



GCEDC STAMP Committee Meeting

Tuesday, March 2, 2021

Location: Electronically

10:30 a.m.

MINUTES

ATTENDANCE

Committee Members: C. Klotzbach, C. Yunker, P. Zelif, A. Vanderhoof
Staff: M. Masse, L. Casey, J. Krencik, C. Suozzi, S. Hyde, P. Kennett
Guests: R. Crossen (Town of Alabama Supervisor)
Absent:

1. Call to Order / Enter Public Session

C. Klotzbach called the meeting to order at 10:34 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 10:35 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.

P. Zelif joined the meeting at 10:40 a.m.

1b. Re-Enter Public Session

C. Yunker made a motion to enter back into public session at 11:18 a.m., seconded by C. Klotzbach and approved by all.

2. Chairman's Report & Activities

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

2b. Minutes: February 3, 2021

C. Yunker made a motion to approve the February 3, 2021 minutes; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:

P. Zelif - Yes
C. Klotzbach - Yes
C. Yunker - Yes
A. Vanderhoof- Yes

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. Lewiston Road Purchase Resolution – During the course of finalizing the design and engineering of the 6 mgd water coming to the STAMP site from Niagara County, the hydraulic analysis stated that a pump station would be needed to keep the water moving at a sufficient pressure and that pump station would need to be located near the Genesee/Niagara County line. When analyzing the properties in the area, there was a very limited number of options as a lot of the land in that area is owned by the USFWS or NYSDEC, which would take years to secure and become costly for any potential wetland impacts. It was noticed that there was one residence, 805 Lewiston Road, that was currently listed for sale on Zillow. The list price was \$69,900. The GCEDC made an offer of \$52,500. The owner countered with \$57,500 which is what staff is seeking approval on today. The house is currently vacant.

Fund commitment: \$57,500 (plus or minus any closing adjustments) for the acquisition to be covered under the \$33 million. The not to exceed amount of \$7,250 for closing costs and legal fees is listed in the authorizing resolution.

Resolution No. 03/2021 - 06

RESOLUTION (i) TAKING OFFICIAL ACTION TOWARD AND APPROVING THE ACQUISITION FOR ECONOMIC DEVELOPMENT PURPOSES OF THE REAL PROPERTY WITH THE TAX MAP PARCEL NO. 6.-1-8.12 AND ANY IMPROVEMENTS THEREON LOCATED IN GENESEE COUNTY, NEW YORK AND LOCATED AT 805 LEWISTON ROAD, ALABAMA, NEW YORK (THE “PROPERTY”), (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT AND RELATED DOCUMENTS WITH RESPECT TO THE ACQUISITION OF THE PROPERTY (“CONTRACT”), (iii) AUTHORIZING THE EXPENDITURE OF THE NECESSARY FUNDS OF THE AGENCY WITH RESPECT TO THE ACQUISITION OF THE PROPERTY, AND (iv) AUTHORIZING THE TAKING OF OTHER ACTION IN CONNECTION THEREWITH.

A. Vanderhoof made a motion to recommend to the full Board approval of the purchase of 805 Lewiston Road for STAMP for \$57,500 plus any closing adjustments and legal fees not to exceed \$7,250 associated with the purchase; the motion was seconded by C. Klotzbach. Roll call resulted as follows:

P. Zelif - Yes
C. Klotzbach - Yes
C. Yunker - Yes
A. Vanderhoof- Yes

The item was approved as presented.

3b. PSA Project Gateway Resolution – The GCEDC has received a Purchase and Sale Agreement from a potential project to acquire approximately 29.884 acres for tax parcel 10.-1-41 and part of 10.-1-42 for \$2,091,880 as well as a right of first refusal on 26.764 acres of tax parcel 10.-1-43.12.

Fund commitment: Legal fees to Harris Beach not to exceed \$25,000 based on time and billing for the transaction.

Resolution No. 03/2021 – 07

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPEMNT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AUTHORIZING (i) THE SALE OF CERTAIN AGENCY OWNED REAL PROPERTY TO PLUG POWER INC., OR ITS PERMITTED ASSIGNS (ii) THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, AND (iii) A DEED, AND RELATED DOCUMENTS IN CONNECTION WITH THE CLOSING OF THE PURCHASE AND SALE OF THE REAL PROPERTY.

C. Klotzbach made a motion to recommend to the full Board the approval of Resolution #03/2021-07 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:

P. Zelif - Yes
C. Klotzbach - Yes
C. Yunker - Yes
A. Vanderhoof- Yes

The item was approved as presented.

3c. Phillips Lytle Contract Memo - The GCEDC Board at the meeting on February 4th, 2021 approved an increase in our professional services legal engagement with Phillips Lytle as described below. **As an update**, we have proceeded with active engagement as approved. However, as a point of clarification, at this juncture, the effort being expended is more related to negotiations assistance and the formulation of a “STAMP Main Substation Development Agreement” among four involved parties and their responsibilities as it relates to the ownership, operations and maintenance, funding and engineering, procurement and construction of the substation supporting its implementation (within the framework as described below). The legal effort supporting detailed regulatory engagement of the PSC is being de-emphasized at this time.

From 2/4/21 Board Meeting Packet: 6.1 STAMP Main Substation – Phillips Lytle proposal (professional services – see attached): This proposal from Phillips Lytle is to provide legal, regulatory, and overall planning support from their energy law and consulting practice at Phillips Lytle. This is to foster completion of the design and engineering of the STAMP Main substation and related interconnection studies as well as to advance necessary ownership, operations and maintenance, regulatory and pricing models to enable the bidding, construction and operations of the 345kV to 115kV main substation at STAMP. Cost: not to exceed \$40,000.

No action was taken. For informational purposes only, S. Hyde clarified services that are being provided through this contract. This contract was previously approved at the February 4, 2021 Board meeting.

4. Adjournment

As there was no further business, A. Vanderhoof made a motion to adjourn at 11:25 a.m., seconded by C. Klotzbach and passed unanimously.