

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

- MEETING:** June 4, 2020, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), held the meeting via phone conference. Governor Cuomo’s Executive Order 202.1, as amended, 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.
- PRESENT:** Denise Abbott, Hon. April Baskin, Rev. Mark E. Blue, Hon. William J. Krebs, Richard Lipsitz, Jr., Brenda McDuffie, Hon. Glenn R. Nellis, Laura Smith, David J. State, Lavon Stephens and Maria Whyte
- ABSENT:** Hon. Byron W. Brown, Hon. Johanna Coleman, Richard Cummings and Colleen DiPirro
- OTHERS PRESENT:** John Cappellino, Chief Executive Officer; Karen M. Fiala, Assistant Treasurer/Secretary; Dawn Boudreau, Compliance Officer; Grant Lesswing; Business Development Officer; Robbie McPherson, Director, Marketing & Communications; Brian Krygier, Systems Analyst; Carrie A. Hocienec, Administrative Assistant; and Robert G. Murray, General Counsel
- GUESTS:** Petro Kushnier on behalf of Kamax LLC/Raine Logistics and Alex Carducci on behalf of the City of Buffalo Office of Strategic Planning

There being a quorum present at 9:06 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the April 2, 2020 Policy Committee meeting were presented. Upon motion made by Ms. Whyte and seconded by Mr. Nellis, the aforementioned Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

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

PROJECT PRESENTATIONS

Kamax, LLC/Raine Logistics, Inc., 2890 North America Drive, West Seneca, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax exemption and real property tax abatement benefits project involving the construction of a 14,380 sq. ft. truck terminal in the Town of West Seneca. The company is currently located in the City of Buffalo in a 6,000 sq. ft. leased facility on Hamburg Street. This project involves an inter-municipal move and the Agency has implemented its Inter-Municipal Move Policy and notified both the Mayor and Supervisor of the respective municipalities.

At this point in time, Mr. Blue joined the meeting.

Mr. Kushnier spoke about the project on behalf of the company.

Ms. Baskin queried about the company's MBE utilization plan. General discussion ensued. Ms. Baskin requested that the general contractors confirm use of MBE contractors.

Mr. Lipsitz queried about the company's COVID-19 work plans for safety. Mr. Kushnier discussed the company's social distancing and health and safety plans.

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. Total Project Amount = \$2,214,000 85% = \$1,881,900

Employment	Coincides with 7-year PILOT	Maintain Base: 12 Create 85% of Projected Projected = 1 85% = 1 Recapture Employment = 13
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 7-year PILOT	Adherence to policy
Recapture Period	Coincides with 7-year PILOT	Recapture of state and local sales tax, mortgage recording tax and real property taxes.

Ms. McDuffie moved and Ms. Abbott 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 approved by a vote of 10 in favor, and 1 against, with Ms. Baskin voting in the negative.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:47 a.m.

Dated: June 4, 2020



 Karen M. Fiala, Secretary