

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

**DATE AND PLACE:** August 3, 2023 at the Erie County Industrial Development Agency, 95 Perry Street, 4<sup>th</sup> Floor Conference Room, Buffalo, New York 14203

**PRESENT:** Zachary Evans; Richard Lipsitz, Jr.; Dr. Susan McCartney; Brenda W. McDuffie; Hon. Glenn R. Nellis; Laura Smith; Lavon Stephens and Paul Vukelic

**EXCUSED:** Denise Abbott; April Baskin; Hon. A.J. Baynes; Rev. Mark E. Blue; Hon. Bryon W. Brown; David J. State and Hon. John Tobia

**OTHERS PRESENT:** John Cappellino, President and Chief Executive Officer; Beth O’Keefe, Vice President of Operations; Mollie Profic, Chief Financial Officer; Grant Lesswing, Director of Business Development; Andrew Federick, Property & Business Development Officer; Soma Hawramee, Compliance Portfolio Manager; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; and Robert G. Murray, General Counsel/Harris Beach PLLC

**GUESTS:** Alex Carducci on behalf of the City of Buffalo; Marco Riccioni, Joe Aliasso on behalf of IMA Life North America; and Byron DeLuke on behalf of Montante Construction

There being a quorum present at 9:07 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

**MINUTES**

The minutes of the July 13, 2023 Policy Committee meeting were presented. Upon motion made by Ms. McDuffie to approve of the minutes, and seconded by Mr. Nellis, the aforementioned Policy Committee meeting minutes were unanimously approved.

**PROJECT MATRIX**

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

**PROJECT PRESENTATION**

IMA Life North America, 700 Colvin Woods Parkway, Tonawanda, New York 14150. Ms. O’Keefe presented this proposed sales tax and real property tax abatement benefits project involving the construction of a 80,000 sq. ft. facility that will include 50,000 sq. ft. of production space and 30,000 sq. ft. of office space, as well as exterior parking, truck court, and dumpster areas. The new facility will include a development laboratory, three production bays, and warehouse space for the development, sale, assembly, testing, and shipping of Freeze Dryers for the pharmaceutical section as well as corporate office space.

Ms. McDuffie spoke in favor of the project and queried as to use of MWBE contractors. Mr. DeLuke, on behalf of the company, confirmed the company provided a list of local MWBE vendors and confirmed it has worked with about ½ of the firms on the list and intends to do so for this project.

Mr. Vukelic queried as to driving force behind the expansion. Mr. DeLuke stated that increased business is the driving force behind the expansion.

Ms. Smith spoke in favor of the project.

Ms. O’Keefe confirmed that IMA Life North America is seeking approximately \$3,208,568 in assistance including sales tax exemption and real property tax exemption. Total payroll is projected at \$271,708,435 which includes the direct and indirect jobs for both the temporary and ongoing positions over the life of the PILOT. Created jobs include 110 construction jobs. The resulting cost benefit is 87:1 so for every \$1 of incentives the community benefit is \$87 in payroll & tax revenue. For Erie County: for every \$1 of incentives the community benefit is \$95 in benefits to the community.

Ms. O’Keefe 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 = \$27,556,179 85% = \$23,422,752
Employment	Coincides with 10-year PILOT	Maintain Base = 120 FTE Create 85% of Projected Projected = 30 FTE 85% = 25 FTE Recapture Employment = 145 FTE

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 tax

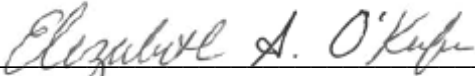
Ms. Smith moved and Dr. McCartney seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

### **WORK FROM HOME POLICY DISCUSSION**

Mr. Cappellino reviewed current “post-pandemic” workforce and work from home status and trends. He further described ECIDA material employment terms requiring companies to maintain existing work force and create jobs and maintain those employee positions through a defined period of time and also described the assumption that the employee positions were at the project site. Mr. Cappellino further discussed and highlighted the nuances of what working remotely may mean with respect to meeting the company’s job retention and job creation requirements. General discussion ensued with consensus being built around addressing this issue on a case by case basis when and if this issue arises.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:55 a.m.

Dated: August 3, 2023

  
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 Elizabeth A. O’Keefe, Secretary