

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

- MEETING:** March 4, 2021, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), meeting held via phone 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 meeting is being live-audio streamed and made accessible on the Agency’s website at www.ecidany.com.
- PRESENT:** Denise Abbott; April Baskin; Johanna Coleman; Colleen DiPirro; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Glenn Nellis; Laura Smith; David State; Lavon Stephens and Maria Whyte
- EXCUSED:** Rev. Mark Blue; Bryon W. Brown and Richard Cummings
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Atiqah Abidi, Assistant Treasurer; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Beth O’Keefe, Business Development Officer; Robbie Ann McPherson, Director of Marketing and Communications; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Lisa Hicks on behalf of the City of Buffalo; Alex Carducci on behalf of the City of Buffalo; Carl Montante III on behalf of Terzo Development; Benjamin Harp and Christopher Brown on behalf of Polymer Conversions.

There being a quorum present at 9:02 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the January 7, 2021 Policy Committee meeting were presented. Upon motion made by Mr. Nellis and seconded by Ms. Whyte, the aforementioned Policy Committee meeting minutes were then unanimously approved.

The minutes of the February 8, 2021 Special Policy Committee meeting were presented. Upon motion made by Mr. Krebs and seconded by Ms. McDuffie, the aforementioned Policy Committee meeting minutes were then unanimously approved.

PROJECT MATRIX

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

PROJECT PRESENTATIONS

Surmet Ceramics Corp., 743 Hertel Avenue, Buffalo, New York. Mr. Cappellino presented this proposed sales tax exemption benefit project involving the construction of a 3,400 sq. ft. expansion to the existing 75,000 sq. ft. leased space. The additional space will be used for CIP (cold isostatic press) building and associated foundation (pit) and utilities extension. The project consists of the construction of a 3,400 sq. ft. expansion to the company's existing 130,000 sq. ft. facility.

Mr. Cappellino stated that in exchange for providing the sales tax exemption benefit, 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 = \$11,500,000 85% = \$9,775,000
Employment	Coincides with recapture terms	Maintain base = 13 Create 85% of Projected Projected = 18 85% = 15 Recapture Employment: 28
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture terms	Adherence to policy

Unpaid Tax	Coincides with recapture terms	Adherence to policy
Recapture Period	2 years following project completion	Recapture of state and local sales taxes

Ms. McDuffie moved and Ms. DiPirro seconded to recommend the project as proposed be forwarded to the members of the ECIDA Board for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

Terzo Development/Bush Lofts, 44 17th Street, Buffalo, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the renovation and re-use of a 15,000 sq. ft. existing facility into 13 apartments. Three of the 13 units will be offered at 80% of the adjusted median income (“AMI”) throughout the 7-year PILOT term. There will also be 6-7 spaces of off-site parking available to tenants as well as a curb cutout in front of the building which will open up 3-4 additional parking spaces.

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 = \$3,050,000 85% = \$2,592,000
Employment	Coincides with 7-year PILOT	Create 85% of Projected Projected = 1 PT 85% = 1 PT Recapture Employment = 1 PT
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 taxes, mortgage recording tax and real property taxes

General discussion ensued in regard to the Company’s response to comments received at the Agency’s public hearing held with respect to the Project as proposed. It was noted that the Company would continue to meet with community residents in efforts to continue to keep residents apprised of the Project.

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

Ms. Coleman moved and Ms. DiPirro 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.

POLYMER CONVERSIONS ECIDA ASSIGNMENT CONSENT

Ms. McDuffie moved and Ms. Smith seconded to recommend the approval of the assignment and assumption of the Polymer Conversion to Medbio, LLC be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

MWBE UPDATE

Ms. Whyte provided members with an update on the MWBE working committee.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:52 a.m.

Dated: March 4, 2021



Karen M. Fiala, Secretary