

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

- MEETING:** August 5, 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:** Rev. Mark Blue; Johanna Coleman; Colleen DiPirro; Richard Lipsitz; Glenn Nellis; David State; Lavon Stephens; and Maria Whyte
- EXCUSED:** Denise Abbott; Hon. April Baskin; Bryon W. Brown; Hon. William Krebs; Brenda W. McDuffie; Laura Smith; and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Beth O’Keefe, Business Development Officer; Robbie Ann McPherson, Director, Marketing & Communications and Pietra G. Zaffram, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Mark Smith, Kyle Boland and Michael Thornhill on behalf of Coca-Cola; Barry Carrigan from Nixon Peabody on behalf of Coca-Cola; Peter Julia, BW Design Group on behalf of Coca-Cola; Kim Ferguson and Kyle Swiat on behalf of Sti-Co./Skycatcher

There being a quorum present at 9:15 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the July 1, 2021 Policy Committee meeting and July 13, 2021 Special Policy Committee meeting were presented. Upon motion made by Ms. DiPirro to approve of the minutes, and seconded by Mr. Nellis, the aforementioned Policy Committee meeting minutes were unanimously approved.

PROJECT PRESENTATIONS

Coca-Cola Beverages Northeast, Inc., 150 and 200 Milens Road, Tonawanda, New York 14150. Mr. Cappellino presented this proposed sales tax and real property tax abatement

benefits project involving the demolition of a 14,490 sq. ft. former trucking facility at 150 Milens Road followed by the construction of a building consisting of 20,000 sq. ft. of office space and 43,000 sq. ft. of new warehouse space on the site. Once this phase is completed, Coca-Cola will transfer operations from the warehouse located at 200 Milens Road to the newly constructed warehouse at 150 Milens Road. The next phase will consist of the demolition of the existing 88,121 sq. ft. warehouse at 200 Milens Road and the construction of a 49,000 sq. ft. warehouse facility.

General discussion ensued.

Mr. Cappellino stated that in exchange for providing the sales and use tax 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 = \$22,611,507 85% = \$19,219,781
Employment	Coincides with 10-year PILOT	Maintain Base = 124
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to policy
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes and real property taxes

Mr. Blue 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.

Skycatcher Holdings, LLC, 15 Cobham Drive, Orchard Park, New York 14127. Mr. Cappellino presented this proposed sales tax and mortgage recording tax benefits project involving the renovating of 15 Cobham facility and then transfer operations from the existing leased facility to the newly renovated and more efficiently laid-out facility. The lease on the current site expires in August 2023. The new facility will provide office, manufacturing and research and development functional areas. It will be used for manufacturing all antenna systems and related components including raw material parts.

General discussion ensued.

Mr. Cappellino stated that in exchange for providing the sales and use tax and mortgage recording tax exemption 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 = \$ 2,879,000 85% = \$2,447,150
Employment	Coincides with recapture period	Retained Jobs - 41 Create 85% of Projected Projected = 6 85% = 5 Recapture Employment = 46
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 and mortgage recording tax

Mr. State moved and Mr. Blue 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 he is continuing to receive requests for solar PILOTS. Mr. Cappellino reviewed the changes to the draft off site commercial solar photovoltaic policy which was provided in the Board package. He noted that the Policy Committee contemplates entering into a Host Community Agreement with the County to fund agricultural programs. Further discussion on the solar PILOT program will be held at the August Board meeting.

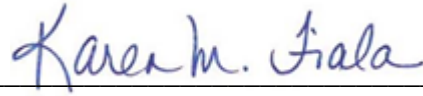
General discussion ensued.

MWBE UPDATE

Ms. Whyte advised there has been progress made on defining good faith efforts and setting parameters/definitions for compliance, and they will continue the review of, and revisions to, the draft MWBE Policy at the next Special Policy Committee meeting on August 12, 2021.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 10:03 a.m.

Dated: August 5, 2021

Handwritten signature of Karen M. Fiala in blue ink.

Karen M. Fiala, Secretary