



**Buffalo and Erie County Industrial Land Development Corporation
Board of Directors Meeting**

**ECIDA Offices
95 Perry Street, 4th Floor Conference Room
Buffalo, New York 14203**

**May 27, 2026
at 12:30 p.m.**

1.0 Call to Order Meeting of the Board of Directors

2.0 Approval of Minutes

- 2.1 Approval of April 22, 2026 Minutes of the Joint Annual Meeting of the Membership & Board of Directors (Action Item) (Pages 2-4)

3.0 Reports / Action Items / Information Items:

- 3.1 Financial Report (Informational) (Pages 5-8)
- 3.2 Loan Status Report (Informational) (Page 9)
- 3.3 Erie County Funding Agreement (Action Item) (Pages 10-13)
- 3.4 FAST NY Agribusiness Park – Authorize ECIDA to enter contract with ESD for \$11.7 million in funding for infrastructure improvements (Action Item) (Pages 14-17)
- 3.5 WYE Yard Rail Relocation – Authorization to contract with companies that submitted the winning bid for Track work and Earth work (Action Item) (Pages 18-22)

4.0 Management Team Reports:

- 4.1

5.0 Adjournment- Next Meeting – June 24, 2026

**MINUTES OF THE JOINT ANNUAL MEETING
OF THE
BOARD OF DIRECTORS AND MEMBERSHIP
OF THE
BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION
(ILDC)**

- DATE AND PLACE:** April 22, 2026, at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203
- PRESENT:** Daniel Castle, Zaque Evans, Hon. Timothy Meyers and Hon. Mark C. Poloncarz
- EXCUSED:** Grace Bogdanove, Hon. Sean Ryan and Hon. Taisha St. Jean Tard
- OTHERS PRESENT:** Mollie Profic, Chief Financial Officer; Jerry Manhard, Chief Lending Officer; Grant Lesswing, Director of Business Development; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Brian Krygier, Director of Information Technology; Noah Cliff, Business Development Officer; Atiqah Abidi, Accounting Manager; Soma Hawramee, Director of Operations; Talia Johnson-Huff, Director of Projects and Property; Lori Szewczyk, Director of Grants and Special Projects and Robert Murray, Esq., General Counsel/Harris Beach Murtha
- GUESTS:** None.

There being a quorum present at 12:55 p.m., the Meeting of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation (the "ILDC") was called to order by Chair Poloncarz.

MINUTES

Mr. Meyers moved, and Mr. Evans seconded, to approve of the March 25, 2026 minutes. Mr. Poloncarz called for the vote, and the minutes were unanimously approved.

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the March financial reports. The balance sheet shows that the ILDC finished the month with total assets of \$16.5M. The cash increase from February is the result of the repayment of amounts due to ECIDA. Liabilities of \$9.3M are amounts owed to ECIDA and deferred grant revenue. Net assets were \$7.2M. The March income statement shows \$3,900 of revenue, \$17,000 of expenses and \$7,000 of net special project expenses. Factoring in non-operating income there was a net loss of \$20,148 in March.

The year-to-date income statement shows operating revenues of \$11,000 and expenses of \$63,000. Special project revenue of \$107,000 and \$400 of non-operating income lead to net loss of \$158,164 so far in 2026. Mr. Poloncarz directed that the report be received and filed.

Annual Report of Directors. Ms. Profic reviewed a memorandum regarding the ILDC's Annual Report of Directors. NYS not-for-profit law requires certain information to be presented in a report annually to the ILDC:

1. Information on the assets and liabilities of ILDC as of the end of the prior fiscal year;
2. The principal changes in assets and liabilities during the prior fiscal year;
3. The revenue or receipts of ILDC during the prior fiscal year; and
4. The expenses or disbursements of ILDC during the prior fiscal year.

Ms. Profic advised that the requirements 1 through 4 were satisfied with the presentation of the audited financial statements last month. The 5th requirement is reporting the number of members of ILDC as of the date of the report, together with a statement of increase or decrease in the number of members during the prior fiscal year and a statement of the place where the names and places of residence of the current members may be found. ILDC continues to have 1 membership position, consistent with the prior year's report. Current board members names can be found on the ECIDA's website, while places of residence can be found at IDLC's (ECIDA) office. Mr. Poloncarz directed that the report be received and filed.

ILDC Loan Status Report. Mr. Manhard provided this report to Board members. Mr. Poloncarz directed that the report be received and filed.

Renaissance Commerce Park – WYE Yard Rail Relocation Project – Authorization to Enter Into Contract with ESD for FAST NY Funding. Ms. Szewczyk reviewed the WYE Yard Rail Relocation project, including purposes and status of same at the Renaissance Commerce Park, and noted the contemplated \$6,545,000 ESD grant is a reimbursement grant related to expenditures for same. General discussion ensued

Mr. Evans moved and Mr. Meyers seconded to approve of the Agency entering into a contract with ESD for FAST NY Funding for the WYE Yard Rail Relocation Project. Mr. Poloncarz then called for the vote and the following resolution was unanimously approved.

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC") AUTHORIZING THE ILDC TO ENTER INTO A CERTAIN GRANT DISBURSEMENT AGREEMENT WITH THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION D/B/A EMPIRE STATE DEVELOPMENT ("ESD") IN AN AMOUNT NOT TO EXCEED \$6,545,000 TO FUND THE CONSTRUCTION AND PLANNING PROCESS RELATED TO THE WYE YARD RAIL RELOCATION PROJECT AT THE RENAISSANCE COMMERCE PARK

Approval of ILDC Amended By-Laws. Ms. Profic advised that at the recent Nominating Committee meeting there was some discussion regarding the Vice Chair position of the ILDC. ILDC By-Laws currently require that the Vice Chair of the ECIDA is to also serve as the Vice Chair of the ILDC. Presently, the Vice Chair of the ECIDA is not a member of the ILDC board. The proposed amendment to the ILDC By-Laws accounts for the current set of facts and in such a case, the proposed amendment will allow ILDC Board members to elect, by resolution, an officer who shall also be a member of the ILDC.

Mr. Castle moved and Mr. Evans seconded to approve of the amended ILDC By-Laws. Mr. Poloncarz then called for the vote and the following motion was unanimously approved.

RESOLUTION AUTHORIZING AN AMENDMENT TO THE BY-LAWS OF THE
BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT
CORPORATION

Nominating Committee Update. Mr. Poloncarz noted he is Nominating Committee Chair and noted the Nominating Committee reviewed and approved the proposed 2026 slate of officers and committee members. Mr. Evans moved and Mr. Meyers seconded to approve of the 2026 slate of officers and committee members. Mr. Poloncarz then called for the vote and the motion was unanimously approved.

There being no further business, upon motion made by Mr. Castle and seconded by Mr. Meyers, Mr. Poloncarz called to adjourn the meeting, and the motion was unanimously approved.

Dated: April 22, 2026

Mollie Profic, Secretary

Industrial Land Development Corp.
Financial Statements
As of April 30, 2026

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Balance Sheet

April 30, 2026

	April 2026	March 2026	December 2025
ASSETS:			
Restricted Cash *	\$ 4,349,337	\$ 4,428,808	\$ 4,641,604
Grants Receivable	5,150,000	5,150,000	5,212,106
Loans Receivable, net	264,182	270,828	285,728
Prepaid Acquisition Costs	710,276	710,276	710,128
Total Current Assets	<u>10,476,712</u>	<u>10,563,121</u>	<u>10,849,752</u>
Capital Assets	5,937,554	5,937,554	5,937,554
Total Assets	<u>\$ 16,414,266</u>	<u>\$ 16,500,675</u>	<u>\$ 16,787,306</u>
LIABILITIES & NET ASSETS:			
Accounts Payable	\$ 763	\$ 2,288	\$ 179,048
Due to/(from) ECIDA	3,698,923	3,684,919	3,629,513
Other Liabilities	5,605,421	5,607,794	5,614,907
Total Liabilities	<u>9,305,107</u>	<u>9,295,001</u>	<u>9,423,468</u>
Restricted Fund Balance	7,109,159	7,205,674	7,363,838
Total Liabilities & Net Assets	<u>\$ 16,414,266</u>	<u>\$ 16,500,675</u>	<u>\$ 16,787,306</u>

Loan Portfolio Summary:	April 2026	March 2026	December 2025
# of Loans	<u>45</u>	<u>44</u>	<u>43</u>

* Cash is invested in interest bearing accounts at M&T Bank. The maximum FDIC insured amount is \$250,000 with the remainder collateralized with government obligations by the financial institution.

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")
Income Statement
Month of April 2026

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Interest Income - Loans	\$ 1,432	\$ 1,300	\$ 132
Grant Income - Microloan Program	-	18,500	(18,500)
Other Income	1,044,517	2,700	1,041,817
Total Revenues	1,045,948	87,500	958,448
EXPENSES:			
Management Fee - ECIDA	\$ 1,055,600	\$ 21,833	\$ 1,033,767
Provision for Loan Losses	9,968	8,750	1,218
Professional Services	4,407	6,100	(1,693)
General Office Expenses	-	2,100	(2,100)
Other Expenses	66,760	1,400	65,360
Total Expenses	1,136,735	40,183	1,096,552
SPECIAL PROJECT GRANTS:			
Industrial Land Park - ESD	-	195,900	(195,900)
Other grant revenue	-	83,300	(83,300)
Industrial Land Park costs	(5,446)	(201,700)	196,254
Angola Ag Park costs	(382)	(85,400)	85,018
Total Special Project Grants	(5,828)	(55,800)	49,972
NET OPERATING INCOME/(LOSS):	(96,616)	(8,483)	(88,132)
NONOPERATING REVENUE:			
Interest Income	101	300	(199)
Total Nonoperating Revenue	101	300	(199)
NET INCOME/(LOSS):	\$ (96,515)	\$ (8,183)	\$ (88,332)

* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on 2026 budget.

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Income Statement

Year to Date: April 30, 2026

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Interest Income - Loans	\$ 5,759	\$ 5,300	\$ 459	\$ 5,759	\$ 6,894	\$ (1,135)
Grant Income - Microloan Program	-	74,000	(74,000)	-	24,000	(24,000)
Other Income	1,051,767	10,900	1,040,867	1,051,767	7,000	1,044,767
Total Revenues	1,057,526	90,200	967,326	1,057,526	37,894	1,019,632
EXPENSES:						
Management Fee - ECIDA	\$ 1,096,100	87,300	1,008,800	\$ 1,096,100	\$ 56,000	\$ 1,040,100
Provision for Loan Losses	28,061	35,000	(6,939)	28,061	(2,912)	30,973
Professional Services	8,612	24,600	(15,988)	8,612	7,520	1,091
General Office Expenses	693	8,300	(7,607)	693	521	172
Other Expenses	66,680	5,600	61,080	66,680	197	66,483
Total Expenses	1,200,146	160,800	1,039,346	1,200,146	61,326	1,138,820
SPECIAL PROJECT GRANTS:						
Industrial Land Park - ESD	-	783,800	(783,800)	-	178,591	(178,591)
Other grant revenue	-	333,300	(333,300)	-	60,991	(60,991)
Industrial Land Park grant reimbursement	-	(191,700)	191,700	-	-	-
Industrial Land Park costs	(105,697)	(806,800)	701,103	(105,697)	(269,530)	163,833
Angola Ag Park costs	(6,870)	(341,700)	334,830	(6,870)	(3,962)	(2,908)
Total Special Project Grants	(112,567)	(223,100)	110,533	(112,567)	3,274	(115,841)
NET OPERATING INCOME/(LOSS):	(255,188)	(293,700)	38,512	(255,188)	(20,159)	(235,028)
NONOPERATING REVENUE:						
Interest Income	508	1,000	(492)	508	1,178	(669)
Total Nonoperating Revenue	508	1,000	(492)	508	1,178	(669)
NET INCOME/(LOSS):	\$ (254,679)	\$ (292,700)	\$ 38,021	\$ (254,679)	\$ (18,982)	\$ (235,698)

* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on 2026 budget.



Erie County Micro-Enterprise Loan Status Report May 2026

<u>ILDC Loans Approved Since Last Meeting</u>	<u>Municipality</u>	<u>Amount</u>
None		

<u>ILDC Loans Closed Since Last Meeting</u>	<u>Municipality</u>	<u>Amount</u>
None		

<u>Loans in Closing Process</u>	<u>Municipality</u>	<u>Amount</u>
None		

<u>2026 – Loans Approved</u>	<u>YTD Loan Total</u>	<u>Jobs to be Created</u>	<u>Retained Jobs</u>
1	\$35,000	1	1

MWBE/Veteran loans: 0

Erie County Micro-Enterprise Loan Portfolio Performance

Past Due Loans:

<u>Loan</u>	<u>Outstanding Balance</u>	<u>Amount Past Due</u>	<u>Days Past Due</u>	<u>Comments</u>
Kevin Thie d/b/a Buffalo Firewood	\$34,723	\$2,349	360+	Chapter 7 bankruptcy. Debt discharged.
Wild Discs, LLC	\$32,201	\$2,014	360+	Ch. 7 Bankruptcy. Debt discharged.
L&B Transportation LLC	\$27,041	\$2,349	270+	Judgment filed.
Bella Publishing LLC	\$25,563	\$1,442	270+	Judgment filed, Lien on residence
Corporate Wellness LLC	\$21,219	\$1,564	150+	Judgment filed.
Fetch Gourmet	\$0	\$0	paid	Loan satisfactorily worked out
Total: 5 – Loans	\$140,747			

Portfolio Delinquency Rate (Past Due Outstanding Loan Balance divided by Portfolio Balance):

\$140,747 / \$988,374 = 14.2% Delinquency Rate (Total Loans: 42)

ILDC Funds Available to Lend: \$221,874



MEMORANDUM

TO: Buffalo & Erie County Industrial Land Development Board of Directors
FROM: Mollie Profic, CFO
SUBJECT: Erie County Grant Agreement
DATE: May 27, 2026

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) was recently awarded a grant as part of the 2026 Erie County budget for an amount not to exceed \$250,000.00. The grant will be used to support property development and management costs associated with the ILDC's land development activities in working to further develop the Renaissance Commerce Park (RCP) and the Erie County Agribusiness Park.

Projects planned for 2026 include:

- Construction of Odell Street and Ridge Road extensions at RCP
- WYE Yard rail relocation at RCP
- Agribusiness Park power and utility infrastructure work, roadway improvements, sewer capacity improvements, power and gas transmission extensions and substations

Requested Action:

Seeking approval to enter into agreement for the 2026 Erie County Public Benefit Services contract of up to \$250,000.00 to support ILDC land development activities.

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND
DEVELOPMENT CORPORATION**

RESOLUTION

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) was convened on Wednesday, May 27, 2026, at 12:30 p.m.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND
DEVELOPMENT CORPORATION (“ILDC”) AUTHORIZING THE ILDC TO
NEGOTIATE AND EXECUTE A FUNDING AGREEMENT WITH THE
COUNTY OF ERIE (“COUNTY”) FOR OPERATIONAL AND OTHER COSTS
ASSOCIATED WITH THE ILDC’S LAND DEVELOPMENT ACTIVITIES AS
MORE PARTICULARLY DESCRIBED HEREIN**

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, the ILDC is the owner of: (i) approximately 130 acres of real property located within the Renaissance Commerce Park (the “RCP”) in the City of Lackawanna, County of Erie and State of New York, and is in the process of implementing its Advanced Manufacturing Park – Infrastructure Plan thereon (the “RCP Project”); and (ii) approximately 240 acres of real property located within Agri-Business Park (the “Agri-Business Park”), in the Town of Evans, County of Erie, State of New York, and is in the process of implementing its Agri-Business Park Master Plan thereon (the “Agri-Business Park Project”); and

WHEREAS, the ILDC requires funding for operational and other soft costs associated with the RCP Project and the Agri-Business Park Project, including, but not limited to: (i) the construction of new roadway extensions in the Odell Street and Ridge Road corridors at the RCP (the “RCP Roadways”); (ii) the relocation of the WYE Rail Yard at the RCP (the “WYE Rail Yard Relocation”); and (iii) various infrastructure improvements at the Agri-Business Park, including power and utility infrastructure work, roadway improvements, sewer capacity improvements, and power and gas transmission extensions and substations (the “Agri-Business Park Work,” and collectively with the RCP Roadways and WYE Rail Yard Relocation, the “Project Operational Costs”); and

WHEREAS, the ILDC does not have sufficient cash reserves in its general fund to pay for, in the first instance, the Project Operational Costs, and the ILDC has requested funding from the County of Erie (the “County”) to fund or assist with funding the Project Operational Costs; and

WHEREAS, the County desires to fund the Project Operational Costs and has allocated \$250,000 in funds from the 2026 County Budget for the Project Operational Costs (the “County Funds”), and has requested the ILDC enter into that certain 2026 Erie County Public Benefit Services Contract (the “Funding Agreement”) to facilitate award of the County Funds; and

WHEREAS, with respect to the RCP, and in compliance with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”), the ILDC, acting as SEQRA Lead Agency (i) on May 27, 2020, accepted a Draft Generic Environmental Impact Statement for the Renaissance Commerce Park Master Plan (the “RCP DGEIS”), (ii) on September 23, 2020, accepted and issued a Final Generic Environmental Impact Statement for the Renaissance Commerce Park Master Plan (the “RCP FGEIS”), and (iii) on October 28, 2020, issued and adopted its Findings Statement for the Renaissance Commerce Park Master Plan (the “RCP Findings Statement” and collectively, with the RCP DGEIS, and the RCP FGEIS, the “RCP ILDC SEQRA Findings”); and

WHEREAS, with respect to the Agri-Business Park, and in compliance with SEQRA, the ILDC, acting as SEQRA Lead Agency (i) on November 27, 2023, accepted a Draft Generic Environmental Impact Statement for the Agri-Business Park Master Plan (the “Agri-Business Park DGEIS”), (ii) on May 29, 2024, the ILDC accepted and issued a Final Generic Environmental Impact Statement for the Agri-Business Park Master Plan (the “Agri-Business Park FGEIS”), and (iii) on June 24, 2024, the ILDC issued and adopted its Findings Statement for the Agri-Business Park Master Plan (the “Agri-Business Park Findings Statement” and collectively, with the Agri-Business Park DGEIS, and the Agri-Business Park FGEIS, the “Agri-Business Park ILDC SEQRA Findings”); and

WHEREAS, with respect to the WYE Rail Yard Relocation, and in compliance with SEQRA, on April 23, 2025, the ILDC, acting as SEQRA Lead Agency, issued a Negative Declaration pursuant to Part 617.7 of SEQRA (the “WYE Rail Yard SEQRA Findings”).

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. County Funding. The ILDC hereby accepts and approves the grant of County Funds for the purposes of funding the Project Operational Costs, and authorizes the President/CEO, in consultation with the ILDC’s general counsel, to negotiate and execute the Funding Agreement with the County in furtherance of effectuating the grant of the County Funds.

Section 2. SEQRA Determinations. The ILDC hereby determines that no further SEQRA compliance is required pursuant to Part 617.10(d)(1) of SEQRA because the Project Operational Costs with respect to the RCP Roadways and Agri-Business Park Work, respectively, are related to activities that will be carried out in conformance with the conditions and thresholds established in the RCP ILDC SEQRA Findings and Agri-Business Park ILDC SEQRA Findings, respectively.

Section 3. Additional SEQRA Determinations. The ILDC hereby determines that no further SEQRA compliance is required pursuant to Part 617.7 of SEQRA because the Project

Operational Costs with respect to the WYE Rail Yard Relocation are related to activities that will not result in any significant adverse impact on the environment, as established in the WYE Rail Yard SEQRA Findings.

Section 4. Authority. The officers, employees, and agents of the ILDC are hereby authorized and directed for and in the name and on behalf of the ILDC to do all acts and things required and to execute and deliver all such checks, certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent so acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the ILDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ILDC.

Section 5. Any and all actions heretofore taken or authorized by the ILDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 6. This resolution shall take effect immediately.

Dated: May 27, 2026



MEMORANDUM

Date: May 27, 2026

To: ILDC Board of Directors

From: ECIDA Staff

Re: Authorization to contract with ESD/FAST NY & Regional Council Capital Fund for the Erie County Agribusiness Park Infrastructure Improvements Project

Project Summary:

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) is currently undertaking a project to support site redevelopment efforts for the Erie County Agribusiness Park (“Ag Park”). The Ag Park is located on the former Angola Airport site, and encompasses approximately 240 acres, of which, 191 acres are in the process of being converted into the future industrial park for agricultural related businesses. The former Angola Airport was privately-owned and operated until the entity went bankrupt. In 2020, the site was purchased by the ILDC.

Implementation of the Erie County Agribusiness Park Infrastructure Improvements Project will achieve a stated goal of Erie County’s 2023 Agricultural and Farmland Protection Plan to develop new markets for agricultural products to stabilize and enhance the County’s Agricultural industry. The central location of the future Ag Park with respect to the region’s agricultural growers, positions it to be a strategic setting for growers to utilize it as their home base for accepting and converting raw agricultural products through food processing into exportable goods.

The Project will include power and utility infrastructure work, roadway and sewer improvements, along with power and gas transmission extensions and substations.

Project Budget:

The total project cost is expected to be \$15,376,500, which the ILDC has secured from the following sources: \$11,795,450 in Empire State Development (ESD) funds; \$1,000,000 from the County of Erie (formally approved by EC Legislature dated 11/7/24); and \$2,581,050 from ECIDA/ILDC (including pending utility grant funds).

The ILDC was awarded funding through the FAST NY program in April 2025. The ILDC's application for \$11,795,450 was formally presented and approved at ESD's board meeting in November 2025. The Grant Disbursement Agreement (GDA), signed by ESD, was delivered to the ILDC on April 22, 2026, for execution within 30 days of receipt. Approval of the ESD agreement will allow the ILDC to pursue additional funding assistance from National Grid and secure competitive bids for phase II of the access road with a tentative fall 2026 start date.

Requested Action:

Seeking approval from the ILDC Board of Directors to authorize the ILDC to enter into a Grant Disbursement Agreement (GRA) with ESD for \$11,795,450, in consultation with the Agency's general counsel, and contract with contractors and consultants to be determined in the future regarding implementation of the Erie County Agribusiness Infrastructure Improvements Project.

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND
DEVELOPMENT CORPORATION**

RESOLUTION

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation ("ILDC") was convened on May 27, 2026, at 12:30 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC") AUTHORIZING THE ILDC TO ENTER INTO A CERTAIN GRANT DISBURSEMENT AGREEMENT WITH THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION D/B/A EMPIRE STATE DEVELOPMENT ("ESD") IN AN AMOUNT NOT TO EXCEED \$11,795,450.00 TO FUND PLANNING AND CONSTRUCTION ACTIVITIES FOR THE AGRI-BUSINESS PARK INFRASTRUCTURE IMPROVEMENTS PROJECT AT THE AGRI-BUSINESS PARK

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (the "ILDC") is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, the ILDC is the owner of approximately 240 acres of real property located within the Town of Evans, New York and is in the process of developing an Agri-Business Park thereon (the "Agri-Business Park Project"); and

WHEREAS, the ILDC has completed the Infrastructure and Master Plan for the Agri-Business Park Project (the "Master Plan") and related thereto and as required under Article 8 of the New York State Environmental Conservation Law, and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQR"), the ILDC has accepted a Draft Generic Environmental Impact Statement ("DGEIS") prepared for the Master Plan on November 27, 2023, accepted a Final Generic Environmental Impact Statement ("FGEIS") prepared for the Master Plan on May 29, 2024 and prepared a Findings Statement for completion of the SEQR review for the Master Plan as required by 6 N.Y.C.R.R. § 617.11 of the SEQR regulations on June 24, 2024 (the "Findings Statement," and collectively with the DGEIS and FGEIS, the "ILDC SEQRA Findings"); and

WHEREAS, in furtherance of the Master Plan, the ILDC intends to undertake that certain infrastructure improvements project (the "Agri-Business Park Infrastructure Improvements Project") on the Agri-Business Park, which in relevant part will consist of power and utility infrastructure work, roadway and sewer improvements, along with the construction of power and gas transmission extensions and substations; and

WHEREAS, on October 22, 2024, the ILDC applied for funding from the New York State Urban Development Corporation d/b/a Empire State Development (“ESD”) for various construction and related project costs for the Agri-Business Park Infrastructure Improvements Project, and in relation thereto, the ILDC received grant award from ESD in the amount of \$11,795,450.00 (the “ESD Grant”) to fund a portion of the costs associated with the Agri-Business Park Infrastructure Improvements Project; and

WHEREAS, the ILDC desires to accept the ESD Grant, and in furtherance thereof, on April 22, 2026, ESD provided the ILDC with a certain Grant Disbursement Agreement (the “GDA”) which in relevant part shall govern the disbursement of the ESD Grant and the ILDC desires to enter into the GDA with ESD.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The ILDC hereby determines that no further SEQRA compliance is required pursuant to 6 N.Y.C.R.R. Section 617.10(d)(1) because the Agri-Business Park Infrastructure Improvements Project will be carried out in conformance with the conditions and thresholds established in the ILDC SEQRA Findings.

Section 2. The ILDC hereby approves and accepts the terms and conditions of the ESD Grant, and hereby authorizes the Chair, the Vice Chair, the President/Chief Executive Officer, the Executive Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, on behalf of the ILDC, to negotiate, execute and deliver the GDA in an amount not to exceed \$11,795,450.00, along with any other related agreements and documents (collectively, the “Documents”) as so required by the ESD Grant, in consultation with the ILDC’s general counsel, and any appropriate changes or scope additions as approved by the President/Chief Executive Officer, in consultation with the ILDC Board Chair.

Section 3. The officers, employees and agents of the ILDC are hereby authorized and directed for and in the name and on behalf of the ILDC to do all acts and things required and to execute and deliver all such checks, certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the ILDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ILDC.

Section 4. Any and all actions heretofore taken or authorized by the ILDC and/or its members, officers, employees and agents with respect to this Resolution are hereby ratified, approved and confirmed in all aspects.

Section 5. This Resolution shall take effect immediately.

Dated: May 27, 2026



MEMORANDUM

Date: May 27, 2026

To: Industrial Land Development Corporation (ILDC) Board of Directors

From: ILDC Staff

RE: Award of Construction Contracts – Wye Yard Retirement & Poco Yard Expansion, Renaissance Commerce Park, Buffalo, NY

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) is advancing the Wye Yard Retirement and Poco Yard Expansion project located at Renaissance Commerce Park in Buffalo, Erie County, New York. The project involves the retirement of existing Wye Yard tracks and the construction of new rail storage and transload infrastructure, along with associated earthwork, grading, drainage, and site preparation.

This project is funded through multiple sources, including Erie County and Empire State Development (ESD). The multi-source funding structure reflects the regional economic significance of the project and its alignment with state and county priorities for infrastructure modernization and industrial land development.

ILDC publicly advertised sealed bids for two separate contracts. The project was structured to allow contractors to bid on one or both contracts. All bids were subject to prevailing wage requirements, a 10% bid bond, subcontractor listing, ISNetworld certification (where applicable), and Erie County apprenticeship compliance. The following MBE/WBE/SDVOB participation goals applied to both contracts:

- Minority Business Enterprise (MBE): 10%
- Women's Business Enterprise (WBE): 15%
- Service-Disabled Veteran-Owned Business Enterprise (SDVOB): 6%

The bid opening was held on April 9, 2026 at 3:00 PM at the ILDC office, 95 Perry Street, Suite 403, Buffalo, NY 14203. Sealed bids only were accepted. Seven (7) contractors submitted bids across the two contract phases.

The two contracts were structured as follows:

- **Track Contract** – Includes retirement of the existing Wye Yard tracks and construction of three (3) new storage tracks, including transload area improvements and related rail work.
- **Earthwork Contract** – Includes site grading, ballast base installation, drainage, asphalt crossings, and preparation for new track construction.



Bids were received and reviewed in accordance with all applicable procurement requirements. Both awarded contractors submitted Good Faith Effort (GFE) documentation in satisfaction of the MBE, WBE, and SDVOB participation goals. Upon thorough review of all submissions, one (1) lowest responsible and responsive bidder was identified for each contract:

- Track Contract: Kennedy Railroad Services – Lowest responsible and responsive bidder
- Earthwork Contract: Zoladz Construction Company, Inc. – Lowest responsible and responsive bidder

Requested Action:

ILDC staff respectfully requests Board authorization to:

- Award the Track Contract to Kennedy Railroad Services in the amount of \$3,736,613.00, and
- Award the Earthwork Contract to Zoladz Construction Company, Inc. in the amount of \$3,912,487.36,

as the lowest responsible bidders for their respective scopes of work, representing a combined total contract value of \$7,649,100.36.

Additionally, ILDC requests authorization to execute all agreements and take all actions necessary to implement and complete the construction phase of the Wye Yard Retirement and Poco Yard Expansion project at Renaissance Commerce Park.

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND
DEVELOPMENT CORPORATION
RESOLUTION**

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) was convened on May 27, 2026, at 12:30 p.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION (“ILDC”) AUTHORIZING (i) THE NEGOTIATION AND EXECUTION OF AN AGREEMENT BETWEEN THE ILDC AND KENNEDY RAILROAD SERVICES, LLC (“KENNEDY”) IN RELATION TO CERTAIN RAILROAD TRACK RETIREMENT AND CONSTRUCTION WORK (THE “TRACK WORK”) AT THE WYE RAIL YARD (“WYE RAIL YARD”) IN AN AMOUNT NOT TO EXCEED \$3,736,613.00 AND (ii) THE NEGOTIATION AND EXECUTION OF AN AGREEMENT BETWEEN THE ILDC AND ZOLADZ CONSTRUCTION COMPANY, INC. (“ZOLADZ”) IN RELATION TO CERTAIN SITE GRADING AND PREPARATION WORK (THE “EARTH WORK”) AT THE WYE RAIL YARD IN AN AMOUNT NOT TO EXCEED \$3,912,487.36

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended, to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County and to lessen the burdens of government and act in the public interest; and

WHEREAS, the ILDC owns approximately 130 acres of real property located within the Renaissance Commerce Park (“RCP”) in Lackawanna, New York, and consistent with its mission, has established and is implementing its Advanced Manufacturing Park – Infrastructure Plan (the “Master Plan”) thereon for the benefit of the residents of Erie County; and

WHEREAS, on or about June 24, 2021, the ILDC entered into a certain Purchase and Sale Agreement with Tecumseh Redevelopment, Inc. (“Tecumseh”), which in relevant part contemplates the ILDC’s future acquisition of certain additional real property located adjacent to the RCP (the “Additional Lands”) for the ILDC’s future development as part of the Master Plan, a portion of which is presently encumbered by railway facilities (the “WYE Rail Yard”) owned and operated by South Buffalo Railway (“SBR”); and

WHEREAS, in furtherance of the Master Plan and to effectuate the conveyance of the Additional Lands pursuant to the Purchase and Sale Agreement, the ILDC intends to undertake that certain railway relocation project (the “WYE Rail Relocation Project”) on the Additional Lands, which will consist of the removal of existing rail in the WYE Rail Yard and rebuilding such rail lines on certain real property owned by Tecumseh (the “POCO Yard”) located immediately west of the WYE Rail Yard, which will serve existing and potential new customers for the

Renaissance Commerce Park, Tecumseh, the Port of Buffalo, Gateway Trade Center Inc. (“GTC”) and SBR, allow for Phase 2 of the existing Shoreline Trail to be constructed, and provide access to the future Smokes Creek parkland area; and

WHEREAS, in furtherance of the WYE Rail Relocation Project, the ILDC intends to undertake certain track construction work, which will consist of retirement of the existing tracks and construction of three (3) new storage tracks, including transload area improvements and related rail work (the “Track Work”), and certain site preparation work, which will consist of site grading, ballast base installation, drainage installation, asphalt crossings, and site preparation work for new track construction (the “Earth Work”); and

WHEREAS, in compliance with the ILDC’s Procurement Policy, on or about February 20, 2026, the Agency issued a Request for Proposals with respect to the Track Work (the “Track Work RFP”) and Earth Work (the “Earth Work RFP,” and collectively with the Track Work RFP, the “RFPs”), which were structured to allow contractors to bid on one or both RFPs; and

WHEREAS, the ILDC received seven (7) responses to the RFPs (the “RFPs Responses”), and upon review of the RFP Responses, the ILDC identified one (1) lowest and responsive bidder for each of the Track Work and Earth Work, and in accordance therewith desires to (i) enter into an agreement with Kennedy Railroad Services, LLC (“Kennedy”) to undertake the Track Work in an amount not to exceed \$3,736,613.00, and (ii) enter into an agreement with Zoladz Construction Company, Inc. (“Zoladz”) to undertake the Earth Work in an amount not to exceed \$3,912,487.36; and

WHEREAS, on or about April 23, 2025, pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and the regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”), the ILDC, acting as Lead Agency, undertook a coordinated review of the potential significant adverse environmental impacts associated with the WYE Rail Relocation Project, including the Track Work and Earth Work, and determined that the activities associated with the WYE Rail Relocation Project would not have a potential significant adverse impact on the environment and issued a Negative Declaration pursuant to § 617.7 of the SEQRA (the “ILDC SEQRA Determination”).

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. Subject to the terms of this Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized on behalf of the ILDC (i) to negotiate and execute an agreement with Kennedy to undertake the Track Work in an amount not to exceed \$3,736,613.00, and (ii) to negotiate and execute an agreement with Zoladz to undertake the Earth Work in an amount not to exceed \$ 3,912,487.36, in consultation with the ILDC’s general counsel, along with any appropriate change orders or scope additions as approved by the President/Chief Executive Officer, in consultation with the Board Chair.

Section 2. The officers, employees and agents of the ILDC are hereby authorized and directed for and in the name and on behalf of the ILDC to do all acts and things required and to

execute and deliver all such checks, certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the ILDC with all of the terms, covenants and provisions of the documents executed for and on behalf of the ILDC.

Section 3. Any and all actions heretofore taken or authorized by the ILDC and/or its members, officers, employees and agents with respect to this Resolution are hereby ratified, approved and confirmed in all aspects.

Section 4. This Resolution shall take effect immediately.

Dated: May 27, 2026