

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

- MEETING:** September 9, 2021, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), 95 Perry Street, 5th Floor ESD Conference Room, Buffalo, New York 14203.
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency’s website at www.ecidany.com.
- PRESENT:** Denise Abbott; Rev. Mark Blue; Johanna Coleman; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Hon. Glenn Nellis; Laura Smith; Lavon Stephens; and Maria Whyte
- EXCUSED:** Hon. April Baskin; Hon. Bryon W. Brown; Colleen DiPirro; David State; and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Atiqah Abidi, Assistant Treasurer; Jamee Lanthier, Compliance Officer; Beth O’Keefe, Business Development Officer; Robbie Ann McPherson, Director, Marketing & Communications; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Pat Smith, Bookkeeper; and Pietra G. Zaffram, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Alex Carducci, on behalf of City of Buffalo and Matt Connors on behalf of George Lewis House Apartments and Walcot Apartments

There being a quorum present at 11:00 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the August 5, 2021 Policy Committee meeting were presented. Upon motion made by Mr. Nellis to approve of the minutes, and seconded by Ms. McDuffie, the aforementioned Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

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

PROJECT PRESENTATIONS

George Lewis House Apartments, 197 Summer Street, Buffalo, New York 14222. Ms. O'Keefe presented this proposed sales tax benefits project involving the adaptive reuse of approximately 9,200+/- SF of the George Lewis House facility located at 197 Summer Street which will consist of the renovation of the building into 9 apartment units, roughly 500 SF of commercial space to service the building as amenity-driven, tenant storage, elevator, and parking.

General discussion ensued.

Ms. O'Keefe stated that in exchange for providing the sales and use tax 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 = \$2,875,000 85% = \$2,443,750
Employment	Coincides with recapture period	Projected = 1 85% = 1 Recapture Employment = 1
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to policy
Unpaid Tax	Coincides with recapture period	Adherence to policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes

Mr. Blue 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.

Walcot Apartments, 257 Elmwood Avenue, Buffalo, New York 14222. Ms. O'Keefe presented this proposed sales tax benefits project involving the adaptive reuse and historic tax

credit project. This 12,500 sq. ft. mid-century building has been vacant for nearly a decade. The project will create 12 apartments with approximately 500 sq. ft. of light commercial space on the first floor.

General discussion ensued.

Ms. O’Keefe stated that in exchange for providing the sales and use tax 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 = \$3,345,000 85% = \$2,843,250
Employment	Coincides with recapture period	Projected = 1 85% = 1 Recapture Employment = 1
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to policy
Unpaid Tax	Coincides with recapture period	Adherence to policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes

Mr. Blue moved and Ms. Whyte 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.

SOLAR PILOTS UPDATE

Mr. Cappellino stated that last month the Policy Committee recommended that the Board adopt the Solar PILOT Policy at its next meeting. However, the Board could not approve the Solar PILOT Policy at its August meeting, as there was not a quorum. The Agency has a Solar PILOT request on Bullis Road waiting for approval. Therefore, the Board will need to consider and potentially approve the Solar PILOT Policy at its September 22nd meeting, and then immediately thereafter will need to consider for approval, the Bullis Road project.

General discussion ensued.

ZOOM MEETINGS

Mr. Cappellino noted that public meetings may currently be held via Zoom. Due to the high transmission rate of COVID in Erie County, Agency meetings will be held by Zoom for the next month and foreseeable future.

MWBE UPDATE

Ms. Whyte advised there has been progress made on defining good faith efforts and setting parameters/definitions for compliance with the MWBE Policy. The working group will continue the review of, and revisions to, the draft MWBE Policy at the next Special Policy Committee meeting on September 23, 2021.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 11:49 a.m.

Dated: September 9, 2021



Karen M. Fiala, Secretary