

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

**MEETING:** April 2, 2020, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), held the meeting via phone conference. Governor Cuomo’s Executive Order 202.1, 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:** Rev. Mark E. Blue, Hon. Johanna Coleman, Colleen DiPirro, Hon. William J. Krebs, Richard Lipsitz, Jr., Brenda McDuffie, Hon. Glenn R. Nellis, Laura Smith, David J. State and Maria Whyte

**ABSENT:** Denise Abbott, Hon. April Baskin, Hon. Byron W. Brown, Richard Cummings and Lavon Stephens

**OTHERS PRESENT:** Steve Weathers, Chief Executive Officer; John Cappellino, Executive Vice President; Karen M. Fiala, Assistant Treasurer/Secretary; Dawn Boudreau, Compliance Officer; Brian Krygier, Systems Analyst; Carrie A. Hocienec, Administrative Assistant; and Robert G. Murray, General Counsel

**GUESTS:** David Chiazza on behalf of Iskalo Development and Matt Kahn on behalf of Big Ditch Brewery

There being a quorum present at 9:01 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz and asked Carrie A. Hocienec to take roll call.

**MINUTES**

The minutes of the March 5, 2020 Policy Committee meeting were presented. Upon motion made by Mr. Nellis and seconded by Mr. Blue, the aforementioned Policy Committee meeting minutes were unanimously approved.

At this point in time, Colleen DiPirro joined the meeting.

**PROJECT MATRIX**

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

**PROJECT PRESENTATIONS**

Iskalo 6700 Transit Road, LLC, 6700 and 6704 Transit Road, Cheektowaga, New York.  
 Mr. Cappellino presented this proposed sales tax, mortgage recording tax exemption and real property tax abatement benefits project involving the expansion of the current facility to accommodate its long-term growth. The proposed new facility would be 105,315 +/- sq. ft. of which 58,690 sq. ft. would consist of brewery production and company offices. The balance would consist of an expansive tap room, event space and related support area which according to New York State law constitutes a retail operation.

Mr. Cappellino stated that in exchange for providing the sales and use tax, mortgage recording tax exemption 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.<br>Total Project Amount = \$32,300,055<br>85% = \$27,455,046                                 |
| Employment       | Coincides with 10-year PILOT | Create 85% of Projected<br>Projected = 90 FT<br>85% = 76 FT<br>Create 85% of Projected<br>Projected = 156 PT<br>85% = 66 FTE<br>Recapture Employment = 142 FTE |
| 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, mortgage recording tax and real property taxes.                                                                        |

Ms. McDuffie moved and Ms. DiPirro seconded to recommend the project as proposed

be forwarded to the ECIDA Board for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

### **RECAPTURE POLICY AND COVID IMPACTS**

General discussion ensued with regard to: (1) Recapture Policy and (2) COVID Impacts such as: (a) impacts of required workforce reductions; (b) ECIDA Agreements; (c) Employment shortfalls; and (d) specific company impacts/requests.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:54 a.m.

Dated: April 2, 2020

  
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Karen M. Fiala, Secretary