



Buffalo and Erie County Industrial Land Development Corporation
Meeting of the Board of Directors
July 28, 2021
@ 12:30 p.m.

95 Perry Street
5th Floor Conference Room
Buffalo, New York 14203

1.0 Call to Order

2.0 Approval of Minutes

2.1 Approval of the June 23, 2021 minutes of the Board of Directors (Action Item) (Pages 2-3)

3.0 Reports / Action Items / Information Items:

3.1 Financial Report (Informational) (Pages 4-7)

3.2 Approval of Resolution to Enter into Contract with Design Firm for New Road B at the Renaissance Commerce Park (Action Item) (Pages 8-10)

4.0 Management Team Report:

4.1

5.0 Adjournment - Next Meeting August 25, 2021 at 12:30 p.m.

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
OF THE
BUFFALO AND ERIE COUNTY
INDUSTRIAL LAND DEVELOPMENT CORPORATION
(ILDC)**

- DATE AND PLACE:** June 23, 2021, held via telephone 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 Board meeting is being live-streamed and made accessible on the Erie County Industrial Development Agency website at www.ecidany.com.
- PRESENT:** Denise Abbott, Hon. April Baskin, Richard Lipsitz, Jr. and Hon. Mark C. Poloncarz
- EXCUSED:** Hon. Byron W. Brown, Hon. Howard Johnson and Hon. Maria Whyte
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Beth O'Keefe, Business Development Officer; Atiqah Abidi, Assistant Treasurer; Robbie Ann McPherson, Director of Marketing and Communications; Lori Szewczyk, Director of Grants; Jamee Lanthier, Compliance Officer; 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 and Tuona Batchelor on behalf of the City of Buffalo

There being a quorum present at 12:35 p.m., the Meeting of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation was called to order by its Chair, Mr. Poloncarz.

MINUTES

Mr. Lipsitz moved and Ms. Abbott seconded to approve of the May 26, 2021 minutes. Mr. Poloncarz called for the vote and the minutes were unanimously approved.

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the May 2021 financial report. The balance sheet shows the month ended with total assets of nearly \$10M and net assets of \$7.2M. One loan under the County's Microloan program also closed during May. The income statement shows approximately \$15,000 of net income, mainly a result of grant income from ECIDA related to ILDC projects. The year to date income statement shows total revenues of \$4,000 and total expenses of \$30,000. Special Project grants relate to funds in for Bethlehem Steel and Angola Ag Park costs. Overall there is net income of \$63,000 to date. Mr. Poloncarz directed that the report be received and filed.

Annual Report of Directors. Ms. Profic reviewed a memorandum regarding the ILDC's Annual Report of Directors. NYS not-for-profit law requires certain information to be presented in a report annually to the ILDC. As the memo outlines, the first four requirements were satisfied with the presentation of the audited financial statements. The final requirement is reporting that ILDC continues to have one membership position, which is held by Erie County. Mr. Lipsitz moved and Ms. Baskin seconded, to approve of the Annual Report of Directors as presented. Mr. Poloncarz called for the vote and the aforementioned motion was unanimously approved.

Acceptance of Final Scoping Documents for Angola Ag Park. Mr. Cappellino provided a brief description of the final scoping documents with regard to the Angola Ag Park. Mr. Lipsitz moved and Ms. Abbott seconded, to approve of accepting the final scoping documents for the Angola Ag Park as presented. Mr. Poloncarz called for the vote, and the following resolution was unanimously approved.

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION ("ILDC") ACCEPTING THE
FINAL SCOPING DOCUMENT FOR THE ERIE COUNTY AGRIBUSINESS
PARK INFRASTRUCTURE AND MASTER PLAN PURSUANT TO THE
NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

There being no further business to discuss, Mr. Poloncarz adjourned the meeting at 12:45 p.m.

Dated: June 23, 2021

Karen M. Fiala, Secretary

Industrial Land Development Corp.

Financial Statements

As of June 30, 2021

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Balance Sheet

June 30, 2021

	June 2021	May 2021	December 2020
ASSETS:			
Restricted Cash *	\$ 2,129,205	\$ 1,757,615	\$ 1,944,866
Grants Receivable	7,706,927	1,049,330	514,051
Loans Receivable, net	310,146	242,472	35,966
Prepaid Expenses	8,519	9,938	-
Prepaid Acquisition Costs	509,412	35,316	24,110
Total Loan Assets	10,664,210	3,094,670	2,518,993
Capital Assets	6,885,537	6,882,024	6,877,681
Total Assets	\$ 17,549,748	\$ 9,976,695	\$ 9,396,674
LIABILITIES & NET ASSETS:			
Accounts Payable	\$ 8	\$ -	\$ 32,609
Due to/(from) ECIDA	335,738	330,738	283,473
Other Liabilities	10,008,671	2,425,377	2,038,091
Total Liabilities	10,344,417	2,756,115	2,354,173
Restricted Fund Balance	7,205,331	7,220,580	7,042,501
Total Liabilities & Net Assets	\$ 17,549,748	\$ 9,976,695	\$ 9,396,674

Loan Portfolio Summary:	June 2021	May 2021	December 2020
# of Loans	10	8	3

* Cash is invested in interest bearing accounts at M&T Bank.
The maximum FDIC insured amount is \$250,000 with the remainder collateralized with government obligations by the financial institution.

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")
Income Statement
Month of June 2021

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Interest Income - Loans	\$ 106	\$ 375	\$ (269)
Interest Income - Cash & Inv.	14	2	12
Proceeds from Land Sales	-	20,833	(20,833)
Other Income	750	750	-
Total Revenues	<u>870</u>	<u>21,960</u>	<u>(21,089)</u>
EXPENSES:			
Management Fee - ECIDA	\$ 5,000	\$ 5,000	-
Professional Services	5,859	6,667	(807)
General Office Expenses	0	-	0
Other Expenses	(480)	2,281	(2,761)
Total Expenses	<u>10,379</u>	<u>13,948</u>	<u>(3,569)</u>
SPECIAL PROJECT GRANTS:			
Industrial Land Park - ESD	3,600	129,583	(125,983)
Industrial Land Park - ECIDA	-	16,667	(16,667)
Angola Ag Park - ECIDA Grant	-	8,333	(8,333)
Other grant revenue	108,106	245,833	(137,727)
Industrial Land Park costs	(8,182)	(16,667)	8,485
Angola Ag Park grant costs	(1,157)	(8,333)	7,176
Other grant expenses	(108,106)	(245,833)	137,727
	<u>(5,739)</u>	<u>129,583</u>	<u>(135,323)</u>
NET INCOME/(LOSS):	<u>\$ (15,249)</u>	<u>\$ 137,566</u>	<u>\$ (152,814)</u>

* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on budget.

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Income Statement

Year to Date: June 30, 2021

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Interest Income - Loans	\$ 345	\$ 2,250	\$ (1,905)	\$ 345	\$ 323	\$ 22
Interest Income - Cash & Inv.	151	10	142	151	11	140
Proceeds from Land Sales	-	125,000	(125,000)	-	-	-
Other Income	4,500	4,500	-	4,500	750	3,750
Total Revenues	4,996	131,760	(126,763)	4,996	1,083	3,912
EXPENSES:						
Management Fee - ECIDA	\$ 30,000	\$ 30,000	-	\$ 30,000	\$ 29,000	\$ 1,000
Professional Services	15,139	40,000	(24,861)	15,139	62,905	(47,766)
General Office Expenses	614	-	614	614	-	614
Other Expenses	(1)	13,688	(13,689)	(1)	2,886	(2,887)
Total Expenses	45,752	83,688	(37,935)	45,752	94,791	(49,039)
SPECIAL PROJECT GRANTS:						
Industrial Land Park - ESD	22,166	777,500	(755,335)	22,166	-	22,166
Industrial Land Park - ECIDA	187,255	100,000	87,255	187,255	105,000	82,255
Angola Ag Park - ECIDA Grant	25,696	50,000	(24,304)	25,696	844,296	(818,600)
Other grant revenue	249,375	1,475,000	(1,225,625)	249,375	24,740	224,635
Industrial Land Park costs	(177,566)	(100,000)	(77,566)	(177,566)	(84,679)	(92,887)
Angola Ag Park grant costs	(20,929)	(50,000)	29,071	(20,929)	(3,490.50)	(17,438)
Other grant expenses	(197,411)	(1,475,000)	1,277,589	(197,411)	(24,740)	(172,671)
	88,586	777,500	(688,914)	88,586	861,127	(772,541)
NET INCOME/(LOSS):	\$ 47,830	\$ 825,573	\$ (777,742)	\$ 47,830	\$ 767,419	\$ (719,589)

* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on budget.



MEMORANDUM

July 28, 2021

To: Members of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation

Re: Renaissance Commerce Park – Road B Design Services

Background:

The ILDC recently publicly issued an RFP to provide Engineering Documents (Engineer's Report, Design Plans & Specifications) along with construction administration and resident engineer during construction for construction of approx. 1,110 feet of new roadway extending from Dona Street to the north which will provide vehicular and truck access for adjacent parcels.

The new road shown as "Road B" on the Advanced Manufacturing Park – Infrastructure Master Plan (attached) will serve to provide truck and vehicle access to adjoining parcels including development site #5 on which the new spec. manufacturing/warehouse facility is planned.

The ILDC received multiple proposals which were evaluated by a review committee. As a result of the review process the committee is recommending that the board act to award the contract to FoitAlbert Associates. Funding for the work is being provided through the Buffalo Billion program from Empire State Development.

Requested Action:

Seeking approval to contract with FoitAlbert Associates for engineering, design services and resident engineer services for the construction of new Road B, more fully described in the Request for Proposals publicly issued by the ILDC in compliance with the ILDC's procurement policy for the amount of \$171,800.00 and any appropriate change orders or scope additions as approved by the CEO in consultation with the ILDC board Chair.

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND
DEVELOPMENT CORPORATION**

RESOLUTION

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) was convened on Wednesday, July 28, 2021 at 9:00 a.m.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION (“ILDC”) AUTHORIZING THE
ILDC TO ENTER INTO A CONTRACT WITH FOITALBERT ASSOCIATES
FOR THE PROVISION OF ENGINEERING, DESIGN SERVICES AND
RESIDENT ENGINEER SERVICES FOR THE CONSTRUCTION OF
NEW ROAD B AT THE RENAISSANCE COMMERCE PARK**

WHEREAS, the ILDC is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County, and to lessen the burdens of government and act in the public interest; and

WHEREAS, the ILDC owns approximately 130 acres of real property located within the Renaissance Commerce Park in Lackawanna, New York, and is currently in negotiations to purchase an additional, and adjacent, approximately 90 acre parcel of real property also located within the adjacent former Bethlehem Steel Site in Lackawanna, New York (collectively, the “Real Property”); and

WHEREAS, the ILDC desires to establish an Advanced Manufacturing Park within the Real Property and related thereto, recently completed an Infrastructure Master Plan and prepared a Generic Environmental Impact Statement (“GEIS”) and Findings Statement pursuant to Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, in an effort to initiate the Infrastructure Master Plan, the ILDC desires to construct approximately 1,100 feet of new roadway extending from Dona Street to the north which will provide vehicular and truck access to adjacent parcels within the Renaissance Commerce Park, said new road referred to as Road B within the GEIS (the “Project”); and

WHEREAS, on May 15, 2021, the ILDC, in a manner consistent with its Procurement Policy, issued a Request for Proposals (the “RFP”) for engineering firms to provide Engineering Documents (Engineer’s Report, Design Plans & Specifications) along with construction administration and resident engineer services during construction for the Project; and

WHEREAS, ILDC staff received multiple proposals in response to the RFP and established a review committee (the "Review Committee") to analyze and consider said RFP responses; and

WHEREAS, the Review Committee is recommending that the ILDC retain the services of FoitAlbert Associates ("FA Associates") with respect to undertaking the Project consistent with the ILDC's SEQRA findings and the Infrastructure Master Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. Subject to the terms of this Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the ILDC, to negotiate and execute a contract with FA Associates for engineering and design services for the Project in the amount of \$171,800.00 and any appropriate change orders or scope additions as approved by the President/Chief Executive Officer, in consultation with the ILDC Chair.

Section 2. The officers, employees, and agents of the ILDC are hereby authorized and directed for and in the name and on behalf of the ILDC to do all acts and things required and to execute and deliver all such checks, certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent so acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the ILDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ILDC.

Section 3. Any and all prior actions taken by the ILDC with respect to the contents of this Resolution are hereby ratified and confirmed.

Section 4. These Resolutions shall take effect immediately.

Dated: July 28, 2021