



Meeting Agenda – STAMP Committee
 Genesee County Economic Development Center
 Wednesday, June 4th, 2025 - 8:00 a.m.
 Location: 99 MedTech Drive, Innovation Zone

Page #'s	Topic	Discussion Leader	Desired Outcome
	1. Call to Order – Enter Public Session	P. Zelif	
	1a. Executive Session Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons: <ol style="list-style-type: none"> Discussions regarding proposed, pending or current litigation. 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 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. Zelif	
2-6	2. Chairman's Report & Activities 2a. Agenda Additions / Deletions / Other Business 2b. Minutes: April 30, 2025	P. Zelif	Vote
7-9	3. Discussions / Official Recommendations to the Board: 3a. Phillips Lytle 2025 Fee	M. Masse	Disc / Vote
10	3b. NYPA T Line Security Letter of Credit	M. Masse	Disc / Vote
	4. Adjournment	P. Zelif	Vote



GCEDC STAMP Committee Meeting
Wednesday, April 30, 2025
Location: 99 MedTech Drive, Innovation Zone
8:00 a.m.

MINUTES

ATTENDANCE

Committee Members: C. Kemp, M. Clattenburg, P. Zelif, C. Yunker
Staff: M. Masse, E. Finch, P. Kennett, C. Suozzi, L. Farrell
Guests: R. Crossen (Town of Alabama Supervisor), M. Fitzgerald (Phillips Lytle), J. Teresi (Tompkins Insurance), M. Landers (Genesee County Manager)
Absent:

1. Call to Order / Enter Public Session

P. Zelif called the meeting to order at 8:02 a.m. in the Innovation Zone.
J. Teresi left the meeting at 8:03 a.m.

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 8:03 a.m., for the following reasons:

1. Discussions regarding proposed, pending, or current litigation.
2. 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.
3. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such a 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.

1b. Re-Enter Public Session

M. Clattenburg made a motion to enter back into public session at 8:28 a.m., seconded by C. Kemp and approved by all.
J. Teresi re-entered the meeting at 8:28 a.m.

2. Chairman's Report & Activities

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

2b. Minutes: March 26, 2025

M. Clattenburg made a motion to approve March 26, 2025 minutes; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - Yes
M. Clattenburg - Yes
C. Kemp - Yes

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. Water Tank Builders Risk Premium – In connection with the construction of the water tank, Tompkins has recommended that the GCEDC obtain builders risk insurance for the work.

This construction involves ground up construction and a contract with the builder that requires GCEDC to maintain insurance on the project. The Travelers proposal for the water tank construction and annual pricing with Travelers was \$4,205 subject to a minimum earned premium of \$2,500. We also received a quote from Acadia with terms like Travelers with an annual premium of \$2,543 and Travelers would be eligible for a prorated cancellation at the conclusion of the project. Different than Travelers, there isn't a \$2,500 minimum premium.

The construction of the water tank is planned to start in July and end in mid-November. The GCEDC would only pay a portion of this annual premium.

Fund Commitment: \$2,543 annual premium.

Board Action Request: Approval of Builders Risk insurance coverage with Acadia at an annual premium of \$2,543 to be paid out of the \$56 Million or operating funds.

C. Yunker made a motion to recommend to the full Board the approval of the Builders Risk insurance coverage with Acadia not to exceed \$2,543 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - Yes
M. Clattenburg - Yes
C. Kemp - Yes

The item was approved as presented.

J. Teresi left the meeting at 8:33 a.m.

3b. National Grid Easement – As part of its Line 112 rebuild National Grid is increasing the size of their existing easements. They requested the expansion of the easement on property currently owned by the GCEDC along Route 77. This property is currently the mitigation area for the Part 182 permit. We checked with the DEC, who will be the eventual owner of this property, and they preferred that the GCEDC accept the easement increase prior to dedicating the land over to the DEC. National Grid/Niagara Mohawk paid the GCEDC \$86,190 for this easement.

Fund commitment: None.

Committee action request: Recommend approval of acceptance of \$86,190 for widening of easement.

M. Clattenburg made a motion to recommend to the full Board the approval of the National Grid/Niagara Mohawk Easement and acceptance of \$86,190 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - Yes
M. Clattenburg - Yes
C. Kemp - Yes

The item was approved as presented.

3c. RG&E Facilities Study – The SIS study for the additional 300 MW off of the NYPA 345 Kv lines has been completed. Station 80 was identified in the SIS study as needing some improvements to enable the stability of the grid and power flow associated with drawing down an additional 300 mw. RG & E require a facilities study to be completed on the proposed increase of 300 mw to Station 80 and the actual costs and construction timeline (an estimate was provided by the NYISO as part of the study). RG & E will complete the study and is requesting a deposit of \$150,000 for this work.

Fund commitment: \$150,000 covered under the existing \$8 million grant.

Committee action request: Recommend approval to the full Board to pay \$150,000 for the Facilities Study Agreement and signing of the agreement.

P. Zeliff stated that this should be a NYISO requirement, not the GCEDC.

M. Masse stated that he will contact NYISO and could have an answer by tomorrow's Board meeting.

C. Yunker made a motion to table this agenda item; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - Yes
M. Clattenburg - Yes
C. Kemp - Yes

The item was approved as presented.

3d. Onsite Sewer Line Bids - The GCEDC went out to bid for onsite sewer lines and pump station that would connect the sewer outfall at the Edwards site to the hold and haul tank. The GCEDC received the following bids:

Millhurst Construction – Base bid of \$536,700 and an alternate bid of \$598,500.

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 which includes MWBE participation.

This bid was recommended for approval by Clark Patterson Lee. A recommendation letter was included with the meeting materials.

Fund commitment: \$536,700 for the base bid only from the NYS \$56 million and associated matching funds.

Committee action request: Recommend approval to award the bid to Millhurst Construction in the amount of \$536,700.

P. Zeliff stated that he believed this bid is too high.

P. Zeliff asked about the possibility of tying this into the water tank bid. Rebidding would negatively impact Edwards' timing for being operational. M. Masse stated that Edwards needs this line within 30 days otherwise they will have water that would not have anywhere to go.

M. Masse recommended that the Committee consider the approval of the bid to Millhurst Construction with the caveat that the GCEDC and CPL will work with Millhurst to find engineering efficiencies to reduce costs.

C. Yunker asked if Edwards is on schedule. M. Masse confirmed and stated that National Grid is on track as well.

C. Yunker made a motion to recommend to the full Board the approval of the bid to Millhurst Construction not to exceed \$536,700 with the above-mentioned stipulation; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Zeliff - Yes
C. Yunker - Yes
M. Clattenburg - Yes
C. Kemp - Yes

The item was approved as presented.

3e. MOU with Village of Oakfield - The GCEDC, STAMP Sewer Works Corp. and the Village of Oakfield are willing to work together on the possible design, construction and operation of a new force main sewer line from the STAMP Site to the Village of Oakfield Wastewater Treatment Facility ("Oakfield WWTF") to provide wastewater treatment services to STAMP.

Fund Commitment: None at this time. Any costs will be brought forward prior to approval for payment.

Committee Action Request: Recommend approval of executing the MOU with Village of Oakfield.

M. Clattenburg made a motion to recommend to the full Board the approval of the MOU with the Village of Oakfield as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3f. NYISO Invoice - The GCEDC completed the Q580 study for the first 300mw off of the 345 kV power lines at STAMP. As part of that study the GCEDC submitted a Material Modification to that study in 2021. The entire study was completed and approximately \$18,000 of the original deposit was returned to the GCEDC two or three years ago. While reviewing their past expenses the NYISO noticed that the Material Modification charge was billed to a different project code and was not invoiced until last week.

Fund Commitment: \$8,580 from the \$33 million.

Committee Action request: Recommend approval of paying the NYISO invoice in the amount of \$8,580.

After discussion of the details, the Committee suggested pushing back on this.

M. Masse stated that he will contact NYISO to notify them that the GCEDC does not believe that we should pay this invoice because the project closed years ago.

4. Adjournment

As there was no further business, M. Clattenburg made a motion to adjourn at 8:47 a.m., seconded by C. Kemp and passed unanimously.

Phillips Lytle 2025 additional contract for STAMP related work

Discussion: Phillips Lytle has prepared a proposal to cover the scope of work for the remainder of 2025 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.

Fund Commitment: Not to exceed \$500,000 to be included in the \$56 million.

Board Action Request: Recommend approval to the full Board of Phillips Lytle contract not to exceed \$500,000.



Phillips Lytle LLP

VIA EMAIL
PRIVILEGED & CONFIDENTIAL

May 30, 2025

Mark A. Masse
President and CEO
Genesee County Economic Development Center
99 MedTech Drive, Suite 106
Batavia, NY 14020

Re: Proposed Supplement to Engagement Letter for STAMP Project -
Scope of Work for STAMP Project Support for 2025/2026

Dear Mark:

Thank you very much for the opportunity to continue to assist the Genesee County Economic Development Center (and Genesee Gateway Local Development Corporation) with the STAMP Project. The purpose of this letter is to supplement our existing engagement letters (collectively, the "Engagement Letter") relating to STAMP Project for 2025/2026. Estimated legal fees for 2025/2026 are set forth on the attached "Updated Scope of Work". Upon receipt of your approval, we will bill you on a monthly basis for such work as fees are incurred, consistent with our existing engagement.

As you know, the GCEDC Board previously approved a supplemental engagement letter at its June 6, 2024 meeting to cover the balance of fees through the end of the 2024 calendar year. Phillips Lytle is pleased to report that the 2024 budget lasted through the first quarter of 2024.

If you are in agreement with the foregoing, please confirm same by signing and returning a copy of this letter to me. Of course, if you have any questions, please let me know. Thanks again.

Sincerely,

Phillips Lytle LLP

By *Adam S. Walters* /s/

Adam S. Walters, Esq.

cc: Matthew J. Fitzgerald, Esq.
Lezlie Farrell

Genesee County Economic Development Center has reviewed and agreed to the above terms of engagement of Phillips Lytle LLP for the purposes and to the extent described in this letter.

Genesee County Economic Development Center

By _____
Mark A. Masse, President and CEO

Date _____, 2025

ATTORNEYS AT LAW

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STAMP Project - 0__/__/2025 Supplement to Phillips Lytle Engagement Letter
Additional "Updated Scope of Work"
STAMP Project Support - Balance of Calendar Year 2024

1. Additional STAMP Support for Balance of Calendar Year 2025/Jan to June 2026: GCEDC is involved in various review and approval processes for continued development at STAMP including permitting and construction of the: (1) Hold and haul for Edwards; (2) Project Double Reed; (3) the new force main to the Village of Oakfield wastewater treatment plant; (4) the new water main from Niagara County; and (5) various other infrastructure projects at STAMP including issues related to the force main to Orleans County. In addition, review/approvals are needed from various other governmental agencies including the New York State Department of Environmental Conservation, the New York State Office of Parks, Recreation and Historic Preservation, U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Services, the Niagara County Water District, the Town of Alabama and the Village of Oakfield. Additionally, the GCEDC is engaged in on-going consultation with the Tonawanda Seneca Nation and must fulfill various obligations pursuant to a settlement agreement with the Nation related to the Plug Power Project and a Programmatic Agreement and Letter of Resolution entered into by the GCEDC with several governmental agencies. In addition, Phillips Lytle will continue to provide legal assistance to GCEDC relative to the substation. Phillips Lytle will represent and assist GCEDC relative to the foregoing matters on an as needed basis.

Est. Additional Legal Fees: \$500,000*

* The foregoing scope of work and fees do not include assistance with any formal challenges to or litigation relating to the STAMP Site.

Doc #11869964.7

NYPA T-Line Security Agreement

Discussion: NYPA is requiring a construction security requirement for the line restoration for any work done within the 345 kv ROW. The security request amount is \$4,000,000. The purpose of the security is to restore the line if the developer abandons the project midway and then NYPA is required to restore the lines.

They would like to establish a timeline of mid July to get this executed. NYPA needs to have this in place before any work can be done related to line modification.

NYPA has stated that a Letter of Credit, Cash or Surety Bond is acceptable.

Fund Commitment:

Board Action Request: Recommend approval to the full Board of pursuing a Letter of Credit for security.