

**MINUTES OF THE MEETING OF THE
MEMBERSHIP OF THE
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
(ECIDA)**

DATE AND PLACE: January 10, 2011, at the Erie County Industrial Development Agency, 143 Genesee Street, Buffalo, New York 14203

PRESENT: Philip C. Ackerman, Barry Brandon, Hon. Byron W. Brown, Hon. Anthony F. Caruana, Hon. Chris Collins, Philip Corwin, James F. Doherty, Hon. David Franczyk, Michael Hoffert, Frank B. Messiah, Hon. Barbara Miller-Williams, Henry M. Sloma, Richard Vogon, Hon. Timothy J. Whalen, Hon. Barry Weinstein

EXCUSED: Jonathan Dandes, Hon. Mary F. Holtz, Michael Laipple, and Dr. Andrew J. Rudnick

OTHERS PRESENT: Al Culliton, Chief Operating Officer; John Cappellino, Executive Vice President; David Kerchoff, Assistant Treasurer; Karen Fiala, Assistant Treasurer; Andrew Schoepich, Treasurer; Robert G. Murray, Assistant Secretary; and Pietra G. Lettieri, Assistant Secretary

There being a quorum present at 9:15 a.m., the Meeting of the Membership of the Erie County Industrial Development Agency was called to order by Mr. Ackerman.

MINUTES

The minutes of the December 13, 2010 Meeting of the Members were presented, and upon motion made by Mr. Corwin, and seconded by Mr. Hoffert, approval of the minutes was unanimously carried.

REPORTS

Financial Report. Mr. Schoepich presented the combined financial statements for the ECIDA, RDC, ILDC, and the ATC for the eleven months through November 2010, noting that the December 2010 statements are in the process of being consolidated and reconciled for year-end adjustments. Mr. Schoepich also noted that the 2010 budget was met in the last week of December, 2010. There being no further questions, Mr. Ackerman directed that the financial reports be received and filed.

INFORMATION ITEMS

2010 Closing Schedule. Mr. Kerchoff presented the year to date 2010 Agency and ILDC Tax Incentives Closings, consisting of 31 closed projects. Mr. Sloma suggested adding a new column to the ECIDA closing reports to include new tax revenues generated. There being no further questions, Mr. Ackerman directed that the report be received and filed.

ILDC and RDC Loan Status Report. Mr. Kerchoff presented the report dated as of January 5, 2011, showing that in the last 30 days, four RDC loans have been closed, and approximately six loans are in the process of being closed. There being no further questions, Mr. Ackerman directed that the report be received and filed.

At this point in time, Ms. Miller-Williams joined the meeting.

ACTION ITEMS

Enterprise Charter School. Mr. Schoepich presented a resolution approving and authorizing the negotiation and execution of a second amendment to a purchase agreement relative to the Enterprise Charter School's purchase of the land and buildings located at 275 Oak Street, extending the purchase option exercise date to no later than March 15, 2011, said resolution is attached hereto and made a part of these minutes. After some general discussion, upon motion made by Mr. Corwin, and seconded by Mr. Weinstein, the resolution was unanimously carried.

INDUCEMENT RESOLUTIONS

David E. Pawlik - Lease/Leaseback – 1055 Genesee Street, Buffalo, New York.

Ms. Fiala presented this inducement resolution for this approximately \$1,430,000 brownfield redevelopment project consisting of the demolition and construction of a new single story building to be used for retail purposes. Ms. Fiala noted that the project is eligible for the 485-b real property tax exemption, and is eligible for Agency financial incentives under the "Local Request" Retail Incentive Program policy. Mayor Brown expressed his support for this project emphasizing the importance of the ten new full time, and five new part time jobs, and the 14 new construction jobs, that will be created as a result of this project. After some brief discussion, upon a motion made by Dr. Weinstein, seconded by Mr. Corwin, the following resolution was unanimously carried:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF DAVID E. PAWLK (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iv) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION FOR

PURCHASES AND RENTALS RELATED TO THE ACQUISITION, DEMOLITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT AND (B) A MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT; AND (v) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT AND RELATED DOCUMENTS

MANAGEMENT TEAM REPORTS

Mr. Culliton discussed the New York State mandated IDA Tax imposed on all Industrial Development Agencies, noting that the Agency had recently received its tax bill for \$156,000 payable by March 31, 2011, and that the Agency is working with the New York State Economic Development Council, the trade association for industrial development agencies, to pursue potential solutions/resolutions to this tax.

Mr. Culliton also discussed media coverage that the ECIDA had received over the last month, as contained within the packages distributed to each Member. Last, Mr. Culliton noted that the ECIDA and the New York City Industrial Development Agency were the only IDAs in all of New York State to issue their Recovery Zone Facility Bonds.

Mr. Collins emphasized the great working relationship between Erie County and the City of Buffalo resulting in the full issuance of the County's, and almost all of the City's, Recovery Zone Facility Bond allocations, emphasized the success of the RFP process that was utilized to market and generate interest in this tax exempt bond product, stressed the positive affect on job creation that the Recovery Zone Facility Bond projects will have locally, and commented on the good work by the ECIDA and its staff in pursuing and following through on the Recovery Zone Facility Bond projects and bond issuances.

At this point in time, Mr. Ackerman introduced Mr. Whalen as a new member replacing the seat formerly held by our new Senator, Tim Kennedy. There being no further business, upon motion made by Mr. Whalen, seconded by Mr. Corwin, and unanimously carried, the meeting was adjourned at 9:47 am.

Dated: January 10, 2011



Robert G. Murray, Assistant Secretary