



**Meeting Agenda – STAMP Committee**  
 Genesee County Economic Development Center  
 Wednesday, August 31, 2022 - 8:00 a.m.  
 Location: 99 MedTech Drive, Innovation Zone

Page #’s	Topic	Discussion Leader	Desired Outcome
	<b>1. Call to Order – Enter Public Session</b>	P. Zeliff	
	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"> <li>1. Discussions regarding proposed, pending or current litigation.</li> <li>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.</li> <li>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 public body, but only when publicity would substantially affect the value thereof.</li> </ol>	P. Zeliff	
	1b. Enter Public Session		
	<b>2. Chairman’s Report &amp; Activities</b>	P. Zeliff	
	2a. Agenda Additions / Deletions / Other Business		
2-5	2b. Minutes: August 3, 2022		Vote
	<b>3. Discussions / Official Recommendations to the Board:</b>		
6	3a. Sale of Topsoil Approval	M. Masse	Disc / Vote
7-11	3b. Part 182 Permit Preparation and Mitigation Plan	M. Masse	Disc / Vote
12-14	3c. Phase II Archeological Work	M. Masse	Disc / Vote
	4. Adjournment	P. Zeliff	Vote



**GCEDC STAMP Committee Meeting**  
**Wednesday, August 3, 2022**  
**Location: 99 MedTech Drive, Innovation Zone**  
**8:00 a.m.**

**MINUTES**

**ATTENDANCE**

Committee Members: P. Zeliff, C. Kemp, C. Yunker  
Staff: M. Masse, J. Krencik, S. Hyde, L. Casey, L. Farrell, P. Kennett  
Guests: A. Walters (Phillips Lytle/Video Conference), M. Fitzgerald  
(Phillips Lytle/Video Conference)  
Absent: M. Clattenburg

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

P. Zeliff called the meeting to order at 8:02 a.m. in the Innovation Zone.

**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 public body, but only when publicity would substantially affect the value thereof.

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

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

C. Yunker made a motion to enter back into public session at 8:42 a.m., seconded by C. Kemp and approved by all.

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

**2a. Agenda Additions / Other Business** – M. Masse received an additional invoice from Saratoga Associates since the Board packets were distributed on Friday, July 29. The new invoice may impact the request that was included with the meeting materials; therefore, M. Masse has requested that this item is tabled until he speaks with Saratoga Associates.

**C. Yunker made a motion to table agenda item 3d – Saratoga Associates Invoices; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Zeliff - Yes

2b.

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C. Yunker - Yes  
M. Clattenburg – Absent  
C. Kemp - Yes

**The item was tabled.**

**2b. Minutes: July 6, 2022**

**C. Yunker made a motion to approve the July 6, 2022 minutes; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Zelif - Yes  
C. Yunker - Yes  
M. Clattenburg – Absent  
C. Kemp - Yes

**The item was approved as presented.**

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

**3a. Easement Approvals** – In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. The following payment are needed for three easements:

1. Permanent Easement 14 - \$500
2. Permanent Easement 11 - \$1,000
3. Permanent Easement 12 - \$1,500

**Fund Commitment:** \$3,000 from the \$33 million.

**C. Yunker made a motion to recommend to the full Board the approval of the easements as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

P. Zelif - Yes  
C. Yunker - Yes  
M. Clattenburg – Absent  
C. Kemp - Yes

**The item was approved as presented.**

**3b. SEQR Update Approval** – On July 7, 2022 the GCEDC Board tabled the agenda item “SEQR Update Approval” to allow the Tonawanda Seneca Nation additional time to submit comments related to SEQR. On July 21, 2022 a Special Board Meeting was held where the Board approved the SEQR update that resulted in the issuance of a negative declaration pursuant to 6 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure. Subsequently, the GCEDC learned that the Nation submitted comments related to the most recent SEQR update. The GCEDC has taken a hard look at all potential impacts and has addressed the comments provided by the Nation within the updated resolution that was included with the meeting materials.

Fund commitment: None.

**C. Kemp made a motion to recommend to the full Board the approval of the SEQR update that results in the issuance of a negative declaration pursuant to 6 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

- P. Zelif - Yes
- C. Yunker - Yes
- M. Clattenburg – Absent
- C. Kemp - Yes

**The item was approved as presented.**

**3c. Keeler Change Order** – In conjunction with the construction of the lay down area to be utilized by National Grid for the power line reroute, Keeler Construction is seeking a change order to cover the increase in costs of the project that have occurred. This project was originally scheduled to be completed in February but had to be postponed due to issues with the NYSDEC. The Keeler contract was for the construction and installation of the hold and haul tank as well as the lay down area. These two bids were issued as one contract. At this point in time CPL feels that the hold and haul contract will come in under the construction amount but the laydown area will be over. The change order will only be on the net overage of the total contract after combining the two.

**Fund Commitment:** \$15,000 from the agency operating funds.

**C. Yunker made a motion to recommend to the full Board the approval of the Keeler Construction change order in the amount of \$15,000.00 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:**

- P. Zelif - Yes
- C. Yunker - Yes
- M. Clattenburg – Absent
- C. Kemp - Yes

**The item was approved as presented.**

**3d. Saratoga Associates Invoices** – The agenda item was tabled.

**3e. UB Proposal for Site Work Observation** – The GCEDC has requested a quote from UB for site work observation services related to earth work for the power line reroute and the substation construction. This quote is on a per day basis with an estimated time frame of 10 weeks to complete the earth work for the power line reroute and the substation area.

**Fund Commitment:** Not to exceed \$31,870 to be included in the \$33 million.

**C. Kemp made a motion to recommend to the full Board the approval of the UB contract not to exceed \$31,870.00 as presented; the motion was seconded by C. Yunker. Roll call resulted as follows:**

- P. Zelif - Yes
- C. Yunker - Yes

2b.

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**DRAFT**

M. Clattenburg – Absent

C. Kemp - Yes

**The item was approved as presented.**

**4. Adjournment**

As there was no further business, C. Yunker made a motion to adjourn at 8:46 a.m., seconded by C. Kemp and passed unanimously.

Mark Masse

**STAMP Committee**  
**August 31, 2022**

**STAMP sale of topsoil from the laydown area**

**Discussion:** In conjunction with the construction of the lay down area to be utilized by National Grid for the power line reroute, Keeler Construction is completion the construction work. As a result of this work there will be approximately 10,000 cubic yards of topsoil that will be stockpiled on the site. In order to construct the WWTF in the future, this topsoil will need to be moved or sold. Keeler would like to purchase 1,000 cubic yards of the topsoil at \$3.50 per cubic yard. This appears to be within the market rate.

**Fund Commitment:** None.

**Board Action Request:** Approval of sale of topsoil to Keeler Construction Inc. at \$3.50 per cubic yard.

3a.

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## Part 182 Take Permit preparation and mitigation plan

**Discussion:** In December and January the GCEDC updated its studies for the endangered and threatened species of winter raptors per the NYSDEC's request. The result of that study showed a few winter raptors at the site and the NYSDEC is determining if the STAMP site would be qualified habitat for those birds. If the NYSDEC takes Jurisdictional Determination over that habitat, the GCEDC would need to complete a Part 182 incidental take permit to impact that habitat for potential development. CC Environment & Planning had a previously approved proposal to complete that process. A Part 182 permit was prepared for the substation, laydown area/WWTF and power line reroute as well as the proposed mitigation area and plan for implementation.

CC Environmental is now submitting an amendment to that original proposal for an additional \$42,750 that will cover the Part 182 permit application and proposed mitigation for the remainder of the STAMP site.

**Fund Commitment:** \$42,750 to be covered under the \$8 million.

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



## CC Environment & Planning

Sheila S. Hess  
Principal Ecologist/CEO

August 24, 2022

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

### Re: Amendment to STAMP Part 182 Take Permit and Environmental Services Contract

Dear Mark:

As discussed, this letter serves as a proposed amendment to the STAMP Part 182 Take Permit and Environmental Services Contract agreement executed on March 4, 2022, between CC Environment & Planning and Genesee County Economic Development Center (attached for reference).

This amendment reflects a proposal to extend the contract budget to allow work to continue work under both tasks identified in the original agreement. Task 1 is for the incidental take permit including winter raptor surveys which are anticipated to begin in November 2022, spring grassland bird surveys if required in 2023, and Part 182 clearance of STAMP. Task 2 is for general environmental review and permitting as needed. These tasks are further defined in the original agreement attached. An amended not to exceed for Task 1 is \$32,750. An amended not to exceed budget for Task 2 is \$10,000. This contract continues to be structured as a not to exceed and will be billed based on time and expenses incurred at the rate of the original agreement. 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

**For Genesee County Economic Development Center:**

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

**Enclosure**

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## CC Environment & Planning

Sheila S. Hess  
Principal Ecologist/CEO

February 24, 2022

Genesee County Economic Development Center  
Attn: Mark Masse, VPO  
99 MedTech Drive, Suite 106  
Batavia, NY 14020  
Via Email: [mmasse@gcedc.com](mailto:mmasse@gcedc.com)

### Re: Short-eared Owl and Northern Harrier Part 182 Take Permit and Environmental Services Proposal

Dear Mark:

As discussed, I am submitting the following proposal for CC Environment & Planning to provide services for the development, submission, and review of an incidental take permit application for short-eared owl and northern harrier at the STAMP (Science & Technology Advanced Manufacturing Park) Site in the Town of Alabama, Genesee County, NY as per NYS Department of Environmental Conservation (NYSDEC) Endangered and Threatened Species Regulations ([6 NYCRR Part 182](#)). In addition, this proposal includes ongoing services for general environmental review and permitting.

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 Contractor are as follows:

#### Scope of Services

##### **A. Incidental Take Permit**

1. Incidental Take Permit Application, including:
  - a. Project description and need, species and habitat description at STAMP
  - b. Alternatives analysis, avoidance and minimization strategies
  - c. Assessment of the extent of unavoidable impacts to listed species or their habitats
  - d. Implementation agreement
2. Mitigation Plan, including
  - a. Measures to minimize and mitigate impacts to listed species by providing a net conservation benefit
  - b. Data and information to ensure taking does not impact species' survival or recovery in NY
  - c. Proposed method for monitoring the effectiveness of the plan
3. Review of regulations; meetings with NYSDEC and Tech Team.
4. Coordination of application review including response to requests for additional information and application/plan revisions; final permit review and submittal.

##### **B. General Environmental Review and Permitting**

**Schedule and Fee**

Project activities will commence immediately upon receipt of a signed contract. This contract is proposed as a time and materials with a not to exceed estimated budget for Task A (Incidental Permit) of \$21,050 and Task B (General Environmental Services) of \$10,000. Invoices will be submitted monthly based on the 2022 rate sheet in Attachment A.

**Conditions**

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

**Assumptions**

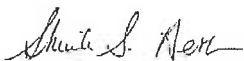
The proposed schedule and fee for this project are based on the following assumptions:

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. This includes any additional monitoring of listed species that may be required by NYSDEC during the application period.

**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.

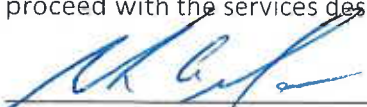
Sincerely,



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

**AUTHORIZATION**

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

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



## CC Environment & Planning

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CC ENVIRONMENT & PLANNING  
BILLING RATES  
CALENDAR YEAR 2022

<b>Employee Type</b>	<b>Hourly Rate</b>
Principal Ecologist	\$180.00
Senior Environmental Scientist/Planner	\$135.00
Environmental Scientist/Planner	\$115.00
Graphic Designer/GIS Analyst	\$105.00
Environmental Technician	\$80.00
Office/Administrative Assistant	\$72.00
Intern	\$55.00
Travel/Materials	At Cost
Outside Contracted Services	Cost plus 10%

## Phase II archeological work

**Discussion:** In February of 2020, the GCEDC awarded a contract to complete the Phase IB archeological work on recently acquired acreage to determine if any additional archeological work would be required. This work was completed and a report of findings and recommendation for additional work was submitted to the USACE and the Seneca Nation for review and comment. The GCEDC has received the comments back and is ready to proceed with the next scope of work as approved by the USACE.

The proposal for this work is attached and from Deuel Archaeology who performed the Phase IB work on this site.

**Fund Commitment:** Not to exceed \$9,695 to Deuel Archeology to complete a Phase II Cultural Resource Investigation to be covered under the \$33 million.

**Board Action Request:** Approval of Phase II Cultural Resources Investigation contract for STAMP.

3c

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August 24, 2022

**ATTN: Mark A. Masse, CPA**

Senior Vice President of Operations  
Genesee County Economic Development Center  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

*Phase II Site Evaluation of Locus 3 of the Crossen Indigenous Site for the Western New York Science & Technology Advanced Manufacturing Park (WNY STAMP), Town of Alabama, Genesee County, New York (NYSOPRHP No. 10PR01963).*

**SCOPE OF SERVICE**

- Notify the Tonawanda Seneca Nation (TSN) and the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) of upcoming fieldwork in the event a representative wishes to observe, pursuant to the Programmatic Agreement.
- **Field Investigation – Part 1:** excavate 20 standard shovel test pits at 7.5-meter intervals in Locus 3 of the Crossen Indigenous Site; excavate two 1x1 meter test units; prepare plans and profiles of any features identified in the shovel test pits or 1x1 meter test units; photograph field conditions, field methodology, potential features, and any areas of prior ground disturbance.
- **Field Investigation – Part 2:** excavate eight radial STPs at 1-meter and 3-meter intervals around the potential chert flake identified in Locus 5 of the Crossen Indigenous Site; 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.
- If potential human remains, Indigenous 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 TSN 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, 1x1 meter test units, potential features, photographs, and prior ground disturbances on project maps.
- Artifacts will be collected for laboratory analysis. Modern debris and non-diagnostic historic period 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. Pursuant to the Programmatic Agreement, ownership of the collection will be offered to the TSN. If the TSN does not desire to take ownership of the collection or any portion thereof, the collection or any portion thereof shall be transferred to a facility that meets the standards set forth in 36 CFR Part 79.
- Summarize the field investigation and artifact assemblage; use the data to contextualize the Crossen Indigenous Site.

- Determine the National Register eligibility of the Crossen Indigenous Site.
- Submit an end-of-fieldwork letter to the NYSOPRHP and the TSN with the results and recommendations of the Phase II site evaluation.
- Update the NYSOPRHP site form for the Crossen Indigenous Site.
- Incorporate data from the field investigation into digital Phase II site report. Include a robust discussion of the possible relationship between the Crossen Indigenous Site and the STAMP 5 Site.
- Submit digital copy of the report to the NYSOPRHP and the TSN for review and comment.
- Provide a digital copy of the report to the GCEDC.

**COST**

The cost for the Phase II site evaluation is **\$9,695**, half of which (\$4,847.50) is due upon submission of the end-of-fieldwork letter. The remaining \$4,847.50 is due upon submission of the Phase II report.

**NOTES**

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 \_\_\_\_\_ Date \_\_\_\_\_

Name Jeremy Deuel Signature 

Title Owner/Principal Investigator

Firm/Agency Deuel Archaeology & CRM Date 8/24/2022