

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

- MEETING:** April 15, 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](http://www.ecidany.com).
- PRESENT:** April Baskin; Rev. Mark Blue; Colleen DiPirro; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Glenn Nellis; Laura Smith; David State; Lavon Stephens and Maria Whyte
- EXCUSED:** Denise Abbott; Bryon W. Brown; Johanna Coleman and Richard Cummings
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Atiq Abidi, Assistant Treasurer; Jamee Lanthier, Compliance Officer; 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 Pietra G. Zaffram, 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; Benjamin Harp on behalf of Polymer Conversions; Marc Wyzykowski, Kellena Kane, Peter Sayadoff, and Michael Montante on behalf of Uniland Development

There being a quorum present at 2:20 p.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

## MINUTES

The minutes of the March 4, 2021 Policy Committee meeting and the minutes of the March 26, 2021 Special Policy Committee meeting were presented. Upon motion made by Mr. Blue and seconded by Mr. State, 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

BLD VII, LLC, 8 Dona Street, Lackawanna, New York 14218. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the construction of a 151,200 sq. ft. industrial spec building. The building would be offered as a multi-tenant facility as there presently exists a demand for this type of space.

Uniland representatives presented renderings and further discussed the project.

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 = \$14,570,786 85% = \$12,385,168
Employment	Coincides with 10-year PILOT	Create 85% of Projected Projected = 41 85% = 35
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	10-year PILOT term	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

Ms. DiPirro stated given Uniland’s outstanding history and reputation as a developer, the demonstrated need in the market and redevelopment of Brownfield areas is indication of improvement of the economy. She is in favor of the project.

Mr. Blue stated interest in redevelopment of the former Bethlehem Steel site is a great opportunity.

Mr. Blue moved and Ms. McDuffie 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.

Ms. Whyte is in favor of the project and thanked Mr. Cappellino and the Uniland team for their terrific work. She appreciated Uniland working with us on workforce goals that serve the community. Mr. State stated the project is enhancing area growth and was honored to support the project. Mr. Lipsitz thanked Uniland for their presentation noted upon completed there will be an estimated 350-400 workers on the entire site. Ms. Smith echoed everyone’s sentiment and stated Uniland is a great partner.

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

Polymer Conversions, Inc., 5732 Big Tree Road, Orchard Park, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the construction of an approximately 41,500+/- square foot expansion to the existing building for the purpose of expanding and consolidating the Company’s cleanroom manufacturing space, warehouse space, engineering offices, tool room space, and meeting space.

Mr. Hart from the company made a presentation to the members.

Ms. Smith stated she was in support of the project. Ms. McDuffie has followed this company for a very long time and is happy it has grown and is competitive in our region. She also supports the project.

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 = \$14,250,000 85% = \$12,112,500

Employment	Coincides with 10-year PILOT	Maintain Base = 125 Create 85% of Projected Projected = 15 85% = 13 Recapture Employment = 138
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, mortgage recording tax and real property taxes

Ms. McDuffie 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.

#### **EMPLOYMENT IMPACT COVID-10 PANDEMIC**

Mr. Cappellino provided members with an update regarding the impact of the COVID-19 pandemic on employment Mr. Cappellino recommended adoption of special COVID-19 waiver to the Agency’s Recapture Policy 2020, noting any company who applies for the waiver must document the reasons for its request.

Ms. Smith queried if there was a trend as to type of industry or size of company seeing impacts from the pandemic. Mr. Cappellino noted certain back office employers have been impacted, and acknowledged the Agency’s project population steered to manufacturers.

Ms. Smith then queried as to how the Agency will know when the waiver is not needed. Mr. Cappellino replied that there will probably be conversation on this topic until 2022 or when the disaster order expires. Mr. Krebs stated it is a great idea and makes sense.

Ms. McDuffie noted this recommendation is indicative of Agency staff being responsive to community needs. It shows flexibility given the circumstances and she endorses this recommendation.

Mr. Lipsitz noted the thoughtful review because some businesses have increased productivity. The recommendation was well written and thoughtful and he supports the recommendation.

Ms. DiPirro moved and Ms. Whyte seconded to recommend the approval of the amendment to the Recapture Policy.

Ms. Whyte stated commended the thoughtful discussion and creativity in part of staff, noting it reduces to writing logic applied to earlier projects.

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 2:50 p.m.

Dated: April 15, 2021



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Karen M. Fiala, Secretary