines. The work must be substantially complete within 70 days. No work may take place within the Refuge between April 1 and July 15. Work may only take place between Oak Orchard Creek and Fletcher Chapel Road (5,900 LF in Contract A) between August 15 and October 31.

The low bid for Contract A: Central Area was submitted by G. DeVincentis & Son Construction Co., Inc. of Binghamton, New York in the amount of \$9,777,000. 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.

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 August 15 and October 31.

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.

Fund commitment: Not to exceed \$9,777,000 covered under the \$33 million.

C. Yunker made a motion to recommend to the full Board tabling Contract B until the May meeting and acceptance of the bid received from G. DeVincentis & Son Construction Co., Inc, not to exceed \$9,777,000, for Contract A, contingent upon 1) contract approval from NYS Empire State Development, and 2) engineering approval of the subcontractor for Contract A; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Zeliff - Yes C. Yunker - Yes A. Vanderhoof- Yes

The item was approved as presented.

**3b. CPL Contract for Construction Inspection of Force Main** – The GCEDC has received a construction inspection and inspection proposal for the construction of a 20-inch force main transmission

line along Route 77 through the USFWS refuge. The contract is broken down into three tasks, with project management at \$76,000, and contract administration of \$178,000 which will be billed as a lump sum percentage of completion. The third task, construction inspection services, will be billed on an hourly basis with a not to exceed amount of \$306,000.

Fund commitment: Not to exceed \$560,000 covered under the \$33 million.

C. Yunker made a motion to recommend to the full Board the approval of the Clark Patterson Lee Contract for the construction inspection of the force main as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Zeliff - Yes C. Yunker - Yes A. Vanderhoof- Yes

The item was approved as presented.

**3c.** CPL Contract for Final Engineering, Bidding & Construction Inspection for Roadway & Water **Main Extension** - The GCEDC has received a final engineering, bidding and construction inspection proposal for the extension of a 12-inch water main transmission line from Route 77 along STAMP Drive and Crosby Road, as well as the rebuild of a portion of Crosby Road from STAMP Drive south. This will be necessary infrastructure to support a project at STAMP.

Fund Commitment: Not to exceed \$75,000 covered under the \$33 million.

C. Yunker made a motion to recommend to the full Board the approval of the final engineering, bidding and construction proposal from Clark Patterson Lee as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Zeliff - Yes C. Yunker - Yes A. Vanderhoof- Yes

The item was approved as presented.

- **3d. Partner Fee Agreement Renewal (Gary Homonai)** Gary Homonai, a Professional Business Development Consultant, would like to renew the agreement with the GCEDC to market the STAMP site. The terms and conditions have not changed. The GCEDC is currently working with Gary Homonai on a project.
- A. Vanderhoof made a motion to recommend to the full Board the renewal of the partner fee agreement with Gary Homonai as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Zeliff - Yes C, Yunker - Yes A. Vanderhoof- Yes

The item was approved as presented.

# 4. Adjournment

As there was no further business, A. Vanderhoof made a motion to adjourn at 11:45 a.m., seconded by C. Yunker and passed unanimously.

## CC Environment and Planning 2021 contract for STAMP related work

**Discussion:** 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.

**Board Action Request:** Recommend approval to the full Board of CC Environment and Planning contract not to exceed \$10,000.



# **CC Environment & Planning**

Sheila S. Hess Principal Ecologist/CEO

March 18, 2021

Genesee County Economic Development Center Attn: Mark Masse, VPO 99 MedTech Drive, Suite 106 Batavia, NY 14020

Re: Amendment to STAMP Site Development Environmental Services and Support Contract

Dear Mark:

As discussed, this letter serves as a proposed second amendment to the STAMP Site Development Environmental Services and Support Contract agreement executed on March 8, 2019 between CC Environment & Planning and Genesee County Economic Development Center and amended January 31, 2020 (both attached for reference).

The original contract amount was \$35,457. Of this amount, \$14,376 was billed in 2019 and the remaining \$21,081 was billed in 2020. This amendment reflects a proposal to extend the contract for the calendar year 2021 to provide continued environmental review and permitting services for a not to exceed amount of \$10,000. This contract continues to be structured as a not to exceed and will be billed based on time and expenses. This amendment letter does not otherwise alter the purpose or specific provision of the original agreement.

#### **ACCEPTANCE**

Sincerely,

The signatures below indicate acceptance of this amendment as stated above.

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Sheila S. Hess, Principal Ecologist/CEO

CC Environment & Planning

For Genesee County Economic Development Center:

Signature of Authorized Representative

Date

**Enclosure** 



# **CC Environment & Planning**

Sheila S. Hess
Principal Ecologist/CEO

December 10, 2018

Genesee County Economic Development Center Attn: Paul Battaglia, Board Chair 99 MedTech Drive, Suite 106 Batavia, NY 14020

Re: STAMP Site Development Environmental Services and Support

Dear Mr. Battaglia:

I am pleased to submit the following proposal for CC Environment & Planning to provide continued environmental review, planning, and technical support services toward development of the Science & Technology Advanced Manufacturing Park (STAMP) in the Town of Alabama, Genesee County, NY. The development of the STAMP site is an impressively complex undertaking triggering multiple regulatory reviews by local, state, and federal agencies and coordination with the adjacent Tonawanda Seneca Nation. Due to the scope and complexity of STAMP, environmental reviews and permitting are lengthy and often unpredictable processes.

As a member of the STAMP Technical Team since its inception, CC Environment & Planning has the background, project expertise, and regulatory relationships to deliver the services described below in the most effective and efficient manner possible. I am proposing to combine multiple, ongoing services for STAMP under one annual contract. In return for the efficiency and predictability one annual contract can provide, CC Environment & Planning offers the services described below on a time and materials basis at reduced hourly rates. We are looking forward to continuing our work with Genesee County Economic Development Center and the other members of the Technical Team as we continue to advance site development toward STAMP's first tenant!

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 assist with design, review, planning, and permitting activities to enable on and off-site infrastructure development and site construction. Services are described below.

#### **Scope of Services**

- 1. Onsite Regulatory, Industry, Permitting and Land Management Support
- a. Assist STAMP Tech Team with onsite project design. Activities include review of conceptual designs, environmental review, impacts and alternatives analysis, coordination and participation with regulatory staff, facilitation of regulatory review and approvals. Continue to coordinate ongoing regulatory review of the STAMP Joint Permit Application, provide response to any future requests for additional information and advance any additional permits and review applications as needed during site preconstruction phase. Assist with any required State Environmental Quality Review (SEQR) updates.
  - **Task 1a. Deliverable:** Monthly updates; digital and hard copy documentation of reviews and correspondence, written narrative, mapping and data to support any required update documents.
- b. Assist with the management of the STAMP site in accordance with the Land Management Plan. The Land Management Plan is to be implemented throughout construction and following site development in accordance with the SEQR Final Generic Environmental Impact Statement and Findings. Services include coordination of a 2019 annual work plan, addressing active agriculture and conservation buffer establishment, maintenance of drainageways, invasive species reviews, and assistance with any public use issues.
  - **Task 1b. Deliverable:** Monthly updates; digital and hard copy 2019 Annual Work Plan and priorities.
- c. Assist with coordination and review of the Tonawanda Seneca Nation TCP (Traditional Cultural Properties) process as needed including review of the final TCP proposal, TCP report, integration of the TCP report with Site environmental and archeological data, and impact analysis.
  - **Task 1c. Deliverable:** Monthly updates; digital and hard copy documentation of reviews and correspondence.
- 2. Offsite Regulatory, Industry, and Permitting Support:
- a. Assist STAMP Tech Team with offsite project design and reviews. Activities include review of conceptual designs, environmental review, impacts and alternatives analysis, coordination and participation with regulatory staff, facilitation of regulatory review and approvals. Provide environmental review of offsite aquatic resources and coordinate cultural resource investigations as needed, develop and coordinate reviews of permit applications. Activities may include field mapping, conditions assessments, and impact analysis of wetlands and streams along water/wastewater routes, coordination of Phase IA and Phase IB cultural resource investigations and SHPO clearance along water/wastewater routes. Provide continued services to complete U.S. Fish and Wildlife Service Right-of-Way Permit application and review including public review of

the Environmental Assessment, compatibility determination, and responses to requests for additional information.

**Task 2a. Deliverable:** Monthly updates; environmental and Phase IA/IB cultural resource investigation reports, permit applications, and review correspondence.

#### FEE/SCHEDULE

Services under this agreement are offered as described through December 2019 and beginning January 1, 2019 or upon execution of this contract, whichever is later. The Contractor proposes to provide the above scope of services and associated deliverables on a time and materials basis at reduced rates (see Attachment A). An estimated budget as a not to exceed annual contract fee is \$35,457. Budget details by task are provided in the table below. Invoices will be submitted monthly based on actual time and materials along with a monthly update identifying associated activities.

Task	Description	Time	Expenses	TOTAL
1	Onsite Permitting and Management Support			
1a	Project design, env review, permitting	\$9,936	\$0	\$9,936
1b	Assistance/coordination of Land Mgt. Plan	\$4,576	\$475	\$5,051
1c	Tonawand Seneca Nation TCP review, analysis	\$3,900	\$0	\$3,900
Task 1 Tot	tal	\$18,412	\$475	\$18,887
2	Offsite Permitting and Review	To a layouting	Novietal essen	
2a	Project design, env review, permitting, ROW, route analysis, coordination of archeo	\$16,320	\$250	\$16,570
Task 2 Total		\$16,320	\$250	\$16,570
GRAND TO	TAL	\$34,732	\$725	\$35,457

#### 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 fees for this project are based on the following assumptions:

- 1. The Client and the STAMP Technical Team will provide appropriate, timely access to contacts and information and provide requested feedback necessary to complete the scope of services as described.
- 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. **Not to exceed estimates do not include subcontractor fees** for reviews such as offsite cultural resource investigations or onsite management actions. These would be evaluated individually and covered under an amended contract or under a direct contract between the Client and a separate entity or entities.
- 5. In acknowledgement of the unpredictable and lengthy regulatory review phase of this project, additional services beyond those budgeted or beyond the time period stated above, as well as any outside the stated scope, will require negotiation of additional fees 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 and continue development of STAMP.

Sincerely,

Sheila S. Hess, Principal Ecologist/CEO

CC Environment & Planning

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Attachment A: Rate Sheet

CC: M. Masse, Genesee County Economic Development Center

#### **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



# **CC Environment & Planning**

# CC ENVIRONMENT & PLANNING BILLING RATES

# STAMP PROJECT DEVELOPMENT PROPOSAL

STAFF	Current Hourly Rate	STAMP Hourly Rate
Principal Ecologist	\$175.00	\$140.00
Environmental Scientist/Planner	\$110.00	\$88.00
Graphic Designer/GIS Analyst	\$100.00	\$80.00
Environmental Technician	\$75.00	\$60.00
Office/Administrative Assistant	\$68.00	\$54.00
Travel/Materials	At Cost	At Cost
Outside Contracted Services	Cost + 10%	Cost + 5%



# CC Environment & Planning

Sheila S. Hess Principal Ecologist/CEO

January 31, 2020

Genesee County Economic Development Center Attn: Mark Masse, VPO 99 MedTech Drive, Suite 106 Batavia, NY 14020

Re: Amendment to STAMP Site Development Environmental Services and Support Contract

Dear Mark:

As discussed, this letter serves as a proposed amendment to the STAMP Site Development Environmental Services and Support Contract agreement executed on March 8, 2019 between CC Environment & Planning and Genesee County Economic Development Center (attached for reference).

The original contract amount is \$35,457. Of this amount, \$14,376 was billed in 2019. This amendment reflects a proposal to extend the contract for the calendar year 2020 for the remaining balance of the contract which is \$21,081. Due to the uncertain nature of regulatory review and requirements, this contract continues to be structured as a not to exceed and will be billed based on time and expenses. This amendment letter does not otherwise alter the purpose or specific provision of the original agreement.

#### **ACCEPTANCE**

The signatures below indicate acceptance of this amendment as stated above.

Sincerely,

Sheila S. Hess, Principal Ecologist/CEO

CC Environment & Planning

Shule S. Aer

For Genesee County Economic Development Center:

Signature of Authorized Representative

.

Date

**Enclosure** 

#### Recommendation for award on force main Contract B

**Discussion:** 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 August 15 and October 31.

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

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

**Committee Action Request:** We recommend the GCEDC Board pass a resolution "Accepting the bid received from Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00, and authorizing a Deduct Change Order No. 1 in the amount of \$2,593445.00, for a total Contract B Award Amount of \$2,600,000.00, contingent upon contract approval from NYS Empire State Development.".

3c



April 30, 2021

Mr. Mark A. Masse, CPA, Senior VP of Operations Genesee County Economic Development Center 99 MedTech Drive, Suite 106 Batavia, New York 14020

RE: STAMP FORCE MAIN

CONTRACT B: NORTH AREA CPL PROJECT NO.: 15981.00

RECOMMENDATION FOR AWARD

Dear Mark:

The bids for the above referenced project were opened on March 12, 2021. Bids were opened for two areas: Contract A: Central Area and Contract B: North Area. A copy of our bid tabulation is enclosed for your information and review.

On March 25, 2021, the GCEDC Awarded Contract A: Central Area to G. DeVincentis & Son Construction Co., Inc. in the amount of \$9,777,000.00 due to its high priority and its very restrictive annual time constraints. At that time, the GCEDC delayed decision for Contract B: North Area in order to evaluate available funding and overall STAMP project priorities.

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 also 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 August 15 and October 31.

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It is our understanding that 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 tenants, we recommend that the GCEDC award and complete as much of this contract as current funding allows.

We recommend the GCEDC Board pass a resolution "Accepting the bid received from Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00, and authorizing a Deduct Change Order No. 1 in the amount of \$2,593445.00, for a total Contract B Award Amount of \$2,600,000.00, contingent upon contract approval from NYS Empire State Development.".

Please notify us when this award is approved. The Notice of Award will then be forwarded to the Contractor, along with copies of the Agreement and other documents for their execution. When returned,





the executed agreements will be sent to GCEDC for your signature. This process generally takes two (2) weeks.

CPL looks forward to working with you and the Contractor to successfully complete this project. If you have any questions or require additional information, please contact me directly.

Very truly yours,

**CPL** 

Thomas A Carpenter, P.E.

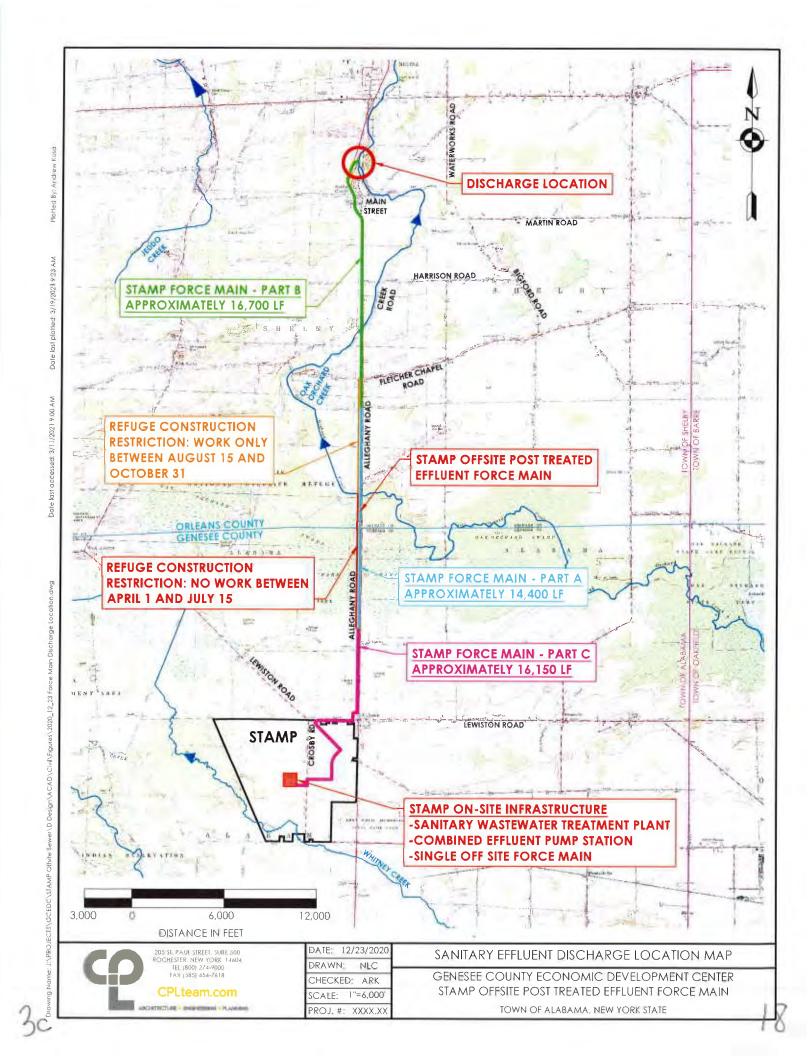
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Vice President

Enclosures

GCEDC STAMP Force Main Project No. 15981.00 Bid Opening: March 12, 2021 @ 11 am

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otal Base Bid - Conti	ract B. North Area		+	00.000,001	Į,	1	\$ 100,000.00	00.000,001	\$ 100,000,00
			t				3,307,132		\$ 5,621,475.00
Bid Item	Description	Oneside	1	Morsch Pig	Morsch Pipeline, Inc.	Accadia Site C	Accadia Site Contracting, Inc.	4th Generation	4th Generation Construction
Base Bid - Contract B: North Area	: North Area	- Amount	100	district.	Disas Dis	OIIII FIICE	Diase Bid	Unit Proce	Base Bid
1 Mobilizatio	Mobilization (shall not exceed 3%)		0	6 000 00	S 600000	\$ 210,000,00	\$ 210,000,00	\$220,000,00	\$220,000,000
	Maintenance and Protection of Traffic Including Signs and Flaguerion	1.	-	30,000.00	(,	\$ 250,000.00		\$811,958.00	
3 Erosion Control	ontrol	1	_	9,600.00	9.600.00		30 000 00	L	\$100,000
	coval	3.200	-	78.00	\$ 249,600.00		1	L	\$400,000,00
5 Select Granular Fil		1,000	CY.	9.60	12	\$ 75,00	\$ 75,000.00	\$25.00	\$25,000,00
Furnish and Complete	Furnish and Install 18-Inch Diameter DR-18 PVC Snitary Force Main Complete	14.000	11.	124.70	\$ 1.745 800 00	145.00	\$ 2 030 000 00	\$112.00	\$1 568 000 00
	Furnish and Install 18-Inch Diameter DR-9 DIPS HDPE Sanitary Force Main by open cut Complete		-	DB DBC	50 544 00		36,000,00	617200	00 090 069
Horizontal	Horizontal Directional Drilling with 20-inch Diameter DR-9 DIPS HDPE		-			100		00.2	
T	Derivated Disouleary Delline with 30 lead Diameter DB 0 lbs Upper	3,300	9	913.70	9 3,015,210.00	00.008	\$ 2,8U5,000.0U	\$820.00	\$2,805,000.00
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10B Iroquois Na	Iroquois National Wildlife Refuge, Complete	6	_	18,210.00	5 163,890,00	\$ 53,000,00	\$ 477,000.00	\$20,000.00	\$180,000.00
	Furnish and Install 18-Inch Butterfly Valve, Complete	7	EA \$	4,177.00	\$ 29,239.00	15,000.00	\$ 105,000.00	\$8,000.00	\$56,000.00
	Furnish and Install 20-Inch Butterfly Valve, Complete	2	_	11,360.00		18,000.00	\$ 36,000.00	\$10,000.00	
	Open Cut Road Crossing	125	-	67,20	S 8,400.00		\$ 9,375.00	\$120.00	8
	Gravel Driveway Restoration	650	$\rightarrow$	12.40	1	10.00	\$ 6,500.00	\$10.00	
1	Asphalt Uriveway Restoration	225	4	41.40	\$ 9,315.00	00	- 1	\$66.00	
16 Fumish and	Fumish and install Outlet Structure, Complete		+	38,703.00	"	200,000,00	18	\$65,000.00	\$65,000.00
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ase	ract B: North Area		-	00.000,001	\$ 6.241.481.00	00.000,001		\$100,000.00	\$7 743 268 00



# Consultant for evaluation of Traditional Cultural Property (TCP) issues

**Discussion:** 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 an assessment of the TCP potentials 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 completed 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.

**Fund commitment:** Not to exceed \$7,200, included in the \$33 million, under the regulatory, industry and permitting support budget line item.

**Committee action request:** Recommend approval of consultant contract with KTA Preservation Specialists for evaluation of TCP issues.

kta preservation specialists

Buffalo, New York 14216
716.864.0628
Email: ktraynor@kta-preservation.com

April 28, 2021

Genesee County Economic Development Center Leadership Genesee Class of 2002 99 MedTech Drive Suite 106 Batavia, NY 14020

Attn.: Senior Vice President of Operations, Mark A Masse CPA

RE: Consultation – Preparation of Two Cultural Resource Screening Reports (Historic

Resources)

Dear Mr. Masse,

The Genesee County Economic Development Center ("GCEDC") plans to develop the Western New York Science & Technology Manufacturing Park (STAMP) on approximately 1,261.7 acres of land (Project) in the town of Alabama, New York. The STAMP Site is within the Tonawanda Seneca Nation's ancestral territory and adjacent to its treaty-protected, federally-recognized Reservation (Nation's Territory). The United States Army Corps of Engineers, Buffalo District (the Corps), in consultation with the New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office (SHPO) has determined the proposed project's Area of Potential Effects (APE) are parcels where the character or use of historic properties, if any exist, may be altered by the associated development. It has also been determined that additional development at the STAMP Site outside of the APE may have direct and/or indirect adverse effects on historic properties. A Traditional Cultural Property (TCP) investigation is being undertaken by others to evaluate the eligibility of the Nation's Territory for listing on the National Register of Historic Places (National Register). Archaeological investigations have been conducted to evaluate and identify archaeological properties on the STAMP Site. A Letter of Resolution (LOR) between the New York State Department of Conservation (DEC), SHPO, and the GCEDC has been executed.

Kta preservation specialists proposes the following scope of work for the preparation of two Cultural Resource Screening Reports (Reports) to identify potential National/State Eligible historic resources (buildings, sites, objects, structures, districts) within 0.5 miles of the western STAMP boundary adjacent to the Tonawanda Seneca Reservation. In this way potential direct and/or indirect adverse effects on historic resources can be evaluated from two proposed STAMP development projects: a wastewater treatment plant to serve the STAMP Site and STAMP's first proposed tenant, Plug Power which will build and operate a

hydrogen production facility. The Reports will also identify applicable National Register Criteria and how the proposed project impacts may affect those criteria.

#### Report Work Scope

The Reports will be conducted using a methodology in accordance with the New York State Education Department's Work Scope Specifications for Cultural Resource Investigations (NYSED 2004). The methodology and criteria used to evaluate properties are codified in the Code of Federal Regulations, Title 36: Part 60 and reprinted in the National Park Service Publication National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation. The guidelines followed for the evaluation and identification of National Register Eligible properties/districts are contained in the National Park Service Publications Standards and Guidelines for Evaluation; Standards and Guidelines for Identification; and Guidelines for Local Surveys: A Basis for Preservation Planning. The historic resources survey of the properties will be conducted through archival and literature searches, and historic map analysis. (Note: field investigation will not be conducted on the Tonawanda Creek Reservation.) The intent is to identify guidelines and criteria of specific relevance to the history and property types in the study area. By applying the strict rigor of the Department of the Interior (National Park Service), in addition to state and local criteria for evaluation, a comprehensive survey of the historic resources will be produced.

The Historic Context section of the Report will be a thorough study and analysis of the historic trends and themes that influenced social, cultural, economic, political, and industrial growth and development in the study area on a local, state, national, and international level. How these developments were manifest in the built environment will be studied using an historic map analysis of the project area to identify broad development patterns that can then be evaluated in conjunction with the historic trends and themes identified. Archival and literature research, and site file searches of local and state resources including, but not limited to, NYS-OPRHP, Local History Archives, and in the City Planning and Engineering Departments will facilitate study of the historic context.

The study and analysis of historic trends and themes, in conjunction with historic and contemporary map analysis will provide the information necessary to evaluate the properties applying all of the National Register Eligibility Criteria to determine both individually potentially eligible properties, and the potential for a historic district.

Analysis of the information using maps and charts will be conducted to determine the number and distribution of resources. Having completed the Report, the investigator will note the existing condition of the property and potential direct and/or indirect impacts from the proposed project.

#### **Project Tasks**

- Review Reports completed (archaeology; environmental) (4 hours)
- Historic Research (24 hours)
  - o Literature Review
  - o Site File Search
- Archival Research
   Define Criteria & Guidelines (2 hours)
- Map Properties (4 hours)
- Analysis of Information to Develop Historic Context & Significance (4 hours)
- Draft Report (two reports) (14 hours)
- Final Report (two reports) (6 hours)
- Consult with SHPO (2 hour)

**Total Hours: 60** 

#### **Deliverables**

Submission electronic copy of two Reports to GCEDC

The Report scope does not include any existing conditions documentation except as described above. The above hourly estimate represents a 'not to exceed' number. Any significant increase in the number of hours allotted for each task or additional scope must be approved by GCEDC.

The anticipated fee for the preparation of two Cultural Resource Screening Report for the STAMP Site project, including 0.5 miles to the west of the western STAMP Site boundary is Seven Thousand Two Hundred dollars (\$7, 200.00).

Sincerely yours,

Kerry L. Traynor Preservation Specialist

Cost and Work S	Scope Approved:
Signed	
Title	
Data	

## Change order for Morsch contract for Pembroke line

**Discussion:** 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.

Committee Action Request: We recommend the approval of change order number 2.



Change Order No.	2

Date of Issuance: April 28, 2021 Effective Date: April 28, 2021

Owner: GCEDC Owner's Contract No.:

Contractor: Morsch Pipeline. Inc. Contractor's Project No.:

Engineer: CPL Engineer's Project No.: 14351.00

Project: STAMP Offsite Water – Phase 4 Contract Name: STAMP Offsite Water - Phase 4

The Contract is modified as follows upon execution of this Change Order:

Description: Extension of Contract Times due to delays with Archaeological Phase 2 Study, clearance from SHPO and NYSDEC to obtain new permit. Costs associated with retaining Deuel Archaeological for Phase 2 Study and Morsch Pipeline costs to provide MPT & Excavation assistance for Phase 2 Study field work. Costs associated with additional Rock Excavation required due to unforeseen subsurface conditions (see attached).

Attachments: See attached Deuel Archaeologic and Morsch Pipeline Proposals.

Morsch work completed January 8, 2021, for 8 hours total.

CHANGE IN CONTRAC	Γ PRICE	CI	HANGE I	N CONTRACT TIMES	
Original Contract Price:		Original Contract Times:  1. Initial 4,000 LF to Indian Falls Road:			
\$	2,220,743.00	Ready for Final  2. All Work: Substantial Cor	Paymen npletion:	July 1, 2020   t: August 1, 2020   November 30, 2020   December 31, 2020	
Modifications of previously approved Ch	ange Order 1:	1. Initial 4,000 LF Substantial Cor	to Indian npletion:	approved Change Order 1: Falls Road: (Achieved) August 1, 2020 (Achieved) September 1, 2020	
			April 30, 2021 :: May 31, 2021		
Contract Price prior to this Change Order  \$	2,220,743.00	Ready for Final  2. All Work: Substantial Cor Ready for Final	to Indian npletion: Payment npletion: Payment	Falls Road:  (Achieved) August 1, 2020  (Achieved) September 1, 2020  April 30, 2021  May 31, 2021	
Increase of this Change Order:  \$	Increase of this Change Order:  1. All Work: Substantial Completion: Ready for Final Payment: (2 months) June 30, 2021 (2 months) July 31, 2021				
Contract Price incorporating this Change	Contract Times with all approved Change Orders:  1. All Work: Substantial Completion: Ready for Final Payment: July 31, 2021				
RECOMMENDED: By:	ACCE By:	PTED:	By:	ACCEPTED:	
Engineer (Authorized Signature Title: Project Manager Date:	Owner (Au	thorized Signature) e President	Title Date	Contractor (Authorized Signature) President	

Additional description narrative:

During the design of the GCEDC STAMP Offsite Water Main – Phase 4 project CPL reviewed the United States Geological Survey (USGS) for the water main route along NYS Route 77. This review did not show any significant rock formations along NYS Route 77. only a small band crossing the proposed water main path south of Ledge Road. CPL retained SJB to perform a subsurface investigation along the proposed water main path which agreed with the USGS data. showing only a grouping of cobbles or loose rock south of Ledge Road.

During construction. Morsch Pipeline's drilling subcontractor Turner Underground encountered a substantial rock formation while attempting to drill below the Klotzbach Archaeologically Sensitive Area (ASA). A test pit was dug to determine if this was a large cobble or solid rock, which solid rock was found at a depth of approximately 30-inches below grade. An attempt was made to drill from the north side of the Area and rock was found at a depth of approximately 24-inches and the drill was not able to progress further. After several attempts to drill, it was determined that the standard drilling methods would not be capable of crossing the rock formation.

While waiting to determine the course of action for the Klotzbach ASA. Turner moved to the Kreher ASA and encountered similar difficulties with rock depths of 30 and 36-inches below grade. Morsch and CPL completed several test pits along the water main path and found bedrock as shallow as 24-inches below surface grade within the Kreher and Klotzbach ASA.

Morsch and Turner provided two options at this time: Continue with directional drilling as a "Rock Drill" which would increase the unit price from \$199.20/LF to \$555/LF or begin coordination with SHPO and the Seneca Nation for a Phase 2 Archaeologic Study to allow for open cut (trenched) installation of the water main in the ASA. Based upon the limited project budget. CPL recommended to GCEDC that coordination for the Phase 2 Study be undertaken, which was completed in December 2020 by Deuel Archaeologic and Morsch Pipeline. The additional cost for the work completed by Deuel Archaeologic and Morsch Pipeline is \$13,295.00.

Based upon the test pits conducted over the remaining project path between the Klotzbach ASA and Phelps Road, we're estimating that there is an additional 1,500 cubic yards of rock to be removed.

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NYS Route 77: Sta. AS127 to AS135 = 800 ft * 4ft D * 3ft W = 9.600 CF = \frac{355 \text{ CY}}{267 \text{ CY}}

Sta. AS107 to AS115 = 800 ft * 3ft D * 3ft W = 7.200 CF = \frac{267 \text{ CY}}{622 \text{ CY}}
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Morsch Pipeline has agreed to maintain their unit price of \$75 per cubic yard for rock removal for an additional increase of \$46.650.00.

The total increase of cost for this Change Order is \$59,945.00.



# **PROPOSAL**

P.O. Box 51, Attica, NY 14011 | TEL/FAX (585) 591-0630 | jddeuel@gmail.com

November 11, 2020

ATTN: Steve Morsch, Sr., President Morsch Pipeline, Inc. 3929 South Avon Road Avon, NY 14414

Phase II Site Evaluation of the Kreher Precontact Site and the Klotzbach Precontact Site for the GCEDC STAMP Off-Site Water – Phase 4 Project, Town of Alabama, Genesee County, New York.

#### SCOPE OF SERVICE

- Notify the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the NYSOPRHP of upcoming fieldwork in the event a representative wishes to observe.
- **Field Investigation Part 1**: excavate 50 cm square shovel test pits at 5-meter intervals in portions of the Kreher and Klotzbach sites; if significant archaeological deposits or features are encountered in the shovel tests pits, the tests will be expanded into 1 x 1 meter units (the cost of excavating 1 x 1 meter units is not included in this scope); prepare plans and profiles of any features identified in the shovel test pits; photograph field conditions, field methodology, potential features, and any areas of prior ground disturbance.
- Field Investigation Part 2: mechanical soil stripping for 91 meters at the Kreher site and 38 meters at the Klotzbach site in the presence and under the direction of the archaeologists (cost of backhoe and operator not included in this scope); the interface between the topsoil and subsoil will be hand-cleaned by the principal investigator and field technicians with an aluminum placer, hoe, and/or trowel; if a soil stain is encountered, the potential feature will be photographed, mapped, bisected, and the soil in one half of the feature will be excavated in natural stratigraphic layers, or if soil layers are indistinct, soil will be excavated in 10 cm levels to determine the cause of the soil stain; if the soil stain is determined to be an archaeological feature, the feature fill will be saved for flotation samples, and intact feature fill samples will be recovered with a bucket and shovel to preserve fragile plant and animal remains; if potential human remains, Native American burial features and associated artifacts, or rectangular, coffin-sized soil stains are encountered, the NYSOPRHP's Human Remains Discovery Protocol and the Haudenosaunee Human Remains Protocol will be implemented; upon discovery of human remains, all work in the general area of discovery will stop immediately and the location will be secured and protected from damage and disturbance; human remains and associated artifacts will be left in place and not disturbed; the county coroner/medical examiner, local law enforcement, the NYSOPRHP, and the involved Tribal Nation(s) will be notified immediately; any human remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated.
- Plot locations of shovel test pits, soil strips, potential features, photographs, and prior ground disturbances on project maps.

- Artifacts will be collected for laboratory analysis. Modern debris and non-diagnostic
  historic artifacts will be recorded in the field and re-deposited. Any artifacts collected
  will be cataloged, processed, analyzed, and temporarily stored in the laboratory
  facilities at DACRM. The final disposition of collected materials will be determined
  following the Phase II site evaluation.
- Summarize the field investigation and artifact assemblage; use the data to contextualize the Kreher and Klotzbach sites.
- Determine the National Register eligibility of the Kreher and Klotzbach sites.
- Update the NYSOPRHP site forms for the Kreher and Klotzbach sites.
- Incorporate data from field investigation into digital Phase II site report.
- Submit digital copy of the report to the NYSOPRHP and the involved Tribal Nation(s) for review and comment.
- Provide a digital copy of the report to the GCEDC and CPL.

#### COST

## \$9,495 (due upon receipt of invoice)

Phase II fieldwork will be scheduled as ground conditions permit. All archaeological work will be conducted in compliance with the *Standards for Cultural Resource Investigations* (NYAC 1994) adopted by the New York State Office of Parks, Recreation and Historic Preservation. If additional work is required beyond this scope, a scope of service increase will be submitted. To authorize the Phase II Site Evaluation, please return a signed copy of the proposal.

Name		Signature		
Title				
Firm/Agency		0	Date	
Name	Jeremy Deuel	Signature (umy	Juel	
Title	Owner/Principal Investigator	1 0	× \	
Firm/Agency	Deuel Archaeology & CRM		Date	11/11/2020

Morsch Pipeline, Inc 3929 South Avon Road Avon, NY 14414

September 10, 2020

RE: Duel Archaeology - Phase 4 GCEDC

Work & Price includes:

- 1 operator
- 1 shovel with 5' ditching bucket
- Fuel
- Restoration

Price is \$475 per hours based on an 8 hour day with no overtime

