

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

**DATE AND PLACE:** December 19, 2018, at the Erie County Industrial Development Agency (the “ECIDA” or “Agency”), 95 Perry Street, 5<sup>th</sup> Floor ESD Conference Room, Buffalo, New York 14203

**PRESENT:** Hon. Diane Benczkowski, Rev. Mark E. Blue, Hon. Joseph H. Emminger, Tyra Johnson, Hon. Brian J. Kulpa, Richard Lipsitz, Jr., Brenda W. McDuffie, John J. Mudie, Hon. Glenn R. Nellis, Hon. Mark C. Poloncarz, Hon. Darius G. Pridgen, Sister Denise Roche, Kenneth A. Schoetz, Charles F. Specht and Art Wingerter

**EXCUSED:** Hon. Bryon W. Brown, Hon. Patrick B. Burke, James F. Doherty, and Dottie Gallagher

**OTHERS PRESENT:** Steve Weathers, Chief Executive Officer; John Cappellino, Executive Vice President; Karen M. Fiala, Assistant Treasurer; Mollie Profic, Chief Financial Officer; and Robert G. Murray, Secretary

**GUESTS:** Christopher Pawenski, Coordinator, Industrial Assistance Program, of the Erie County Environment & Planning Department; Andrew Federick, Erie County Senior Economic Development Specialist

There being a quorum present at 9:00 a.m., the meeting was called to order by Ms. McDuffie.

**MINUTES**

The minutes of the November 28, 2018 meeting of the members were presented. Mr. Nellis moved and Mr. Kulpa seconded, to approve of the minutes. Ms. McDuffie called for the vote, and the minutes were then unanimously approved.

**REPORTS/ACTION ITEMS/INFORMATION ITEMS**

Financial Report. Ms. Profic presented the November 2018 financial report, noting that the balance sheet shows that the Agency finished the month with total assets of \$28.9 million and net assets of \$22.3 million. The monthly income statement shows operating income of \$16,000. Operating revenue was on target with the monthly budget, as a result of higher than anticipated interest income. Operating expenses were below budget by \$12,000. After special project grants,

strategic initiatives and depreciation, it was essentially a break even month with net income of \$400. The year to date income statement reflects operating revenue of \$1.9 million, being \$615,000 behind budget for the year. Operating expenses are \$2.4 million and are \$240,000 below budget for the year. After special project grants, strategic initiatives and depreciation, there is currently net income of \$632,000 for the year. Ms. McDuffie directed that the report be received and filed.

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

Banking Resolution. Ms. Profic presented members with M&T Bank's standard resolution to designate the Agency's Treasurer and Assistant Treasurer as Treasury Management signers on behalf of the Agency. The Agency is required to update its Treasury Management signers to include its current Assistant Treasurer, Atiqa Abidi. Mr. Lipsitz moved and Mr. Blue seconded, to resolve to appoint Assistant Treasurer, Atiqa Abidi, as a designated signatory to enter into and deliver to M&T Bank, any agreements, instructions and other documents which relate to M&T Bank's services to be provided to the Agency. Mr. Lipsitz moved, and Mr. Blue seconded, to approve of the banking resolution. Ms. McDuffie called for the vote, the M&T Bank resolution, as attached and made part of these minutes, was unanimously approved.

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

Local Government Records Management Fund Grant. Ms. Profic presented members with a memorandum describing a local government records management improvement fund grant that the Agency has recently received from the New York State Education Department as a source of funds to improve Agency record management and archival administration. Ms. Profic noted that the Agency applied for this \$35,000 grant in May of 2018 and has just obtained approval and as such, Agency staff is seeking approval to enter into a formal contract with New York State Archives, a unit of the New York State Education Department, for the Local Government Records Management Improvement Fund grant program. Mr. Poloncarz moved and Mr. Specht seconded, to approve of entering into a grant recipient contract. Ms. McDuffie called for the vote, and following resolution was unanimously approved:

RESOLUTION AUTHORIZING (i) THE ADOPTION, NEGOTIATION AND EXECUTION OF A CONTRACT BETWEEN THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND THE NEW YORK STATE ARCHIVES FOR THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND PROGRAM GRANT AWARD; AND (ii) TAKING ALL ACTIONS REASONABLY NECESSARY TO COMPLETE THE DOCUMENT CONVERSION AND ACCESS PROJECT INCLUDING CONTRACTING WITH A VENDOR FOR ELECTRONIC DOCUMENT MANAGEMENT SERVICES.

2018 Tax Incentive Induced/Closing Schedule/Estimated Real Property Tax Impact. Ms. Fiala presented this report. Ms. McDuffie directed that the report be received and filed.

Angola Ag-Business Park. Mr. Cappellino provided members with an update on Erie County's efforts to help local agricultural producers to develop new market opportunities. By way of background, Mr. Cappellino noted that in 2014, Erie County commissioned a feasibility study to identify a site suitable for the development of an agri-business park. In addition, Mr. Cappellino noted that Erie County Executive Mark Poloncarz had identified the purchase and development of an agri-business focused industrial park at the former Angola Airport as a priority in the County Executive's Initiatives for a Smart Economy 2.0. Mr. Cappellino continued on to state that over the last year that the ILDC has been working with property owners of the Angola Airport site and an adjacent parcel to acquire approximately 240 acres of land for the development of an agri-business park. The ILDC has executed letters of interest with two property owners and is seeking approval and funding for the acquisition of the property.

Mr. Cappellino stated that the total purchase price would be \$980,000 for the two parcels constituting 240 acres of real property. Mr. Cappellino estimates that miscellaneous closing costs could amount to approximately \$75,000 and property carrying costs are estimated at \$300,000 for the immediate short term, and as such, acquisition and carrying costs total \$1,355,000. Mr. Cappellino noted that Erie County has provided \$155,000 towards this effort by making the required deposit. As such, the ILDC is requesting the ECIDA provide UDAG funding in a total amount of \$1,200,000 for the acquisition, carrying and miscellaneous costs to acquire approximately 240 acres of real property located at the former Angola Airport site for the development of an agri-business park.

Mr. Emminger queried if the ILDC undertook a property appraisal. Mr. Cappellino confirmed that the ILDC did obtain an appraisal with respect to the purchase price of the real property.

Mr. Nellis thanked the Agency and Erie County for identifying and pursuing this very important project on behalf of Southtown communities and expressed support for the agri-business project.

Sister Denise queried if the site will be developed into a single or multi-tenant or multi-owner project. Mr. Cappellino stated that the preferred end user would be a single user, but it's more likely that several individual owners may end up acquiring the property over time.

Mr. Poloncarz then moved to approve of the land acquisition and granting of UDAG money to the ILDC. Mr. Poloncarz thanked Agency staff and Erie County staff for efforts to identify and negotiate property acquisition, noted that this has been a long term effort for Erie County for the benefit of the Southtowns, and noted that implementation of this project will benefit the agricultural sector of Erie County.

Mr. Specht seconded the motion. Mr. Kulpa then stated that he will abstain from participating in discussing the project and abstain from voting on the project. Ms. McDuffie called for the vote and the following resolution was unanimously approved with Mr. Kulpa abstaining:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”): (i) TO ENTER INTO A FUNDING AGREEMENT FOR ECONOMIC DEVELOPMENT PURPOSES WITH THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION TO GRANT \$1,200,000 IN THE FORM OF A PARTIALLY REFUNDABLE GRANT FROM THE AGENCY’S U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT URBAN DEVELOPMENT ACTION GRANT (“UDAG”) REFLOW FUND; AND (ii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

Policy Committee Update. Mr. Lipsitz stated that there is no report to be presented.

### MANAGEMENT TEAM REPORTS

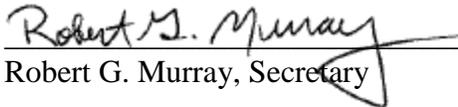
At this point in time, Mr. Pridgen joined the meeting.

Mr. Weathers distributed the 2019 Board meeting schedule to members. Mr. Weathers provided members with an update on the Legal RFP process. Mr. Weathers also noted that the Agency is analyzing opportunities related to the Federal Opportunities Zone program, and noted that there are 23 designated Opportunity Zones within Erie County. Mr. Weathers stated that the Agency will be hosting an Opportunity Zone educational meeting on January 9<sup>th</sup> with various not-for-profit entities and elected officials and encouraged members to join in.

Mr. Weathers noted that the ILDC has received a 1.75 million dollar grant towards construction of the Net Zero facility and thanked Lori Szewczyk for her efforts in pursuing the grant.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 9:30 a.m.

Dated: December 19, 2018

  
Robert G. Murray, Secretary