

**MINUTES OF THE MEETING
OF THE
MEMBERSHIP OF THE
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
(ECIDA or AGENCY)**

DATE AND PLACE: September 23, 2026, at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203

PRESENT: Rev. Mark Blue, Grace Bogdanove, Lorry Goldhawk, Tyra Johnson, Hon. Shawn Lavin, Brenda McDuffie, Glenn Nellis, Hon. Brian Nowak, Hon. Mark Poloncarz, Hon. Taisha St. Jean Tard and Kenneth Schoetz

EXCUSED: Dr. LaVonne Ansari, Hon. Joel Feroletto, Hon. John J. Flynn, Gregory Inglut, Grant Loomis, Hon. Sean Ryan, and Stephen Zenger

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Soma Hawramee, Director of Operations; Jerry Manhard, Chief Lending Officer; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Brian Krygier, Director of Information Technology; Grant Lesswing, Director of Business Development; Noah Cliff, Business Development Officer; Atiqah Abidi, Accounting Manager; Alyssa Penny, Compliance Associate; Erin Ellis, Project Manager and Robert Murray, Esq., General Counsel/Harris Beach Murtha

GUESTS: Zaque Evans and Daniel Castle on behalf of Erie County; Thomas Baines on behalf of the City of Buffalo; Jonathan Epstein on behalf of Buffalo News and Matt Campell and Joe Correra on behalf of J.G. Petrucci

There being a quorum present at 12:03 p.m., the meeting of the members of the Erie County Industrial Development Agency (the “ECIDA” or “Agency”), was called to order by the Chair, Ms. McDuffie.

MINUTES

The minutes of the July 22, 2026 meeting of the members were presented. Ms. St. Jean Tard moved, and Mr. Nellis seconded to approve of the minutes. Ms. McDuffie called for the vote, and the minutes were unanimously approved.

Policy Committee Update. Mr. Cappellino updated members on the most recent Policy Committee meeting whereat the Niagara Power Transformer project was presented to and considered by the members and unanimously approved for submission to the Board for approval.

INDUCEMENT RESOLUTION

Niagara Power Transformer LLC, 1746 & 1755 Dale Road, Cheektowaga, New York. Ms. Hawramee reviewed this proposed sales and use tax and real property tax abatement benefits project involving a six-phase, two-year expansion of the Company's existing 121,500 SF manufacturing campus. The project will redevelop adjacent properties and add approximately 55,000 SF of new manufacturing space and renovate 41,000 SF of existing properties.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment made with respect to the Project at the time of Project completion equals or exceeds \$60,522,938 (which represents the product of 85% multiplied by \$71,203,457, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 146 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 208 FTE employees [representing the sum of (x) 146 Baseline FTE and (y) 62 FTE employees, being the product of 85% multiplied by 73 (being the 73 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.

- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency’s Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

General discussion ensued.

Mr. Poloncarz spoke in favor of the project.

Mr. Nowak also spoke in favor of the project and the need to see this type of infrastructure project come to fruition.

Mr. Nowak moved and Mr. Poloncarz seconded to approve the Project as proposed. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF NIAGARA POWER TRANSFORMER, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

REPORTS / ACTION ITEMS / INFORMATION ITEMS:

Financial Report. Ms. Profic presented the August financial reports. The balance sheet shows that the IDA finished the month with total assets of \$29.8M, a decrease of \$413,000 from July. The main driver of that change was a cash decrease of \$449,000, due to expenditures related to railroad grants (PFRAP). This corresponds with the decrease in Deferred Revenue. Restricted cash also decreased \$178,000 as a result of UDAG funds lent to ILDC. Total liabilities decreased \$349,000, mostly due to the decrease in Deferred Revenue. Overall net assets were \$20.8M at month end.

The monthly income statement shows a net loss of \$44,000 in August. Operating revenue of \$180,000 was below the monthly budget, mainly due to lower than budgeted administrative fees collected during the month. Rental income exceeded the monthly budget due to the receipt of the annual profit sharing from the Port Terminal operator of \$106,000. Operating revenue of \$255,000, was below the monthly budget by \$34,000, with the largest variances in salaries and benefits, professional services and public hearings and marketing. Net non-operating revenue of \$29,000 brings us to a net loss of \$44,261 for the month.

The year-to-date income statement shows operating revenues of \$2.14M, including administrative fee revenue of \$1.4M. While it was a slower month, we are at 76% of our budgeted administrative fee revenue through August. Operating expenses of \$2.15M are \$190,000 below budget, with the largest negative variances in salaries and benefits and building operating costs. Other expenses categories are within \$10,000 of the year-to-date budget. After net non-operating revenue of \$269,000, there is currently net income of \$177,932 for the year. Ms. McDuffie directed that the report be received and filed.

Finance and Audit Committee Update. Ms. Profic updated the Board on the most recent Finance and Audit Committee meeting whereat the proposed 2027 ECIDA budget was presented and reviewed. Ms. Profic reviewed the 2027 Budget approved timeline and procedures along with the draft proposed 2027 budget. Ms. McDuffie directed that the report be received and filed.

2027 Budget Timeline. Ms. Profic advised members that the budget review process timeline is in their package.

Review of 2027 Proposed Budget. Ms. Profic reviewed the proposed 2027 budget. General discussion ensued. Ms. McDuffie directed that the report be received and filed.

2026 Tax Incentives Induced/Closing Schedule. Mr. Cappellino presented this report. Ms. McDuffie directed that the report be received and filed.

Approval of Resolution to enter into Contract for RR line 1246 Rail Bridge Painting Grant. Mr. Cappellino reviewed this project.

Mr. Poloncarz moved and Rev. Blue seconded to approve the resolution for the rail bridge painting grant. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE NEGOTIATION AND EXECUTION OF A GRANT AGREEMENT BETWEEN THE COUNTY OF ERIE AND THE AGENCY RELATIVE TO CERTAIN RAILROAD REPAIR AND MAINTENANCE ACTIVITIES TO BE UNDERTAKEN AT THE BUFFALO SOUTHERN RAILROAD (THE "RAILWAY FACILITIES") IN AN AMOUNT NOT TO EXCEED \$70,000

MANAGEMENT TEAM REPORT

It was noted that Robbie-Ann McPherson, the Agency's Director of Marketing and Communications, will be leaving the Agency and relocating to Florida. Ms. McDuffie thanked her for the knowledge, expertise, and professionalism she has brought to the Agency and expressed the Agency's sincere appreciation for her many contributions and dedicated service

There being no further business to discuss, Ms. McDuffie adjourned the meeting at 12:46 p.m.

Dated: September 23, 2026



Mollie M. Profic, Secretary