

**MINUTES OF A MEETING OF THE  
POLICY COMMITTEE OF THE  
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

- MEETING:** December 8, 2020, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), meeting held via phone conference. Governor Cuomo’s Executive Order 202.1, as amended from time to time, issued in response to the Coronavirus (COVID-19) crisis, suspended Article 7 of the Public Officers Law to the extent necessary to permit any public body to take actions without permitting in public in-person access to such meetings and authorized such meetings to be held remotely by conference call or other similar service, provided the public has the ability to view or listen to such proceedings and that the meeting is recorded and transcribed.
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency’s website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott; April Baskin; Rev. Mark Blue; Johanna Coleman; Colleen DiPirro; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Glenn Nellis; Laura Smith; Lavon Stephens and Maria Whyte
- EXCUSED:** Bryon W. Brown; Richard Cummings and David State
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Robbie Ann McPherson, Director of Marketing and Communications; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Alex Carducci on behalf of the City of Buffalo; Joseph Emminger on behalf of the Town of Tonawanda; Shannon Beiter and Gregory Zaepfel on behalf of Zaepfel Development; and Sara Sperrazza, Scott VeRost and Steve Schrader on behalf of Thermo Fisher

There being a quorum present at 12:33 p.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

**MINUTES**

The minutes of the November 5, 2020 Policy Committee meeting and November 9, 2020 Special Policy Committee meeting were presented. Upon motion made by Ms. McDuffie and seconded by Ms. DiPirro, the aforementioned Policy Committee meeting minutes were then unanimously approved.

**PROJECT MATRIX**

Mr. Cappellino reviewed the Agency’s Project Matrix. Mr. Lipsitz directed that the report be received and filed.

At this point in time Ms. Whyte joined the meeting.

**PROJECT PRESENTATIONS**

Life Technologies Corporation-West Expansion (subsidiary of Thermo Fisher Scientific, Inc.), 3175 Staley Road, Grand Island, New York. Ms. Fiala presented this proposed sales tax and real property tax abatement benefits project involving the expansion of the current facility which is approximately 300,000 sq. ft. and to increase the Company’s footprint by 50,000 sq. ft. The new facility will be utilized for the production of liquid animal origin free (AOF) products along with the purchase of approximately \$25M of manufacturing equipment. The company will also be making improvements to 12,000 sq. ft. of existing space.

Ms. Smith expressed her support of the project.

Ms. DiPirro expressed support for the project.

Ms. McDuffie expressed support for the project.

Ms. Fiala stated that in exchange for providing the sales and use tax and real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

**Draft Recapture Material Terms**

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total Project Amount = \$90,000,000 85% = \$76,500,000
Employment	Coincides with 10-year PILOT	Maintain base: 818 Create 85% of Projected Projected = 60 85% = 51 Recapture Employment: 869
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to policy
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales tax, real property taxes

Ms. McDuffie moved and Ms. Smith seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

At this point in time, Ms. Coleman joined the meeting.

## COMPLIANCE

Zaepfel Development/Wythe Will Tzetzto/First Source. Mr. Cappellino reviewed the history and status of this ECIDA PILOT project, noting that the tenant occupying the facility has terminated its business operations, that the Company is no longer able to meet its original pledge of retaining and creating 246 jobs, that it has found a new tenant to occupy the facility that will retain and create 22 jobs, and the Company, based upon the pledge of 22 jobs, would have originally qualified for a 7-year PILOT, instead of a 10-year PILOT, and that the Company has asked that in lieu of terminating the 10-year PILOT, that the Agency amend the PILOT to be a 7-year term, consistent with the term of a PILOT Agreement that the Company would otherwise have been eligible for had it only proposed to create 22 jobs in the first instance. General discussion ensued.

Ms. Smith moved, and Ms. McDuffie seconded, to amend the 10 year PILOT to a 7 year PILOT, provided that the Company make a payment of \$42,988 to the taxing jurisdictions, being an amount equal to the benefit difference between the 10-year and 7-year PILOT schedules for the 2020 County and Town, and the 2019-2020 School District tax years.

## MWBE UPDATE

Ms. Whyte provided members with an update on the MWBE ad-hoc working committee.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 1:10 p.m.

Dated: December 8, 2020



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Karen M. Fiala, Secretary