

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

**DATE AND PLACE:** July 18, 2011, at the Erie County Industrial Development Agency, 143 Genesee Street, Buffalo, New York 14203

**PRESENT:** Philip C. Ackerman, Hon. Byron W. Brown, Hon. Chris Collins, James F. Doherty, Hon. David Franczyk, Michael Hoffert, Michael Laipple, Frank B. Mesiah, Dr. Andrew J. Rudnick, and Henry M. Sloma

**EXCUSED:** Barry Brandon, Hon. Anthony F. Caruana, Philip Corwin, Jonathan Dandes, Hon. Mary F. Holtz, Hon. Barbara Miller-Williams, Richard Vogan, Hon. Barry Weinstein and Hon. Timothy J. Whalen

**OTHERS PRESENT:** Al Culliton, Chief Operating Officer; Karen Fiala, Assistant Treasurer; David Kerchoff, Assistant Treasurer; Robert G. Murray, Assistant Secretary; and Pietra G. Lettieri, Assistant Secretary

There being a quorum present at 9:20 a.m., the Meeting of the Membership of the Erie County Industrial Development Agency was called to order by Mr. Ackerman.

**INDUCEMENT RESOLUTIONS**

2915 Main Street Development, LLC/Bethune Lofts - Lease/Leaseback – 2917 Main Street, Buffalo, New York.

Ms. Fiala presented the inducement resolution for this project including the acquisition of approximately 3.22 acres of land and the acquisition, renovation and adaptive reuse of an approximately 106,000 sq. ft. facility for mixed-use purposes. Mr. Ackerman emphasized that this is an adaptive reuse project supported by the City in an urban core area. Mr. Franczyk noted that these types of adaptive reuse projects involving market-rate housing bring new people to the City. Upon motion made by Mr. Brown, and seconded by Mr. Franczyk, the following resolution was unanimously carried:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF 2915 MAIN STREET DEVELOPMENT, LLC (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) 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, CONSTRUCTION AND/OR RENOVATION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL REAL PROPERTY TAX ABATEMENT THROUGH THE PILOT AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS

338 Ellicott Street, LLC - 338 Ellicott Street, Buffalo, New York and 437 Ellicott Street, LLC, 437 Ellicott Street, Buffalo, New York.

Ms. Fiala presented the inducement resolutions for real property, sales tax and mortgage tax exemptions in connection with the redevelopment of a 4,800 sq. ft. building at 338 Ellicott Street and a 4,500 sq. ft. building at 437 Ellicott Street, for retail-restaurant purposes. Mayor Brown moved, and Mr. Franczyk seconded, to accept these two projects and approve their respective inducement resolutions. Dr. Rudnick then noted his objections to both projects, expressing concern that these types of projects should not be receiving benefits from the Agency in recognition that other agencies/entities in the City can provide incentives that would be more appropriate for these types of projects. Mayor Brown responded that there is no entity that can provide assistance to these types of projects and emphasized that the City needs to be offering these types of restaurant amenities if it desires to attract people to live or come into the City from suburban areas and thus create momentum for future projects. At this point in time, Mr. Ackerman moved to table these projects, and was seconded by Mr. Hoffert; however Mr. Franczyk noted his objection to tabling the vote on these two projects. Mr. Ackerman then determined to remove these two projects from the agenda and from Agency consideration at this point in time, and recommended that the Agency Policy Committee be convened to review Agency policies with respect to these types of projects.

Future Mobility Products, Inc. - Lease/Leaseback – One Buffalo River Place, Buffalo, New York

Ms. Fiala presented the inducement resolution for real property, sales tax and mortgage tax exemptions in connection with the renovation of this approximately 106,000 sq. ft. facility to be used manufacturing purposes. Upon motion made by Mayor Brown, seconded by Mr. Hoffert, the following resolution was unanimously carried:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF FUTURE MOBILITY PRODUCTS, INC. AND BUFFALO RIVER PLACE, INC. OR AN ENTITY FORMED OR TO BE FORMED (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, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT THROUGH THE PILOT AGREEMENT, AND (C) A MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING RELATED TO THE PROJECT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT AND RELATED DOCUMENTS

**SPECIAL RESOLUTIONS:**

Blum Enterprises, 2575 Broadway, Cheektowaga, New York

Ms. Fiala presented this special resolution for a collateral mortgage in the amount of \$750,000 in favor of Evans Bank. Upon motion made by Dr. Rudnick, and seconded by Mr. Mesiah, the following resolution was unanimously approved.

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF BLUM ENTERPRISES, LLC (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; AND (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING AND/OR REFINANCING RELATED TO THE PROJECT

Boston Valley Pottery, 6860 South Abbott Road, Orchard Park, New York

Ms. Fiala presented this special resolution for a collateral mortgage in the amount of \$3,436,000 in favor of First Niagara Funding, Inc. Upon motion made by Dr. Rudnick, and seconded by Mr. Mesiah, the following resolution was unanimously approved.

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF BOSTON VALLEY POTTERY, INC. (THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; AND (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A MORTGAGE RECORDING TAX EXEMPTION FOR FINANCING AND/OR REFINANCING RELATED TO THE PROJECT

## **TENANT RESOLUTIONS:**

### Randall Benderson 1993 Trust, 2871 Broadway, Cheektowaga, New York

Ms. Fiala presented this resolution for approval of tenant Derrick Manufacturing to occupy approximately 55,000 sq. ft. of warehouse space at the aforementioned property address. Upon motion made by Dr. Rudnick, and seconded by Mr. Mesiah, the tenant occupancy was unanimously approved.

### The Uniland Partnership of Delaware, L.P., 300 Airborne Parkway, Cheektowaga, New York

Ms. Fiala presented this resolution for approval of tenant ACE Insurance to occupy approximately 15,565 sq. ft. of office space at the aforementioned property address. Upon motion made by Dr. Rudnick, and seconded by Mr. Mesiah, the tenant occupancy was unanimously approved.

## **ACTION ITEMS:**

### Loan Administration Plan (LAP)

Mr. Ackerman presented the updated Loan Administration Plan, noting that the updating and revision is required by the Federal Economic Development Administration. Upon motion made by Mr. Mesiah, and seconded by Mr. Ackerman, the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") APPROVING AN UPDATED LOAN ADMINISTRATION PLAN AS PROPOSED BY THE LOAN ADMINISTRATION REVIEW COMMITTEE AND AS REQUIRED BY 13 C.F.R. SECTION 307.9 PRIOR TO SUBMISSION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION (THE "EDA") FOR APPROVAL.

## **MINUTES**

The minutes of the June 20, 2011 Meeting of the Members were presented, and upon motion made by Dr. Rudnick, and seconded by Mr. Mesiah, approval of the minutes was unanimously carried.

At this point in time, being approximately 9:33 a.m., Mr. Ackerman adjourned the Agency meeting, and convened the meeting of the Buffalo and Erie County Regional Development Corporation. At approximately 9:36 a.m., Mr. Ackerman reconvened the meeting of the Agency.

## **REPORTS**

Financial Report. Mr. Culliton presented the June, 2011 financial statements. There being no further comments, Mr. Ackerman directed that the financial report be received and filed.

## INFORMATION ITEMS

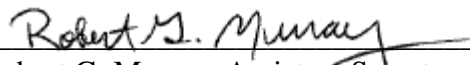
2011 Closing Schedule. Mr. Culliton presented the year to date 2011 ECIDA Closing Schedule. There being no further comments, Mr. Ackerman directed that the report be received and filed.

RDC Loan Status/Backlog Report. Mr. Culliton presented the Loan Status Report dated as of July 13, 2011, as well as the backlog report. There being no further comments, Mr. Ackerman directed that the reports be received and filed.

## MANAGEMENT TEAM REPORTS:

Media/Press Coverage. Mr. Culliton noted that on July 1, 2011, Andrew Schoeppich obtained his certification as a Certified Economic Developer by the International Economic Development Council. Mr. Culliton then reviewed the recent media coverage that the ECIDA has received over the prior month, as contained within the packages distributed to the members. There being no further business, upon motion made by Mr. Hoffert, seconded by Mr. Mesiah and unanimously carried, the meeting was adjourned at 9:40 a.m.

Dated: July 18, 2011

  
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Robert G. Murray, Assistant Secretary