

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

DATE AND PLACE: April 28, 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. Howard Johnson, Hon. Mark C. Poloncarz and Maria Whyte

EXCUSED: Hon. April Baskin, Hon. Byron W. Brown and Richard Lipsitz, Jr.

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; Beth O'Keefe, Business Development Officer; Atiqa Abidi, Assistant Treasurer; Robbie Ann McPherson, Director of Marketing and Communications; Jamee Lanthier, Compliance Officer, and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC

GUESTS: Andrew Federick, Erie County Senior Economic Development Specialist

There being a quorum present at 12:45 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. Johnson moved, and Ms. Whyte seconded to approve of the March 24, 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 March 2021 financial report. She noted that the balance sheet indicates the ILDC ended the month with total assets of \$9.7M and net assets of \$7.0M. The March income statement shows \$800 of revenue and \$13,000 of expenses, netting to a (\$12,500) net loss in March. The year-to-date income statement shows total revenues of \$2,500 and total expenses of \$27,000. Special project grants relate to funds in the Bethlehem Steel and Angola Ag Park costs. Overall there is a net loss of \$25,000 for 2021. Mr. Poloncarz directed that the report be received and filed.

Approval of Funding Agreement with Erie County IDA. Mr. Cappellino presented this report outlining a proposed funding agreement with the Erie County IDA. As part of our shared mission and ILDC's work to revitalize the former Bethlehem Steel property under its Master Plan, two grants have been awarded to construct public roads, water and sewer infrastructure at the site. Grants of \$7,695,000 from Empire State Development and \$2,680,000 from the federal Economic Development Administration have been accepted and executed by ILDC. Given that the terms of these grants both require costs be paid up front and the possibility of large dollar-amount construction invoices, ILDC is requesting the acceptance of a grant from ECIDA's UDAG fund of up to \$1,000,000 on a revolving basis. This will allow the ILDC to make timely payments of invoices related to this project. When reimbursements or draws are received, ILDC will reimburse the IDA. The work is expected to take several years to complete. We are requesting approval of the resolution to allow up to \$1,000,000 to be granted to ILDC on a revolving basis.

Ms. Abbott moved and Ms. Whyte seconded to approve of the Funding Agreement with Erie County IDA. Mr. Poloncarz then called for the vote and following resolution was then unanimously approved:

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC") TO ENTER INTO A FUNDING AGREEMENT WITH THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("AGENCY") FOR CONSTRUCTION OF PUBLIC ROADWAY, WATER AND SEWER INFRASTRUCTURE WITHIN AND UPON LANDS OWNED BY THE ILDC AT THE FORMER BETHLEHEM STEEL SITE IN LACKAWANNA, NEW YORK, IN AN AMOUNT NOT TO EXCEED \$1,000,000 ON A REVOLVING BASIS FROM THE AGENCY'S U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT URBAN DEVELOPMENT ACTION GRANT ("UDAG") REFLOW FUND

Approval of Lead Agency, Positive Declaration, Draft Scoping Document, and Scoping Meeting for Angola Ag Park. Mr. Cappellino reviewed the SEQR process related to the Master Planning for the Angola Agricultural Business Park and the contemplated ILDC assumption of

lead agency status related to same, the ILDC's issuance of a positive declaration resulting in the requirement to prepare a Generic Environmental Impact Statement (GEIS) approving of a draft scoping document, and establishing a public meeting date to review the draft scoping document for GEIS purposes pursuant to SEQR.

Ms. Whyte moved and Mr. Johnson seconded to approve of lead agency designation, positive declaration determination, draft scoping document approval, and scoping meeting date determination. Mr. Poloncarz then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC") ACCEPTING LEAD AGENCY STATUS WITH RESPECT TO THE ERIE COUNTY AGRIBUSINESS PARK INFRASTRUCTURE AND MASTER PLAN, ISSUING A POSITIVE DECLARATION, APPROVING OF A DRAFT SCOPING DOCUMENT, AND ESTABLISHING A PUBLIC MEETING DATE TO REVIEW THE DRAFT SCOPING DOCUMENT ALL PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

MANAGEMENT TEAM REPORTS

Mr. Cappellino presented the report. Mr. Poloncarz directed that the report be received and filed.

There being no further business to discuss, Mr. Poloncarz adjourned the meeting at 12:54 p.m.

Dated: April 28, 2021



Karen M. Fiala, Secretary