

**Board Meeting
Town of Shelby
4062 Salt Works Rd. Medina, NY**

March 11, 2025
6:00pm

Please note: We are live streaming our meetings through YouTube. See www.townofshelbyny.org and click on the link.

Present:

Scott Wengewicz, Supervisor
Linda Limina, Councilwoman
Jeff Schiffer, Councilman
Steve Seitz, Councilman
Eddie Zelazny, Councilman
Kathleen Bennett, Attorney
Pamela Henry, Deputy
Dale Root, Hwy Superintendent
Julie Cecchini, Accessor
Claude Grimes, Constable

Excused: Darlene Rich, Town Clerk
Dan Wolfe, Code enforcement Officer

Others:

Kirk Myhill	Joy Waters	Larry Waters
Bill Eick	Tom Rivers	Marguerite Sherman
Lorraine Limina	Helen Limina	Mark Waumbach
Mona Logan	Scott Carlton	Shelby Green
Brody Christenson	Deb Padoleski	Jess Marciano
Gabrielle Barone	George Phillips	Grandell Logan
Jill Logan	Scott Logan	Delano Alvarez
Makenzie Alvarez	Christine Mason	John Pratt
Mindy Kenward	Cameron Kenward	Diana Baker
Meaghan Boice-Green		Sharlene Pratt
John Parada	Alana Koneski	Jim Heminway
Bill Eick	J. Wolter	A. Bushover
Paul Henry	Leona Weese	Mary S. Zelazny
Brian Murray Sr.		

Called to order at 6:03 PM

Pledge to the flag

Public forum regarding agenda items only

Highway Report: (Dale Root)

Up until a few days ago we continued to battle wind and snow. Thank you to all residents that cleaned out around their hydrants it is much appreciated. The Town of Barre came to Shelby with their grader to push back snow from the roadside. Thank you, Barre.

Thank you to my men for their support and hard work during this winter. I also include the Supervisor for standing with us when we were a man short.

We continue with equipment maintenance, fixing mail boxes, road signs, and cleaning culvert pipes to alleviate possible flooding.

Blair Rd. vault was opened, some repairs were made and turned on the flow to Shelby Center and 63 North. We saw a 10 lb pressure increase. Pressure test March 27th.

The cab and chassis Approved at the last meeting, goes into production June 30th.

Delivery may be by end of July.

I have secured 104 L.E.D. lights and motion sensors for the shop, through a grant, we only have to pay \$1.00 per light.

Water tested, and E-Waste stacked.

Assessor's Report: (Julie Cecchini)

In Feb, 1 house went up for sale, over the assessed value. 2 houses sold: 1 house at assessed value and 1 house sold at over the assessed value. The new equalization rate is 90% from 97%. We are no longer accepting exemption renewals or new exemptions after March 1st. All renewals were sent out.

Planning Board (Kirk Myhill)

Tim Winters from WNY Energy addressed the Planning Board. They would like to put up an addition to the Administration building. The board agreed to use ATRICLE X the SITE PLAN REVIEW. SECTION 1002 Procedure. They authorized to wave site plan review.

Code Enforcement (Dan Wolfe) Absent

RESOLUTION NO. 31-25

RESOLUTION TO APPROVE TOWN CLERK'S REPORT (Feb)

Motion by Limina and seconded by Seitz

Ayes- 5

Opposed-0

Motion carried

RESOLUTION NO. 32-25

RESOLUTION TO APPROVE PUBLIC HEARING MINUTES (Feb 11)

Motion by Seitz and seconded by Limina

Ayes- 5

Opposed-0

Motion passed

RESOLUTION NO. 33-25

RESOLUTION TO APPROVE TOWN BOARD MEETING MINUTES (Feb 11)

Motion by Zelazny and seconded by Seitz

Ayes-5

Opposed-0

Motion passed

RESOLUTION NO. 34-25

RESOLUTION TO PAY CLAIMS AGAINST THE TOWN

Motion by Schiffer and seconded by Seitz

General A - \$ 76,477.28

General B - \$ 765.22

Highway DA - \$ 41,413.83

Highway DB - \$ 2,013.48

Special Districts - \$10,970.64

Limina- Are we keeping Williamson for the water and clerk programs? If so and we decide to change in the middle of the year, will the bill be pro-rated?

Why only a once- a- year payment for Workers Comp and the Retirement payment? We should move the monies before going into a negative balance. We should email Sara for answers.

NYSEG and NATIONAL GRID- are they coming out of the checking account automatically? Do these persons see what is in the account?

VERIZON WIRELES-The bill is way too high. Answer-Plan is old and out dated, we should check on a new all included data plan.

Ayes-5

Opposed-0

Motion passed

RESOLUTION NO.35-25

RESOLUTION TO SUPPORT THE DESIGNATION OF THE HARRIET TUBMAN UNDERGROUND RAILROAD BYWAY

Motion by Seitz, second by Schiffer

WHEREAS, the historic qualities of the Harriet Tubman Underground Railroad New York Scenic Byway, as described in the corridor management plan, and the surrounding areas have been appreciated and celebrated for over a century by the residents of New York State, as well as tourists, historians, artists, authors, and other visitors to the

region; and it is this unique combination of the journeys of Harriet Tubman and those Freedom Seekers who traveled on the Underground Railroad that create the special sense of place that is vital in telling the New York story of the human desire for freedom and the historic sites they created during their journey to emancipation; and

WHEREAS, the Steering Committee of the Harriet Tubman Underground Railroad New York Scenic Byway, composed of representatives of 22 municipalities along the proposed scenic byway route, committed to work cooperatively to protect and promote the historic, scenic, recreational, and economic well-being of the 544-mile Corridor throughout the state and agreed to pursue the nomination of the Harriet Tubman Underground Railroad New York Scenic Byway; and

WHEREAS, under the leadership of the Harriet Tubman Underground Railroad New York Scenic Byway Steering Committee, each of the 22 counties contributed to the development of this corridor management plan by forming local byway groups, encouraging public participation, and leading individual meetings of the Collaborative; and

WHEREAS, the Advisory Committee of the Harriet Tubman Underground Railroad New York Scenic Byway, consisting of relatives of Harriet Tubman, descendants of Freedom Seekers, Harriet Tubman and/or Underground Railroad historians, representatives from state and federal agencies has strengthened the historic integrity, representation, and the principles of the corridor management plan; and

WHEREAS, in the process of developing this corridor management plan, the Harriet Tubman Underground Railroad New York Scenic Byway Steering Committee has strengthened the bonds of inter-municipal cooperation, and the involved entities envision further benefit through scenic byway designation including sustained collaborative progress, increased funding opportunities for recommendations identified in the plan, enhanced partnerships with agencies responsible for the stewardship of resources along and adjacent to the byway route, and an improved transportation experience that preserves, interprets, and promotes the corridor's intrinsic qualities and resources; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Shelby supports the designation of the Harriet Tubman Underground Railroad New York Scenic Byway which includes programs for stewardship and enhancement of the scenic byway and guidance to manage future activities along its corridor; and

BE IT FURTHER RESOLVED, that the Town of Shelby confirms that they will not approve any requests for new off-premise outdoor advertising signs along the designated Harriet Tubman Underground Railroad New York Scenic Byway route; and

BE IT FURTHER RESOLVED, that the Town of Shelby will work in partnership with the other municipalities along the Harriet Tubman Underground Railroad New York Scenic Byway and local and regional stakeholders in order to support future Byway program

development and collaborate with these interested entities to explore opportunities for cooperation and methods to advance the Scenic Byway.

Ayes-5

Opposed-0

Motion carried

RESOLUTION NO.36-25

RESOLUTION TO SET THE CONFIDENTIAL SECRETARY HOURS FROM ZERO TO THIRTY HOURS DEPENDING ON WHAT HER NEEDS ARE FOR THE WEEK

Motion by Schiffer, second by Seitz

Schiffer- Motion to set secretary hours from 0 to 30 depending on what her needs are for the week.

Discussion- Limina- Cassie told her she needs 5 to 6 hours per week to get everything done. Is she getting the secretarial duties done? She doesn't need to triple check all the checks coming from quick books.

Seitz-She can have these hours just not on a permanent 30-hour basis.

Roll Call Vote:

Schiffer-aye

Seitz-aye

Limina-Opposed

Zelazny-Opposed

Wengewicz-aye

Motion Carried

Village of Medina-Water agreements between Medina and Shelby at Shelby town hall, workshop scheduled for negotiations on Wednesday April 2, at 6 PM.

Water Agreement Info: Town of Shelby

Water Storage Tank:

- Annual Debt Service- Water Storage Tank Upgrades (\$1,250,000 bond):

- 2024-2025 \$151,700.00

(This is for concrete reconstruction, crack coating, and upgrades to the tank exterior, crack sealing, coating, and upgrades to the tank interior, mixing system improvements, site improvements, and related upgrades to the existing pump station. The bond was initiated in 2017 and will be paid off in 2037).

- Annual Maintenance Budget per County Health Department: \$20,000

- Annual Ad valorem:

- 2024-2025 \$131,005.00

- 2025-2026 (Budget): \$128,998.00

- Annual Electric Average: \$13,236 ?

(Average Monthly Electric bill \$1,103 - electric is for Shelby's 3 pumps)

- Annual Chlorine Tabs: \$2,000 2

- Annual Insurance: \$451 2

- Testing (\$735/quarter): \$2,940 2

Total annual costs for Shelby's water paid by Medina: \$321,332

On January 1st, 2025, the cost of water paid to NCWD will increase from \$2.00 per 1,000 gallons to \$2.20 per 1,000 gallons.

The pump station contract also states the Town of Shelby should be maintaining the grounds.

To my knowledge, this ^{no longer happens} ~~has not happened~~. Dale Root called the village office during the fall of 2024 ~~2024~~ and said "there is a gentleman's agreement" that the Village is responsible for the grounds and electricity. We have paid the electric and maintained the grounds, but we do not have a record of a gentleman's agreement or any other indicating this responsibility.

Water rates have not been raised beyond need, in spite of Shelby's continued violation of the terms of this contract.

The village does not charge the Town of Shelby 1.6 times the rate we charge the residents within the village, an assertion that has been corrected with the Town Supervisor and town's liaison to the Village of Medina repeatedly.

The Village of Medina rate is multiplied 1.6 times for the residents of the towns who are billed directly by the Village of Medina. These rates are not applied to the Town of Shelby water bills.

No one is getting price gouged, and no one is getting taken advantage of. The residents of Shelby are our neighbors, and we would appreciate an open and transparent conversation, preferably publicly, for further discussion.

Board Comments:

Limina- Has the information for the insurances been sent to Lawley Ins. They need to see individual policies so they can compare for quotes.

LGSS to Allied to determine the 2024 audit.

Assigned fund balance? What is it assigned to in the 2024 budget.

Make the agenda more available to the public, as soon as possible.

Kathy Bennett – She wants to ban wind farms of large farms.

Public Comments:

Jim Heminway- February meeting was good news. No more accounting mess.

John Parada- Thank you to the Village of Medina for getting negotiations started with the water programs. The Parkway is filling with water, John's yard and the median.

Something needs to be Done!!!! Something needs to be hooked up and yard drained.

Larry Waters – Equalization Rate? Burn ban starts 3/15/2025. Cassie.... Is she going to start doing the supervisor's report?

John Pratt- Cassie (sec) more hours? Waste of taxpayer money. Miranda scammed the town. Side of the town roads just a mess- coating won't stick and won't smooth out.

Limina- Workshop on IT, Website and security must be done before June 1st. Scheduled at April meeting 04/15/2025 at 5 pm, meeting to follow at 6 pm.

Alana Koneski- There is a transparency problem in Medina. They need a Board that works together.

Melissa Smith- (From the Reservation) Concerned over the Stamp Program. Wants No development where the stamp waste is going to run. Believes in Nature and that all living, things should live together, everyone should work together. Stop Stamp Project!!!!

Barb Jonathan-(Seneca Nation) Has Stamp fears. She believes in wild life and nature. Our roads are your roads.

Kirk Scirto- He is against the waste water from the Stamp project being dumped into the Oak Orchard Creek. Wants to be an ally with Shelby against the project.

Shelly Green- She is concerned about the Stamp Project. There are natural resources everywhere. They need to be protected.

Bill Eick- County Legislature with District 1- Stated that the County will fight behind Shelby against the Stamp Project. Informed the Town that the CO's lost the medical coverage via the Governor and Towns and Cities, cannot hire them.

Motion by Seitz and seconded by Limina to adjourn the Town Board Meeting at 7:45pm.
Respectfully submitted,

Pamela Henry
Deputy Clerk

www.qcedc.com/news/article/featured/2024/04/25/100084/stamp-force-main-update

"STAMP FORCE MAIN UPDATE

Thu, Apr 25th 2024 01:00 pm

As the Oakfield line cannot fully replace Orleans County line we will continue to pursue the force main to Oak Orchard Creek in the town of Shelby through a different construction method and we look forward to working with United States Department of Fish and Wildlife and the Tonawanda Seneca Nation as this process moves forward. The Oakfield plan alleviates the timing pressures for the build-out of the force main to Oak Orchard Creek.

As a result of being recently notified by the USFWS that our permit for horizontal directional drilling for the force main to Oak Orchard Creek in the town of Shelby has been terminated, we are in the process of submitting a new permit application to propose an open cut construction method which will avoid the types of incidents that resulted from the former method.

The determination by USFWS is unrelated to claims made by Orleans County regarding the force main to Oak Orchard Creek. Those claims brought by Orleans County were recently dismissed by State Supreme Court following an Article 78 hearing."

To learn what's happened more recently, I did an Oakfield FOIL request and they sent me 8 documents. The two most relevant documents are attached and quoted from here:

"Oakfield 7 1 24 SEQR Update with GCEDC" Document:

(page 2 defines STAMP wastewater dumping in Shelby as the "Shelby Plan." Page 3 quotes):

— "While the Shelby Plan has substantial mitigation measures in place for occurrences of Frac-Out, unexpected subterranean conditions along the project route have increased the likelihood of such occurrences to the point of where GCEDC and SSW have notified USFWS and NYSDEC of an intent to switch to open cut methodology. USFWS has indicated that a new ROW permit be necessary to authorize open trench cut along the Route 63 Right of Way that crosses INWR."

--- "SSW began examining other options in the event the Shelby Plan is not completed in 2025... Preliminary discussions with Oakfield have been productive, and a non-binding Letter of Intent which contemplates initial average sanitary sewage flows from STAMP of 20,000 gallons per day ("GPD") has been executed in furtherance of the Oakfield Plan. / Accordingly, the GCEDC and SSW are now proposing the construction of the Oakfield Force Main for treatment of wastewater from Edwards Vacuum and Plug Power while working to resolve issues currently preventing the implementation of the Shelby Plan."

"Oakfield Signed 4 16 2024 LOI with Village of Oakfield and GCEDC " Document:

--TREATED SEWAGE TO SHELBY, UNTREATED SEWAGE TO OAKFIELD (bottom of page 1): "SSW currently intends to build an wastewater treatment plant at the STAMP Site... to discharge post-treated sanitary effluent and post-treated process water to Oak Orchard Creek in the Town of Shelby. For various reasons, GCEDC and SSW are exploring other solutions to provide permanent wastewater treatment services to the first two tenants at STAMP... to facilitate the transport of wastewater from the STAMP Site for treatment at the Oakfield WWTF prior to discharge"

It's clear that GCEDC is still actively pursuing the "Shelby Plan" to dump STAMP wastewater there!

On 12/10/24, the Village of Oakfield approved GCEDC's plan to accept their wastewater from its first two tenants (Plug Power and Edwards Vacuum):

oakfield.govoffice.com/vertical/sites/%7BD5DF5B3D-AC3C-4AAE-AE6A-6E0DFC85FD3C%7D/uploads/12-10-24_Minutes.pdf

But what about the other tenants coming to STAMP (data center(s), etc.)? Oakfield can only accept 20,000 gallons per day and GCEDC estimates 6 million gallons per day of wastewater at a full STAMP buildout. So where do they want most of the wastewater to go? Shelby! (and of course, wastewater dumped into Oak Orchard River at Oakfield will also end up at Shelby downstream)

Legal action can attempt to block this defensively, but what about preventing the option of dumping wastewater at Shelby in the first place? **If Shelby passed legislation protecting the right of Oak Orchard River to be free from pollution, this could be binding and enforceable as it's been in other communities in NY and throughout the US. I look forward to talking more!**

Take care,
Kirk

Kirk Scirto, MD, MPH
716-861-5966 cell

April 16, 2024

VIA EMAIL

The Honorable David Boyle
Mayor, Village of Oakfield
39 Main Street
Oakfield New York 14125

Re: Development of Western New York Science & Technology Advanced Manufacturing Park ("STAMP") Wastewater Services, located on approximately 1,250 Acres Located in the Town of Alabama, New York located along the west side of New York State Highway 77/63 (north of Judge Road) approximately five miles north of the I-90/New York State Thruway (the "STAMP Site")

Dear Mayor Boyle:

Please allow this Letter of Intent ("LOI") to summarize some of the key terms upon which the Village of Oakfield, with offices at 37 Main Street Oakfield, New York 14125 ("Village") on behalf of the Village Trustees, the Genesee County Economic Development Center ("GCEDC"), an industrial development agency formed under Section 18-A of the New York State General Municipal Law, and STAMP Sewer Works, Inc. ("SSW"), a domestic transportation corporation, SSW together with GCEDC with offices located at 99 MedTech Drive, Suite 106, Batavia, New York 14020, (collectively as the "Parties" and individually as a "Party") would be willing to work together on the possible design, construction and operation of a new force main sewer line from the STAMP Site to the Village of Oakfield Waste Water Treatment Facility ("Oakfield WWTF") to provide wastewater treatment services to STAMP.

Please note, this LOI constitutes a non-binding expression of intent by the Parties and any final and binding agreements shall be subject to the preparation, negotiation and execution of definitive binding legal documents (hereinafter called the "Definitive Agreement"). Subject to the foregoing limitations, it is the Parties' intention that the Definitive Agreement will contain the following terms and conditions:

1. Plan. SSW currently intends to build an wastewater treatment plant at the STAMP Site and associated force main to discharge post-treated sanitary effluent and post-treated process water to Oak Orchard Creek in the Town of Shelby. For various reasons, GCEDC and SSW are exploring other solutions to provide permanent wastewater treatment services to the first two tenants at STAMP, one of whom is currently under construction and the other of whom is expected to start construction in the next few weeks. The Parties will explore and work together on the possible design, construction and operation of a new force main sewer line (the "Sewer Line") to facilitate the transport of wastewater from the STAMP Site for treatment at the Oakfield WWTF prior to discharge (the "Project").

2. Sewer Route. The GCEDC and SSW will work together with the Village to evaluate and present routing options for the Sewer Line. After consultation, the GCEDC and SSW will present a preferred route of the Sewer Line to the Village, upon which GCEDC and SSW and the Village ~~will work to finalize the route of the Sewer Line.~~
3. Oakfield WWTF Initial Allocation of Treatment Capacity to STAMP. The Village will reserve an initial treatment capacity of twenty thousand (20,000) gallons per day within the Oakfield WWTF for current and future tenants at the STAMP Site. The Parties will work together to confirm that the Oakfield WWTF has sufficient existing capacity to handle the initial treatment capacity without substantial upgrades and undue additional stress to the Oakfield WWTF. To the extent upgrades or improvements are required, GCEDC and SSW shall be responsible for all costs associated with same and will pay the Village of Oakfield for invoices submitted within 30 days for reasonable engineering costs that the Village might incur relative to evaluating and/or making improvements to meet the initial treatment capacity.
4. Oakfield WWTF Future Allocation of Treatment Capacity to STAMP. The Parties will monitor and evaluate the overall capacity at the Oakfield WWTF and will work together to determine whether the Oakfield WWTF can provide additional treatment capacity to STAMP including any necessary additional improvements relative to same. To the extent upgrades or improvements are required, GCEDC and SSW shall be responsible for all costs associated with same and will pay the Village of Oakfield for invoices submitted within 30 days for reasonable engineering costs that the Village might incur relative to evaluating and/or making improvements to meet the initial treatment capacity.
5. Phosphorous Treatment. In connection with the proposed initial allocation of treatment capacity, GCEDC and SSW will propose to design and install, improvements to the WWTF to provide for facilities to reduce phosphorus levels in post-treated effluent. GCEDC and SSW shall be responsible for all costs associated with same and will pay the Village of Oakfield for invoices submitted within 30 days for reasonable engineering costs that the Village might incur relative to evaluating and/or making improvements to accommodate the phosphorus reduction.
6. Project Implementation: Ownership and Maintenance of the Sewer Line. ~~The GCEDC and~~ SSW will be responsible for implementing the Project. The Village will not have the ability to connect into the Sewer Line or otherwise utilize the Sewer Line to transport sewage to the Oakfield WWTF. The SSW will be responsible for maintaining the Sewer Line up to the point that the Sewer Line connects into the Oakfield WWTF system.
7. STAMP Service Agreement. In conjunction with the development of Definitive Agreements, SSW and the Village will enter into a service agreement to provide the STAMP Site with the wastewater treatment services contemplated under this LOI.
8. Consultation and Cooperation. The Parties will attend periodic meetings at mutually agreeable times to confer about the progress of the Parties' activities in connection to the Plan identified in Section 1 of this LOI. The Parties will cooperate with one another, in

By: Anthony Battaglia
Name: Anthony Battaglia
Title: Vice Chair
Date: May 9, 2024

The Village of Oakfield, New York

By: David T. Boyle
Name: David T. Boyle
Title: Mayor Village of Oakfield
Date: 7/16/24, 2024



**Genesee
County
Economic
Development
Center**

July 1, 2024

Re: State Environmental Quality Review Act Update for the
Western New York Science & Technology Advanced Manufacturing Park

Dear Interested or Involved Agency:

The Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center ("GCEDC"), in conjunction with the Genesee Gateway Local Development Corporation ("GGLDC"), the non-profit real estate affiliate of the GCEDC, STAMP Sewer Works, Inc. ("SSW"), and STAMP Water Works, Inc. ("SWW") is developing the Western New York Science & Technology Advanced Manufacturing Park ("STAMP" or the "Project"), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway ("Site") in the Town of Alabama, New York ("Town"). STAMP is intended to be an economic development engine, providing opportunities for economic growth unlike any other in the greater Buffalo/Niagara and Rochester regions. At full build out, STAMP will feature 6.1 million square feet of development in a natural, sustainable, campus setting. The development on the Site will accommodate various uses such as technology and manufacturing facilities, tech space, agribusinesses, support facilities, office space and ancillary retail. STAMP was specifically designed to accommodate world-class, high-tech companies and as such, it focuses on attracting large, technology advanced manufacturing tenants, with an emphasis on tenants operating in renewable energy industries.

The GCEDC first analyzed the environmental impacts of the development of the Site, as lead agency, Pursuant to the State Environmental Quality Review Act ("SEQRA"), in a process culminating with a Final Generic Environmental Impact Statement ("GEIS") issued on January 19, 2012. A written Findings Statement ("GCEDC Findings") was issued on March 12, 2012. In June 2016, and August 2019, SEQRA updates were conducted to analyze various changes to the Project following issuance of the GCEDC Findings ("2016 Modifications" and "2019 Modifications"). The GCEDC, as lead agency, issued written amended findings statements on July 14, 2016 ("2016 GCEDC Findings") and a SEQRA update on August 6, 2020 ("2020 SEQRA Update"). In February 2021, a SEQRA update was conducted to evaluate the addition of a tenant to the STAMP Site ("2021 SEQRA Update"). Following the 2021 SEQRA Update, GCEDC conducted additional SEQRA analysis in 2022 to evaluate new environmental information relating to the construction of the STAMP wastewater treatment facility, force main, substation, and powerline reroute and issued a negative declaration for the same in July of 2022 ("2022 Negative Declaration"). GCEDC amended the negative declaration in August of 2022 ("2022 First Amended Negative Declaration") to address concerns raised by the Tonawanda Seneca Nation ("Nation") and again in October of 2022 to address changes in

considered a less intrusive construction method. However, under certain ground conditions, HDD may result in the inadvertent return of drilling fluid above ground, referred to as "Frac-Out." While the Shelby Plan has substantial mitigation procedures in place for occurrences of Frac-Out, unexpected subterranean conditions along the project route have increased the likelihood of such occurrences to the point of where GCEDC and SSW have notified USFWS and NYSDEC of an intent to switch to open cut methodology. USFWS has indicated that a new ROW permit be necessary to authorize open trench cut along the Route 63 Right of Way that crosses INWR. In addition, Orleans County filed a lawsuit on September 11, 2023 ("Orleans Suit"), challenging the eminent domain proceeding connected with the acquisition of easements necessary to construct the OOC Force Main, as well as the SEQR review of the same. Thereafter, on November 29, 2023, the Nation filed suit against the USFWS alleging its approval of the OOC Force Main was a violation of federal law (the "Nation Suit"). The Orleans Suit has been dismissed but the Nation Suit remains pending at this time.

These complications to the implementation of the Shelby Plan could have a significant adverse effect on STAMP's current and proposed tenants. One STAMP Tenant, Plug Power is planning on meeting its waste water treatment needs by storing and hauling its wastewater to be treated off-site, which is not good long-term solution for its needs. Additionally, Edwards Vacuum, with its proposed approximately 600 person operation will be unable to operate without the completion of a viable sanitary waste water treatment system at STAMP.

Therefore, in order to ensure that such a system will be available for Plug Power and Edwards Vacuum, SSW began examining other options in the event the Shelby Plan is not completed in 2025. Accordingly, the Oakfield Force Main has now been proposed as an alternative to meet the needs of Plug Power and Edwards Vacuum. The Oakfield Force Main will transport wastewater from STAMP to the Village of Oakfield Waste Water Treatment Plant ("Oakfield WWTP"), which has excess capacity well in excess of STAMP's current needs (the "Oakfield Plan"). Preliminary discussions with Oakfield have been productive, and a non-binding Letter of Intent which contemplates initial average daily sanitary sewage flows from STAMP of 20,000 gallons per day ("GPD") has been executed in furtherance of the Oakfield Plan.

Accordingly, the GCEDC and SSW are now proposing the construction of the Oakfield Force Main for treatment of wastewater from Edwards Vacuum and Plug Power while working to resolve issues currently preventing the implementation of the Shelby Plan. GCEDC and SSW believe this is the most prudent path forward as it will address wastewater needs at STAMP in the short term while also potentially resulting in new investments in the Oakfield WWTF.

C. Roundabout

GCEDC is proposing to construct a modification to the Crosby Road / Lewiston Road intersection by installing a traffic circle (Figure 1). The traffic circle will also connect to the Future Bypass Road (not currently constructed) in order to improve traffic geometry and safety at this intersection. This modification comes at the request of the Town of Alabama, to improve existing traffic geometry at this intersection.

Reestablishment of GCEDC as Lead Agency

Therefore, the GCEDC now desires to formally re-establish itself as lead agency for this Type I Action pursuant to and in accordance with SEQRA. Accordingly, the GCEDC is providing your agency, board or department with its Notice of Intent to Act as Lead Agency for the 2024 Modifications, attached as Exhibit A. All potentially involved agencies are listed on the attached Exhibit B. Also, a copy of the EAF is attached as Exhibit C, and supporting documents are attached as Exhibits E through L.

Under SEQRA, potentially involved agencies have thirty (30) days from the date the lead agency package was transmitted to contest the GCEDC's notice of intent to re-establish itself as lead agency. We request that your agency accept and approve the re-establishment of the GCEDC as lead agency for the 2024 Modifications by signing the "Acknowledgment of GCEDC to Re-establish Itself as Lead Agency and Conduct a Coordinated Review Pursuant to SEQRA" form included with this package as Exhibit D. The form may be directed to the GCEDC via fax ((585) 343-0848), via mail (99 MedTech Drive, Suite 106, Batavia, NY 14020), or via e-mail (mmasse@gcedc.com). Any agency that does not respond within 30 days of the date that the lead agency package was transmitted will be deemed to have consented to the re-establishment of the GCEDC as lead agency for the coordinated environmental review, pursuant to and in accordance with SEQRA, for the 2024 Modifications.

Very truly yours,

Genesee County Economic Development Center

By: 

Mark A. Masse, CPA
Senior Vice President of Operations

cc: Adam Walters, Esq.