



**Meeting Agenda – STAMP Committee**  
 Genesee County Economic Development Center  
 Tuesday, June 1, 2021  
 Location: Electronically  
 3:00 p.m.

Page #’s	Topic	Discussion Leader	Desired Outcome
	<b>1. Call to Order – Enter Public Session</b>  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.	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: 1. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof. 1b. Enter Public Session	P. Zelif	
2-5	<b>2. Chairman’s Report &amp; Activities</b>  2a. Agenda Additions / Deletions / Other Business  2b. Minutes: May 4, 2021	P. Zelif	Vote
6-14	<b>3. Discussions / Official Recommendations to the Board:</b>  3a. Appraisal Contract for ROW through US Fish and Wildlife Refuge	M. Masse	Disc / Vote
	4. Adjournment	P. Zelif	Vote



**GCEDC STAMP Committee Meeting**

**Tuesday, May 4, 2021**

**Location: Electronically**

**2:00 p.m.**

**MINUTES**

**ATTENDANCE**

Committee Members: C. Yunker, P. Zeliff, A. Vanderhoof, M. Clattenburg  
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 2:02 p.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**

C. Yunker made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 2:03 p.m., for the following reasons:

1. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

The motion was seconded by A. Vanderhoof and approved by all members present.

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

M. Clattenburg made a motion to enter back into public session at 2:20 p.m., seconded by A. Vanderhoof and approved by all.

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

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

**2b. Minutes: March 23, 2021**

**C. Yunker made a motion to approve the March 23, 2021 minutes; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

The item was approved as presented.

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

**3a. Construction Update** – M. Masse stated that there are delays and issues obtaining the permit from US Fish & Wildlife Services. M. Masse has engaged Senator Schumer’s team to see if the issues can be resolved timely as there is a tight timeline to complete the work needed. Most other construction has been completed.

**3b. CC Environment 2021 Contract** – 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.

**M. Clattenburg made a motion to recommend to the full Board the approval of the 2021 CC Environment contract not to exceed \$10,000; the motion was seconded by C. Yunker. Roll call resulted as follows:**

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

The item was approved as presented.

**3c. Contract B Award Recommendation for Force Main** 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 July 15 and December 1.

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 compete as much of this contract as current funding allows.

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

**C. Yunker made a motion to recommend to the full Board the acceptance of the bid received from Highlander Construction, Inc. of Memphis, New York in the amount of \$5,193,445.00 and authorize Deduct Change Order No. 1 in the amount of \$2,593,445.00 for a total Contract B Award Amount of \$2,600,000.00, contingent upon contract approval from NYS Empire State Development; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3d. KTA contract for TCP Assistance** – 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 the completion of a Traditional Cultural Property (TCP) assessment 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.

**M. Clattenburg made a motion to recommend to the full Board the approval of the consultant contract with KTA Preservation Specialists for evaluation of TCP issues not to exceed \$7,200; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

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

**The item was approved as presented.**

**3e. Change Order #2 Pembroke Line** – 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.

**DRAFT**

**C. Yunker made a motion to recommend to the full Board the approval of Change Order Number 2 as presented; the motion was seconded by A. Vanderhoof. Roll call resulted as follows:**

P. Zeliff - Yes

C. Yunker - Yes

A. Vanderhoof- Yes

M. Clattenburg- Yes

**The item was approved as presented.**

**4. Adjournment**

As there was no further business, A. Vanderhoof made a motion to adjourn at 2:38 p.m., seconded by C. Yunker and passed unanimously.

Mark Masse

**STAMP Committee**

**June 1, 2021**

**Approval of appraisal contract for ROW through US Fish and Wildlife Refuge**

**Discussion:** The GCEDC asked five companies for bids to prepare the appraisal for the Right of Way (ROW) for the forcemain through the wildlife refuge as well as the timeline to complete the work. The appraisal needs to be completed to the standards set forth by US Fish and Wildlife. The results of the bids are as follows:

1. \$15,000 – KLW Appraisal Group, Inc. – 60 days
2. \$35,000 – Thurston, Casale & Ryan, LLC – 30 to 45 days
3. Declined to bid – Emminger, Newton, Pigeon & Maygar, Inc.
4. No response - Edmunds Enterprises
5. No response - CNY Pomeroy Appraisers, Inc.

The appraisers who were solicited had been preapproved by the US Department of the Interior as qualified to complete this work as listed in the attached instruction letter. Our current construction timeline for working in the refuge could start no sooner than July 15<sup>th</sup> through the end of the year and USFWS has made it abundantly clear that there is no way to begin work in the refuge without the permit. They cannot issue the permit without the appraisal being completed. In this case having the appraisal completed in as short a time period as possible, even costing more than others, will help save money in the long run by allowing the contractor to get to work as close to the July 15<sup>th</sup> date as possible.

**Fund Commitment:** Not to exceed \$35,000 to Thurston, Casale & Ryan, LLC for the appraisal work of the ROW through the Refuge to be covered under the \$33 million.

**Board Action Request:** Approval of appraisal contract for the ROW through the Refuge.



# United States Department of the Interior

OFFICE OF THE SECRETARY

Appraisal and Valuation Services Office

Atlanta, GA 30308

May 20, 2021

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

RE: Appraiser Solicitation and Engagement  
IRQ (P-1) STAMP/Right-of-Way Permit  
NYS Route 63, Iroquois NWR  
Orleans and Genesee Counties, NY  
AVIS #F210075

Dear Mr. Masse:

This letter transmits a Statement of Work (SOW) and related attachments that are to be used in your solicitation of an appraisal for the subject assignment. The appraisal report is to comply with the attached SOW and the Uniform Standards of Professional Appraisal Practice (USPAP).

Please only solicit from the Appraisal and Valuation Services Office (AVSO) list of assignment qualified appraisers below, and notify the AVSO Review Appraiser and the U. S. Fish and Wildlife Service (FWS) of the individual selected for the appraisal assignment, along with the agreed upon due date of the initial appraisal report. The due date of the appraisal report is to be agreed upon by the Genesee County Economic Development Center, FWS and the Appraiser. Based on the complexity of the assignment, performance in the market area and being identified as providing appraisal products that can meet required appraisal standards, the following qualified appraisers are authorized for solicitation:

**Greg Klauk**  
KLW Appraisal Group, Inc.  
247 Cayuga Road, Suite 40  
Buffalo, NY 14225  
Phone: (716) 632-2100  
gklauk@klwgroup.com

**Richard R. Edmunds, ARA, AAC**  
Edmunds Enterprises  
10 Delevan Ave. PO Box 295  
Delevan, New York 14042  
(716) 492-5727  
redmunds@edmundsenterprises.com

**Timothy J. Magyar, SR/WA, R/W-AC**  
Emminger, Newton, Pigeon & Magyar, Inc.  
2440 Sheridan Drive, Suite 100  
Tonawanda, NY 14150  
Phone: (716) 685-0500 x26  
tmagyar@enpmappraisers.com

**Donald A. Fisher, MAI, ARA**  
CNY Pomeroy Appraisers, Inc.  
Liberty Square  
100 East Seneca Street  
Manlius, NY 13104  
315-422-7107 (Phone)  
dfisher@cnyappraisers.com

Mr. Mark Masse  
May 20, 2021  
Page 2

**Todd P. Thurston, MAI**  
Thurston, Casale & Ryan, LLC  
1080 State Fair Blvd  
Syracuse, NY 13209  
Phone: (315)433-1380 x112  
tpt@TCRappraisal.com

The appraiser you select will be engaged via letter of engagement directly from AVSO as the sole and exclusive client, with a copy provided to you and FWS. The AVSO Review Appraiser will arrange a pre-work meeting for the appraisal assignment with the Appraiser upon engagement.

Upon completion of the review and acceptance of the appraisal report, the Appraiser is to provide one PDF and three bound signed copies of the final approved report to the AVSO Review Appraiser at the Appraisal and Valuation Services Office in Atlanta, GA. The AVSO Review Appraiser will provide two bound copies of the appraisal report and an appraisal review report directly to FWS, our client. FWS Realty will be responsible for any decisions related to further distribution of the appraisal report as guided by internal FWS policies regarding the release of valuation records. No copies of the appraisal report and/or assignment results are to be provided/distributed to any other party by the Appraiser.

The appraisal services will have payment issued directly from Genesee County Economic Development Center, after review and acceptance of the appraisal report by AVSO. AVSO will notify FWS and Genesee County Economic Development Center when the appraisal has been approved for agency use. Terms and conditions of payment for the assignment are those agreed upon by the Genesee County Economic Development Center and the Appraiser. Payment is the sole responsibility of Genesee County Economic Development Center. Neither AVSO nor FWS is responsible for payment of this appraisal assignment.

If you have any questions about the assignment, please contact me at the telephone number or email listed below.

Sincerely,



Digitally signed by SHERRY  
BUCHANAN  
Date: 2021.05.20 09:35:13  
-04'00'

**Sherry E. Buchanan, MAI, AI-GRS**  
Supervisory Review Appraiser  
U.S. Department of the Interior, Federal Lands Division  
Appraisal and Valuation Services Office  
401 W. Peachtree Street NW, Suite 1705  
Atlanta, GA 30308  
404-526-0088 (Office)  
404-293-4364 (Cell)  
sherry\_buchanan@ios.doi.gov

Cc: Bill Porter, U.S. Fish and Wildlife Service, Branch Chief, Region 5  
Thomas Geser, U.S. Fish and Wildlife Service, Realty Specialist, Region 5

Enclosures: SOW w/attachments for IRQ (P-1) STAMP



# THURSTON, CASALE & RYAN, LLC

REAL ESTATE APPRAISAL AND CONSULTING

WWW.TCRAPPRAISAL.COM

1080 STATE FAIR BLVD  
SYRACUSE, NY 13209  
(315) 433-1380  
(315) 679-4065 (FAX)

May 27, 2021

## **VIA EMAIL AS PDF**

Mr. Mark A. Masse, CPA  
Senior Vice President of Operations  
Genesee County Economic Development Center  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

Re: Letter of Engagement  
IRQ (P-1) STAMP/Right-of-Way Permit  
NYS Route 63, Iroquois NWR  
Orleans and Genesee Counties, NY  
AVIS #F210075

Dear Mr. Masse:

Pursuant to your request, I am pleased to submit a proposal to appraise the above referenced property. Terms of the prospective engagement are as follows:

- Submission will comprise an Appraisal Report in a form consistent with what was formerly known as a self-contained, which is suitable (and likely required) for Appraisal and Valuation Services Office (AVSO) purposes.
- Sole and exclusive client includes: Sherry Buchanan, MAI, AI-GRS and other representatives of AVSO. Intended users consist of the AVSO, U.S. Fish and Wildlife Service (FWS), and Genesee County EDC. The function of the appraisal is to estimate the present value of market rent for a linear ROW permit for use and occupancy of federal lands.
- Market is the defined value and fee simple the interest appraised. Property will be valued as of the date of inspection, unless requested otherwise.
- Proposed encumbrance is:

Being a strip of land located westerly of the centerline of State Route 63 located in the Town of Alabama, Genesee County, New York and within the Town of Shelby, Orleans County, New York. Said strip of land being a part of the Iroquois National Wildlife Refuge and measuring 43 feet and 53 feet from the centerline of said road. The State of New York currently maintains a 66-foot-wide (33 feet either side of centerline) road ROW for highway purposes. The length of this strip is 14,297 feet of which 10.83 acres is encumbered by the State ROW and 3.47 acres unencumbered, for a total area of 14.3 acres.

My experience includes occupancies of this type.

Expected scope of work includes:

1. Review of transmission projects across New York to determine rental rates/compensation for the location/co-location of facilities. My initial research indicates up to 42 proposed/completed projects since 2010, of which I have been directly involved in at least seven.
2. Interviews with NYS DOT personnel across multiple regions to determine levels of compensation within State highway corridors, if any, for completed infrastructure projects, including sewer force mains. I am an approved consultant in all DOT regions outside of NYC/Long Island and have working relationships with various real estate departments statewide.
3. Interviews with town/municipal infrastructure agencies for the levels of compensation paid for occupancies within public/private corridors.
4. Since "across-the-fence" (ATF) methodologies will likely be used to determine a base fee value, a search of sales similar to those uses adjoining the corridor will be completed, along with an exhaustive listing/discussion of corridor factors from New York State and the U.S. at large. Two of the examples to be given are Upstate NY transactions approved/closed in the last six months.
5. Final valuation will be a reconciliation of rents/compensation for like infrastructure projects, as well as an ATF valuation that considers the extent/impacts of the proposed occupancy.

Fee is quoted as follows:

Appraisal Type	Total Fee
Fully documented (f/k/a self-contained)	\$35,000

- Fee is due and payable upon receipt of my invoice. Accounts past 30 days are subject to a 3% interest penalty assessed monthly.
- Report will be completed within **30 to 45 days** of your authorization to proceed. Every effort will be made to expedite given proposed project timing.
- My fee quote provides for three copies of the appraisal along with a PDF.
- This proposal is valid for 30 days.
- The report will be prepared in accordance with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute. Copies of my Certification, qualifications, General Assumptions and Limiting Conditions,

etc. are posted on my website at [www.TCRappraisal.com](http://www.TCRappraisal.com) under "Appraisal & Counseling Services".

Respectively Submitted,

**THURSTON, CASALE & RYAN, LLC**



Todd P. Thurston, MAI  
Principal

I agree to the terms and conditions of this proposal as stated:

\_\_\_\_\_  
(Client Signature)

\_\_\_\_\_  
Date

## Mark Masse

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**From:** Tim Magyar <tmagyar@enpmappraisers.com> on behalf of Tim Magyar  
**Sent:** Thursday, May 27, 2021 1:30 PM  
**To:** 'Mark Masse'  
**Subject:** RE: Appraisal Project for IRQ (P-1) STAMP/Right-of-Way Permit

Hi Mark,

Upon further consideration and review of the project, I am unable to provide you with a quote at this time. I apologize for any inconvenience.

Tim Magyar  
ENPM, Inc.

**From:** Mark Masse <mmasse@gcedc.com>  
**Sent:** Tuesday, May 25, 2021 2:38 PM  
**To:** Tim Magyar <tmagyar@enpmappraisers.com>  
**Subject:** FW: Appraisal Project for IRQ (P-1) STAMP/Right-of-Way Permit

Tim,  
My name is Mark Masse with the GCEDC and we are working on getting a permit from USFWS for a force main that will run through refuge territory. They gave me your contact information as an appraiser who could complete this work. I am hoping you could give me a quote and a timeframe for completion by the end of the day Thursday as I have a Board meeting next week and am looking to get authorization on an appraiser to use.

I am including the email below and the attachments which should provide you with enough information to send me a quote and time frame.

If you have any other questions, or require additional information, please do not hesitate to contact me.

Thanks,

Mark A. Masse, CPA



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

## Mark Masse

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**From:** Gregory Klauk <gklauk@klwgroup.com> on behalf of Gregory Klauk  
**Sent:** Wednesday, May 26, 2021 8:24 AM  
**To:** Mark Masse  
**Subject:** RE: Update

Mark do you need a formal proposal? What I sent was just to give you something to work with.

**From:** Mark Masse <[mmasse@gcedc.com](mailto:mmasse@gcedc.com)>  
**Sent:** Tuesday, May 25, 2021 12:37 PM  
**To:** Gregory Klauk <[gklauk@klwgroup.com](mailto:gklauk@klwgroup.com)>  
**Subject:** RE: Update

Greg,  
I am waiting to hear back from two other companies for quotes. I will let you know.  
Thanks,

Mark A. Masse, CPA



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

**From:** Gregory Klauk <[gklauk@klwgroup.com](mailto:gklauk@klwgroup.com)>  
**Sent:** Monday, May 24, 2021 1:13 PM  
**To:** Mark Masse <[mmasse@gcedc.com](mailto:mmasse@gcedc.com)>  
**Subject:** RE: Update

Mark our fee will be \$15,000.00 and as I indicated our delivery time will be about 60 days.

**From:** Mark Masse <[mmasse@gcedc.com](mailto:mmasse@gcedc.com)>  
**Sent:** Monday, May 24, 2021 8:23 AM  
**To:** [gklauk@klwgroup.com](mailto:gklauk@klwgroup.com)  
**Subject:** Update

Greg,

3a

## Mark Masse

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**Sent:** Thursday, May 27, 2021 1:30 PM  
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Tim Magyar  
ENPM, Inc.

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My name is Mark Masse with the GCEDC and we are working on getting a permit from USFWS for a force main that will run through refuge territory. They gave me your contact information as an appraiser who could complete this work. I am hoping you could give me a quote and a timeframe for completion by the end of the day Thursday as I have a Board meeting next week and am looking to get authorization on an appraiser to use.

I am including the email below and the attachments which should provide you with enough information to send me a quote and time frame.

If you have any other questions, or require additional information, please do not hesitate to contact me.

Thanks,

Mark A. Masse, CPA



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