



Meeting Agenda – STAMP Committee
 Genesee County Economic Development Center
 Wednesday, March 6, 2024 - 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. 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"> 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. 1b. Enter Public Session	P. Zeliff	
	2. Chairman's Report & Activities	P. Zeliff	
2-6	2a. Agenda Additions / Deletions / Other Business 2b. Minutes: December 6, 2023		Vote
	3. Discussions / Official Recommendations to the Board:		
7-17	3a. Design and Engineering Contract for Crosby Road Reconstruction and Extension of Hammerhead	M. Masse	Disc / Vote
18-21	3b. First Amendment to Lease Agreement with Plug Power	M. Masse	Disc / Vote
22-25	3c. Additional Work Related to Survey for STAMP Business Park Association	M. Masse	Disc / Vote
26-28	3d. CC Environment & Planning Proposal for STAMP Hedgerow Removal Mulching	M. Masse	Disc / Vote
	4. Adjournment	P. Zeliff	Vote



GCEDC STAMP Committee Meeting
Wednesday, December 6, 2023
Location: 99 MedTech Drive, Innovation Zone
8:00 a.m.

MINUTES

ATTENDANCE

Committee Members: M. Clattenburg, C. Kemp, C. Yunker
Staff: M. Masse, L. Farrell, L. Casey, P. Kennett, J. Krencik, E. Finch
Guests: R. Crossen (Town of Alabama Supervisor), M. Fitzgerald (Phillips Lytle), M. Landers (Genesee County Manager), P. Battaglia (GCEDC/GGLDC Board Member), M. Gray (GCEDC/GGLDC Board Member)
Absent: P. Zeliff

1. Call to Order / Enter Public Session

C. Yunker called the meeting to order at 8:05 a.m. in the Innovation Zone.

1a. Executive Session

M. Clattenburg made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 8:05 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 C. Kemp and approved by all members present.

P. Battaglia joined the meeting at 8:17 a.m.

M. Gray joined the meeting at 8:28 a.m.

1b. Re-Enter Public Session

M. Clattenburg made a motion to enter back into public session at 8:43 a.m., seconded by C. Kemp and approved by all.

2. Chairman's Report & Activities

2a. Agenda Additions / Deletions/ Other Business –

M. Clattenburg made a motion to add agenda item "3e - Appointment of Phillips Lytle as Special Counsel"; the motion was seconded by C. Yunker. Roll call resulted as follows:

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

Item 3e was added to the agenda.

2b. Minutes: October 4, 2023

M. Clattenburg made a motion to approve the October 4, 2023 minutes; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3. Discussions / Official Recommendations to the Board:

3a. NCWD Reimbursement for Easements - In conjunction with the installation of the force main within Niagara County to the Genesee County line, the NCWD may need to secure easements and is looking to pay up to \$500 per easement. This would be outside the scope of the current contract for engineering services and needs Board approval.

Fund Commitment: Up to \$500 per easement from the \$33 million (number of easements to be determined).

Board Action Request: Approval of payment of up to \$500 per easement.

M. Clattenburg made a motion to recommend to the full Board the approval of payment not to exceed \$500 per easement for NCWD Easements as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3b. Bids for Hedgerow Removal in Accordance with Part 182 Permit - Contractor will remove approximately 325 feet of hedgerow separating the STAMP site from New York State Department of Environmental Conservation's (NYSDEC) John White Wildlife Management Area. The hedgerow is approximately 35 feet wide and is comprised mainly of small trees and shrubs, with some larger trees scattered throughout. All trees and shrubs must be removed, including their stumps, and all material must

be disposed of off-site. After removal is completed, the ground must be graded and de-compacted, as needed, to ensure it is level in preparation for seeding (the contractor is not responsible for seeding).

Bids received from the following:

1. Alleghany Farm Services, LLC \$5,500
2. Spurline Construction \$19,000
3. Wheatville Blacksmith & Tree Declined to bid, cannot meet the insurance requirements

Fund Commitment: \$5,500, from the Part 182 mitigation account.

Board Action Request: Approval of awarding of contract for hedgerow removal in accordance with the NYSDEC issued Part 182 permit to Alleghany Farm Services, LLC not to exceed \$5,500 to be paid out of the Part 182 mitigation account.

M. Clattenburg made a motion to recommend to the full Board the approval of the contract with Alleghany Farm Services, LLC for hedgerow removal in accordance with Part 182 Permit not to exceed \$5,500 as presented; the motion was seconded by C. Kemp. Roll call resulted as follows:

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

The item was approved as presented.

3c. General Services Agreement with CC Environment & Planning - As the GCEDC continues to work on permitting the STAMP site there are issues that arise in dealing with the DEC. This contract will allow the GCEDC to utilize CC Environment and Planning's historical knowledge of STAMP as well as their environmental knowledge to move through and respond to any issues/concerns that the DEC may bring up. The scope of work is as follows:

1. General Environmental Services: Includes assistance with on- and off-site design review, permitting, and SEQR; other environmental services, as necessary; and participation in STAMP Technical Team meetings.
2. Force Main Frac-out Monitoring: Conduct required monitoring within the 2024 force main frac out areas in accordance with the monitoring plan approved by USFW.

Fund Commitment: \$49,300 to be covered under the \$33 million.

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

C. Kemp made a motion to recommend to the full Board the approval of the General Services Agreement with CC Environment & Planning not to exceed \$49,300 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

P. Zeliff - Absent

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

The item was approved as presented.

3d. GCEDC STAMP e3communications Contract - e3communications, a professional media and public relations firm/consultant, has submitted a proposal for 2024 services related to public relations, sales and marketing content, and social media marketing for the Western New York Science & Technology Advanced Manufacturing Park (STAMP).

In 2023, e3communications supported GCEDC staff with STAMP planning, sales and marketing, and government/stakeholder relations. e3communications also maintains an expanded social media presence to audiences in project development and the greater public.

Fund Commitment: \$24,000 fund commitment. Funding is available and budgeted in the 2024 GCEDC Marketing - Operations budget for the full contract.

Board Action Request: Approval of a contract for services for the Jan. 1, 2024 to Dec. 31, 2024 period at \$24,000 per year.

M. Clattenburg noted that she believed that there were communications this year that were overly cautious and did not serve the Agency well.

C. Kemp made a motion to recommend to the full Board the approval of the GCEDC STAMP e3communications contract not to exceed \$24,000 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

3e. Appointment of Phillips Lytle as Special Counsel – C. Yunker stated that the Committee recommends that the Board 1) appoints Phillips Lytle as special counsel for the current litigation and 2) approves funds to be expended up to \$10,000 to cover the insurance deductible.

C. Kemp made a motion to recommend to the full Board the approval of Phillips Lytle as special counsel for the current litigation and approve funds to be expended up to \$10,000 to cover the insurance deductible; the motion was seconded by M. Clattenburg. Roll call resulted as follows:

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

The item was approved as presented.

4. Adjournment

As there was no further business, M. Clattenburg made a motion to adjourn at 8:50 a.m., seconded by C. Kemp and passed unanimously.

Clark Patterson Lee Proposal for preparation of design, engineering, bid packages and construction inspection for Crosby Road reconstruction from STAMP Drive to Lewiston Road and the extension of the existing hammerhead which will support the Edwards Genesee project

Discussion: The Edwards Genesee project is in need of the design, engineering and construction of certain onsite utilities to support their new facility at STAMP. These improvements will include roadways, water lines, onsite water storage tank and wastewater lines.

Fund Commitment: \$1,810,060 from the \$56 million NYS award or GCEDC matching funds.

Committee Action request: Recommend approval of the proposal from Clark Patterson Lee to prepare the design, engineering, bid packages and construction inspection for the reconstruction of Crosby Road from STAMP Drive north to Lewiston and the extension of the hammerhead.



February 28, 2024

Mr. Mark Masse, CPA
Senior Vice President of Operations
GCEDC
99 MedTech Drive, Suite 106
Batavia, New York 14020

**RE: STAMP CROSBY ROAD RECONSTRUCTION
AND EDWARDS ENABLING INFRASTRUCTURE
PROPOSAL FOR ENGINEERING SERVICES**

Dear Mark:

CPL is pleased to submit our proposal for civil engineering, permitting, and construction services related to the design and reconstruction of Crosby Road and onsite water and sanitary sewer infrastructure related to the Edwards Vacuum development for the STAMP site located in the Town of Alabama.

Project Understanding

Our proposal is based on our intimate knowledge of the STAMP project and our significant involvement in its development over the past fifteen years. This proposal addresses the need for new onsite infrastructure related to Edwards Vacuum and other potential tenants interested in locating within STAMP. Our proposal assumes that approximately 2,200 linear feet of Crosby Road will be reconstructed at this time. However, the design will include the remaining 6,200 linear feet of Crosby Road that is still in need of reconstruction. We have also included the design of a new roundabout, located at the intersection of Lewiston Road, Crosby Road, and the Future Bypass Road. Our scope will also include approximately 800 linear feet of roadway extension for the hammerhead to the east of Edward's property and the Tributary Reroute to Wetland 27 as identified in earlier NYSDEC/USACE permitting.

We also understand that Edwards will require sanitary sewer and water main extensions on the main STAMP campus. We will also include the design and construction of the sewer connection from Plug Power to the Hold and Haul tank.

The tasks performed as part of this proposal will be completed in accordance with similar tasks performed by CPL for other STAMP subprojects and other GCEDC/GGLDC Shovel Ready projects.



Program Management Construction

Provide meetings and coordination with the Project Team (CPL, GCEDC & Tech Team), municipalities, agencies, and other stakeholders as well as the internal CPL team. Provide budgeting, scheduling, strategy, and funding support to GCEDC.

Survey and Mapping

As part of this project, CPL will coordinate with a surveyor to complete a field topographical survey and base mapping suitable for the design of the project. Utility information will be obtained from available utility records and field survey and plotted on the base mapping. All elevations will be based on USGS datum.

Highway rights-of-way and adjacent tax parcels will be plotted based on record information available from the NYSDOT, Genesee County, and the Town. Easements will be developed as required throughout the project for dedication back to the Town, County, STAMP Water Works, or STAMP Sewer Works.

Crosby Road Reconstruction Preliminary and Final Design

CPL will work closely with the GCEDC to ensure that all portions of the project meet the needs and expectations of the GCEDC, and that the project objectives are met. We will provide the required plans, technical specifications, and contract documents to the level of detail required for the construction of the recommended project improvements. Preliminary and final design will include the following items:

- Roadway Reconstruction Layout/Design
 - Preliminary and final alignment and layout of the reconstruction of Crosby Road. This design will include approximately 6,200 LF of Crosby Road from Lewiston Road to Judge Road.
 - Preliminary and final grading and associated stormwater drainage design in preparation for approval by the New York State Department of Environmental Conservation (NYSDEC) in relation to stormwater permitting.
 - All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be



required.

- Preliminary and final plan and profile with roadway alignment, storm management facilities, grading disturbance limits, and proposed road rights-of-way.
- Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.

Hammer Head Preliminary and Final Design

Preliminary and final design will include the following items:

- Roadway Construction Layout/Design
 - Preliminary and final alignment and layout of the hammerhead extension. This design will include the entire hammerhead but will only include approximately 800 linear feet of construction.
 - Preliminary and final grading and associated stormwater drainage design in preparation for approval by the New York State Department of Environmental Conservation (NYSDEC) in relation to stormwater permitting.
 - All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
 - Preliminary and final plan and profile with roadway alignment, storm management facilities, grading disturbance limits, and proposed road rights-of-way.
 - Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.



Roundabout Preliminary and Final Design

Preliminary and final design will include the following items:

- Roadway Reconstruction Layout/Design
 - Preliminary and final alignment and layout of the new roundabout.
 - Preliminary and final grading and associated stormwater drainage design in preparation for approval by the New York State Department of Environmental Conservation (NYSDEC) in relation to stormwater permitting.
 - All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
 - Preliminary and final plan and profile with roadway alignment, storm management facilities, grading disturbance limits, and proposed road rights-of-way.
 - Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.

Edwards Preliminary and Final Water/Sanitary Sewer Extension Design

Preliminary and final design will include the following items:

- Preliminary and final alignment and layout of the new water extension, sanitary sewer extension, and Plug Power's sanitary sewer connection.
- Sanitary Sewer: It is anticipated that the sanitary sewer required to service Edwards will include a section of gravity sewer along Crosby Road to a common pump station point. CPL will coordinate directly with Edwards to accommodate their sanitary sewer depth and size.
- Water: It is anticipated that the new water main to serve Edwards will include approximately 3,600 linear feet of new water main along Crosby Road and to the new fire storage tank. CPL will coordinate directly with Edwards for location and demands.



- All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
- Preliminary and final plan and profile with new water and sanitary sewer extensions.
- Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.

Tributary Reroute Preliminary and Final Design

Preliminary and final design will include the following items:

- Preliminary and final alignment and layout of the tributary reroute.
- All stormwater management facilities will be designed in accordance with NYSDEC best management practices. We will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NYSDEC. We are assuming that the project will be designed to meet the 5-day review requirement for the NYSDEC General Permit and that a 60-day review will not be required.
- Preliminary and final plan and profile with associated grading and stormwater features.
- Geotechnical: We will coordinate with a qualified geotechnical engineering subconsultant to perform necessary soil borings, test pits or infiltration tests at selected locations to determine soil and asphalt conditions, groundwater depths and the presence of bedrock, if any, within anticipated excavation limits.



Geotechnical Investigation

CPL will team with Foundation Design for the completion of soil borings as necessary for a full design assessment. This assessment will address potential issues that could develop during infrastructure improvements, mass grading, and construction of new structures. The overall intent of the geotechnical investigations during this phase of the project is to identify the depth to bedrock, depth to the water table, provide a preliminary understanding of the general composition of the soil, and to provide preliminary design recommendations for future infrastructure.

Foundation Design will complete approximately fifty (50) soil borings for Crosby Road, the Hammerhead, water tanks, and sanitary sewer/water infrastructure as required. Foundation Design will provide recommendations for pavement sections, water tank foundations and the sanitary sewer and water infrastructure.

Permits and Approvals

We will prepare all necessary permit applications required by federal, state, and local regulations, including all required supporting documentation. We have assumed that the GCEDC would be responsible for any required permit fees. Necessary permits may include, but are not limited to, the following:

- Town of Alabama Site Plan Approval.
- Genesee County Highway Approval.
- NYS Department of Environmental Conservation Storm Water Pollution Prevention Plan (SWPPP).
- NYSDOT Permit and Approval.
- NYSDEC Sanitary Sewer Approval.
- NYSDOH/Genesee County DOH Approval.

Bidding

Provide up to twenty (20) sets of plans, specifications, and contract documents to be issued to prospective bidders.

During the bidding period, we will respond to bidders' questions and issue any addenda required for the interpretation and clarification of the bidding documents.

We will attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare a bid tabulation, investigate bidders' qualifications, and prepare a written recommendation for



the award of the contract.

Construction Administration

Provide construction administration services which include shop drawing review, processing of payment requests, preconstruction and project meetings, schedule coordination, preparation of change orders, coordination with the Contractor, GCEDC, Town, and regulatory agencies, final inspection and punch list, and preparation of record drawings based upon information provided by the Contractor.

Provide coordination with the Contractor, GCEDC, Town of Alabama, Genesee County Highway, NYSDOT, and regulatory agencies.

Provide administration services relating to funding and regulating agency requirements which include NYSES, NYSDEC, USACE, NYSDOT, and MWBE.

CPL will provide as-built drawings and close out paperwork as necessary to complete the construction. CPL will complete a final project walkthrough and issue a final punch list for completion. With assistance from the contractor, CPL will gather all cut sheets, submittals and manuals and complete all required close out forms for a final submission package.

Construction Observation

Provide a qualified NYSDOT approved Resident Engineer to monitor the construction and the Contractor's compliance with the Contract Documents. The Resident Engineer will serve as GCEDC's representative on the project, maintain detailed records of the work performed, document payments to the contractor, handle concerns and complaints from residents affected by the project, and coordinate with regulatory agencies and utilities. We have assumed an 8-month schedule for the required Edward's infrastructure outlined in this proposal.



Fee

Our fee proposal to complete the work described above is as follows:

<u>Task</u>	<u>Fee</u>
<i>CPL Design Scope</i>	
Project and Program Management	\$60,260
Survey and Mapping	\$19,340
Crosby Road Preliminary and Final Design	\$434,120
Hammerhead Preliminary and Final Design	\$61,250
Roundabout Preliminary and Final Design	\$201,850
Edwards Water/Sanitary Sewer Design	\$160,230
Tributary Reroute Prelim. and Final Design	\$32,700
<u>Permits and Approvals</u>	<u>\$71,580</u>
Subtotal	\$1,041,330
 <i>CPL Bidding and Construction Scope</i>	
Bidding	\$30,800
Construction Administration	\$195,130
<u>Construction Observation</u>	<u>\$267,800</u>
Subtotal	\$493,730
 <i>Subconsultants (budget)</i>	
Topographic Survey	\$75,000
Preliminary Geotechnical Investigation	\$150,000
<u>Miscellaneous</u>	<u>\$50,000</u>
Subtotal	\$275,000
 TOTAL	 \$1,810,060

Enclosed for your information is a summary of the hours and direct costs necessary to complete the work as described above. We propose to provide these services on a lump sum and percentage complete basis, except for the Construction Observation which will be completed on an hourly not-to-exceed basis. Construction Observation will be billed at \$150/hour and we have assumed a 1,440-hour construction schedule. Subcontractor costs will be invoiced as direct costs incurred without markup.



Mr. Mark Masse
GCEDC
February 28, 2024
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We appreciate the opportunity to submit our proposal and look forward to working with all those involved. If you have any questions or require additional information, we would be happy to meet with you at any time to discuss our approach and qualifications in detail. Please contact me at (585) 402-7506 or akosa@cplteam.com should you have any questions or require additional information.

Very truly yours,

CPL

A handwritten signature in black ink, appearing to read 'AKosa', is written over a horizontal line.

Andrew R. Kosa, P.E.
Engineering Associate Principal

Enclosures

Proposal Accepted By:

Signature: _____ Date: _____
GCEDC

STAMP: Edwards Enabling Infrastructure - Crosby Road, Water & Sanitary Sewer
 Engineering Fee Estimate
 Date: 02/28/2024

Tasks	Man-Hours					Fee
	Principal	Project Manager	Engineer	Drafter	Inspector	
1. Project & Program Management						
Team Meetings & Coordination	8	16	16			\$ 8,360.00
Coordination & Meetings with municipalities, agencies & involved parties	8	24	24			\$ 11,240.00
CPL Internal Meetings & Coordination	8	16	16	4		\$ 8,800.00
Budgeting, Scheduling & Funding Assistance	8	8	12	4		\$ 6,500.00
Subconsultant Coordination	8	16	24			\$ 9,520.00
Overall Project Engineering: Coordination, Strategies, Budgeting, RFIs, Concepts, & Site Visits	12	24	24	30		\$ 15,840.00
Subtotal	52	104	116	38	0	\$ 60,260.00
2. Survey & Mapping						
Base Mapping Preparation & Coordination with Surveyor	4	16	40	80		\$ 19,340.00
Subtotal	4	16	40	80	0	\$ 19,340.00
3. Crosby Road Reconstruction Preliminary & Final Design						
Design Meetings & Coordination	16	16	16	4		\$ 11,400.00
Geotech Coordination	2	2	8	4		\$ 2,680.00
Culvert Design & Replacement	8	40	80	120		\$ 33,100.00
Road Site Plan	24	160	300	400		\$ 129,700.00
Grading/Storm Design	24	160	300	400		\$ 129,700.00
Stormwater Pollution Prevention Plan (SWPPP)/Pond Expansion Plans	24	80	80	120		\$ 45,500.00
NYS DOT Details, Profiles, & Cross Sections	8	80	120	240		\$ 63,600.00
Erosion & Sediment Control	4	4	4	6		\$ 3,400.00
Cover, General Notes & Details Sheets	4	8	8	8		\$ 5,060.00
Specifications - Contractual Front End & Technical	4	16	24	16		\$ 9,980.00
Subtotal	118	546	920	1318	0	\$ 434,120.00
4. Hammerhead Preliminary & Final Design- update						
Road Site Plan	4	16	20	40		\$ 12,040.00
Grading/Storm Design	4	20	40	60		\$ 18,000.00
Stormwater Pollution Prevention Plan (SWPPP)	2	16	24	40		\$ 11,970.00
NYS DOT Details, Profiles, & Cross Sections	2	16	40	60		\$ 16,490.00
Erosion & Sediment Control	2	4	4	6		\$ 2,750.00
Subtotal	14	72	128	206	0	\$ 61,250.00
5. Roundabout Preliminary & Final Design						
Road Site Plan	4	60	120	240		\$ 58,000.00
Grading/Storm Design	4	40	100	240		\$ 50,800.00
Stormwater Pollution Prevention Plan (SWPPP)	4	24	40	40		\$ 16,660.00
NYS DOT Details, Profiles, & Cross Sections	4	48	160	300		\$ 67,820.00
Erosion & Sediment Control	2	8	20	30		\$ 8,570.00
Subtotal	18	180	440	850	0	\$ 201,850.00
6. Edwards Preliminary & Final Water/Sanitary Sewer Extension Design						
Design Meetings & Coordination	8	8	8			\$ 5,480.00
Water Design - to Tank & along Crosby Road	8	80	120	200		\$ 54,900.00
Sanitary Sewer Design Edwards to PS	16	60	200	300		\$ 80,100.00
Erosion & Sediment Control	2	8	16	16		\$ 6,450.00
Cover, General Notes & Details Sheets	2	8	8	8		\$ 4,410.00
Specifications - Contractual Front End & Technical	2	16	24	12		\$ 8,890.00
Subtotal	38	160	376	536	0	\$ 160,230.00
7. Tributary Reroute Preliminary & Final Design						
Design Meetings & Coordination	2	4	8			\$ 2,670.00
Tributary Site Plan	2	8	16	24		\$ 7,330.00
Grading/Storm Design & Wet& Connection	2	8	24	40		\$ 10,250.00
Erosion & Sediment Control		4	4	6		\$ 2,100.00
Cover, General Notes & Details Sheets	2	12	20	20		\$ 8,330.00
Specifications - Contractual Front End & Technical		4	8			\$ 2,020.00
Subtotal	8	40	80	90	0	\$ 32,700.00
8. Permits & Approvals						
Town of Alabama Site Plan Approval	4	16	24	24		\$ 10,860.00
NYSDEC SWPPP	4	16	40	40		\$ 14,940.00
NYSDEC & USACE Culvert Replacement, Tributary Reroute	4	24	40	40		\$ 16,660.00
Genesee County Highway Permits & Approvals	4	16	24	40		\$ 12,620.00
Coordination/Response to Agency Comments	4	24	24	40		\$ 14,340.00
Public Meeting/Site Plan Approval	4	4				\$ 2,160.00
Subtotal	24	100	152	184	0	\$ 71,580.00
CPL Design Subtotal (Items 1 - 8)						\$ 1,041,330.00
Bidding & Construction						
9. Bidding						
Bidding Administration	8	60	60	60		\$ 30,800.00
Subtotal	8	60	60	60	0	\$ 30,800.00
10. Construction Administration						
Contract Administration	24	140	200	180		\$ 86,700.00
Coordination, RFIs & Site Visits	24	140	200	180		\$ 86,700.00
Project Closeout	4	30	60	48		\$ 21,730.00
Subtotal	52	310	460	408	0	\$ 195,130.00
11. Construction Observation Budget Estimate - Billed Hourly						
On Site Inspection (based on 8 month construction schedule)	4	100	200		1440	\$ 267,800.00
Subtotal	4	100	200	0	1440	\$ 267,800.00
CPL Bidding & Construction Subtotal (Items 9-11)						\$ 493,730.00
Total Hours	340	1688	2972	3770	1440	
Total CPL Fees (Items 1 - 11)						\$ 1,535,060.00
12. Subconsultant Budget Estimate - Billed at Cost						
A. Topographical Survey (Frardina)						\$ 75,000.00
B. Geotechnical Investigation (Foundation Design)						\$ 150,000.00
C. Miscellaneous (additional permitting with NYSDEC)						\$ 50,000.00
Subconsultant Subtotal (Item 12)						\$ 275,000.00
Total Fee (Items 1 - 12)						\$ 1,810,060.00

First Amendment to Access Agreement for construction parking area for Plug Power

Discussion: As part of their construction of their hydrogen facility, Plug Power would like to utilize the approximate 6.5 acre parcel directly to the south of their site as a construction parking area. Plug Power will be responsible for all DEC permits (except the Part 182) and compliance. On April 10, 2023 Plug and the GCEDC signed this agreement. Plug is seeking an amendment to this agreement as the DEC has not issued the necessary permits through no fault of Plug's. The amendment would make the two year lease agreement time frame start on the issuance of the DEC permits as well as making the payment due at that time.

Fund Commitment: None.

Committee Action Request: Recommend approval of First Amendment to Access Agreement.

FIRST AMENDMENT TO ACCESS AGREEMENT

THIS FIRST AMENDMENT TO ACCESS AGREEMENT (this “First Amendment”) is made and entered into by and between **PLUG POWER INC.** with an address of 968 Albany Shaker Road, Latham, New York 12110 (“Grantee”), and **GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE ECONOMIC DEVELOPMENT CENTER**, with an address of 99 MedTech Drive, Suite 106, Batavia, New York 14020 (“Grantor”).

BACKGROUND

WHEREAS, Grantee and Grantor entered into an Access Agreement dated April 10, 2023 (the “Access Agreement”), for temporary parking purposes in connection with Grantee’s Green Hydrogen Project as more particularly set forth in the Access Agreement;

WHEREAS, the Access Agreement obligated the Grantee to make a one-time payment to Grantor in the amount of \$10,000.00 (the “Access Fee Payment”);

WHEREAS, to date, the necessary permits from the New York State Department of Environmental Conservation to permit the temporary parking as contemplated in the Access Agreement (the “DEC Permits”) have not been issued; and

WHEREAS, the Grantee and Grantor wish to amend the Access Agreement such that the Access Fee Payment is due and payable to Grantor upon the issuance of the DEC Permits.

NOW, THEREFORE, in consideration of the mutual covenants and obligations herein, the parties hereto agree as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. Access Fee Payment. Grantee shall make the Access Fee Payment to Grantor upon the issuance of the DEC Permits.
3. Term: Paragraph 2 of the Access Agreement shall be deleted in its entirety and replaced with the following: *This Agreement shall commence on the date of the issuance of the DEC Permits (the “Permit Issuance Date”) and shall terminate upon the earlier of (a) that date that is two (2) years after the Permit Issuance Date; or (b) upon written notice from Grantee to Grantor that Grantee has removed the contents of its Parking Project and in fact all such contents have been removed and the Property has been returned to its original condition as existed immediately prior to the commencement of the Term of this Agreement as more fully set forth in the Access Agreement.*
4. Capitalized Terms: Capitalized terms not otherwise defined herein shall have the meaning specified in the Access Agreement.
5. Ratification. All terms, covenants, and conditions of the Access Agreement, not modified by this First Amendment, are hereby affirmed, and ratified by the parties. In the event of any inconsistency between the terms of the Access Agreement and the terms of this First Amendment, the terms of this First Amendment shall control.

6. Counterparts. This First Amendment be executed in two (2) or more counterparts, each of which shall constitute one and the same instrument. Receipt of an electronic mail or facsimile copy of any signature page hereto shall be deemed receipt of an original signature for purposes of this First Amendment.
7. Entire Agreement. This Agreement constitutes the parties' entire agreement on this subject. No change, waiver or discharge is valid unless in writing and signed by the party against whom it is sought to be enforced.

[No further text on this page; Signature page follows]

IN WITNESS WHEREOF, the parties have caused this Amendment to Access Agreement to be executed as of the date written under their respective signatures.

GRANTEE:

PLUG POWER INC.

By: _____

Name: _____

Title: _____

Date: _____

GRANTOR:

**GENESEE COUNTY INDUSTRIAL
AGENCY D/B/A GENESEE
ECONOMIC DEVELOPMENT
CENTER**

By: _____

Name: _____

Title: _____

Date: _____

Additional work related to survey for business park association

Discussion: The GCEDC previously went out to bid and awarded survey work related to the formation of the business park association at STAMP. Once the survey work was completed, it was noted that there was some additional work that the legal firm is requiring for the formation that was not in the original bid.

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

Committee Action request: Recommend approval of the proposal from Frandina for the additional survey work related to the business park association formation.



SURVEY PROPOSAL

February 26, 2024

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

**RE: Land Survey Quote
STAMP Mapping**

Dear Mark,

Thank you for requesting this proposal for extra mapping at the STAMP site. Our scope will address the following items, as detailed in emails earlier this week.

SCOPE:

- A metes and bounds legal description for 10 parcels as shown on the overall map we recently completed and listed in the accompanying table.
 - 6 blue parcels
 - 3 green parcels
 - 1 mitigation parcel

PROPOSAL FEE

- Lump sum of \$3000.

ASSUMPTIONS

- No field work is anticipated in this proposal, if needed, it will be billed at the hourly rate of \$300/hour at NYS Prevailing wage rates good until June 30, 2024
- No parcel stakeout of boundary limits
- No permitting or submission to municipal authorities
- CAD files already prepared are considered final and will be the basis for the work.
- If the parcel boundaries, or the right of way changes, we will need to revise this proposal.
- It is presumed the owner has approved the right of entry for this survey
- Please indicate if any special permission or access is needed.

DELIVERABLES

- Legal descriptions as listed above



FRANDINA ENGINEERING AND LAND SURVEYING, PC
CIVIL ENGINEERS AND LAND SURVEYORS
NYS Certified WBE and DBE Firm

1701 HERTEL AVENUE
BUFFALO, NEW YORK 14216
716.883.1299
www.FRANDINA.com

- Microsoft WORD files
- no mylars, no prints.

Thank you for requesting this quote from us and please let us know the outcome.

Very Truly yours,

A handwritten signature in blue ink that reads "Rosanne Frandina".

Rosanne Frandina, PE, LS
President/CEO

CC: Proposals 3923-19

Attachments: Parcel list
Overall map #3646-19



ACREAGE OF TAX LOTS PER STAMP PARCEL

PARCEL TAX LOT ACREAGE (ACRES)

BLUE PARCELS

TD1 (Blue):

10.-1-1	48.693
10.-1-3	82.662
10.-1-4.112	73.430
10.-1-4.12	1.947
10.-1-4.2	0.510
10.-1-7	0.262
10.-1-8	0.747
10.-1-9	0.679
10.-1-10	0.679
10.-1-42.1	38.887
10.-1-43.12	60.091

TD2: (Blue)

10.-1-15.111	8.003
10.-1-32.211	25.133
10.-1-32.221	1.865

10.9 ACRE PARCEL (Blue):

10.-1-36.11	10.585
10.-1-13.2	0.366

10 ACRE PARCEL (Blue):

10.-1-32.12	9.636
10.-1-32.222	0.378

6.5 ACRE PARCEL (Blue):

10.-1-13.1	6.008
10.-1-5	0.543

SCANNELL PROPERTIES (Blue):

10.-1-39.122	13.394
10.-1-39.11	32.401
10.-1-43.12	45.308

GREEN PARCELS

GREEN AREA 1:

10.-1-4.112	14.849
6.-1-84	1.565

GREEN AREA 2:

10.-1-42.1	2.903
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GREEN AREA 3:

10.-1-13.1	0.603
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MITIGATION PARCEL:

10.-1-32.12	34.381
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Mulching area after hedgerow removal and seeding

Discussion: The GCEDC is required to add straw mulching to the area where the hedgerow was removed and will be seeded in accordance with the issuance of the Part 182 permit. CC Environment and Planning will complete this task under with the review and approval of the DEC.

Fund Commitment: \$2,260 from the mitigation escrow funds.

Committee Action request: Recommend approval of the proposal from CC Environment and Planning for the mulching of the area where the hedgerow was removed.



CC Environment & Planning

Katlyn Hojnacki
Senior Ecologist/Operations Manager

February 29, 2024

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

Re: STAMP Hedgerow Removal Mulching

Dear Mark:

I am pleased to submit the following proposal for CC Environment & Planning to provide straw mulching services in the location of the hedgerow removal at STAMP (Science & Technology Advanced Manufacturing Park) in the Town of Alabama, Genesee County, NY. As a member of the STAMP Technical Team since its inception, CC Environment & Planning has the background, project expertise, and relationships to ensure efficient and effective delivery of the services described below.

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

The Contractor will lay down straw mulch within the area disturbed during the hedgerow removal that occurred between STAMP and John White Wildlife Management Area as part of the Part 182 mitigation requirements. Work will be done in accordance with the Temporary Revocable Permit issued by New York State Department of Environmental Conservation (NYSDEC).

Schedule and Fee

Straw will be placed immediately following seeding of the area and the adjacent mitigation field, estimated to occur the week of March 12, 2024. The Contractor proposes to provide the scope of services for a lump sum of \$2,260.

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

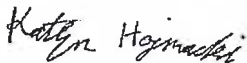
The proposed schedule and fee for this project are based on the following assumptions:

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.

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 these services toward the continued development of STAMP.

Sincerely,



Katlyn Hojnacki, Senior Ecologist
CC Environment & Planning

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