

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

- MEETING:** November 5, 2020, 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.
- PRESENT:** Hon. April Baskin, Rev. Mark E. Blue, Hon. William J. Krebs, Richard Lipsitz, Jr., Brenda McDuffie, Hon. Glenn R. Nellis, Laura Smith, David J. State and Lavon Stephens
- ABSENT:** Denise Abbott, Hon. Byron W. Brown, Hon. Johanna Coleman, Richard Cummings, Colleen DiPirro and Maria Whyte
- OTHERS PRESENT:** John Cappellino, President & CEO; Atiqah Abidi, Assistant Treasurer; Karen M. Fiala, Vice President/Secretary; Dawn Boudreau, Director of Compliance; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocienec, Administrative Assistant; Robbie Ann McPherson, Director of Marketing; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Alex Carducci on behalf of the City of Buffalo; Lisa Hicks on behalf of the City of Buffalo; Leo Schultz on behalf of Tight Holdings; Gregory Zaepfel on behalf of Zaepfel Development; Dean Burrows on behalf of Gear Motions and Joseph Deck on behalf of Hanna CRE

There being a quorum present at 9:03 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the September 3, 2020 Policy Committee meeting and September 30, 2020 Special Policy Committee meeting were presented. Upon motion made by Ms. McDuffie and seconded by Mr. Nellis, 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

At this point in time Mr. Blue joined the meeting.

Tight Holdings, LLC, 2505 Main Street, Buffalo, New York. Mr. Cappellino presented this proposed sales tax and real property tax abatement benefits project involving the adaptive re-use of the former Ken-Ton Fabricators building on Main Street in the City of Buffalo. The facility is 26,000 sq. ft. and will provide offices for Mean Guppy LLC as well as five non-revenue producing apartments for Mean Guppy employees coming to Buffalo from outside the area, for convenience purposes. In addition, a café/dining room is planned.

Mr. Cappellino 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 = \$2,215,000 85% = \$1,882,750
Employment	Same as recapture period	Maintain 100% of retained jobs: 34 Recapture Employment: 34
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Same as recapture period	Adherence to policy
Unpaid Tax	Same as recapture period	Adherence to policy

Recapture Period	Either 2 years after project completion or expiration of 7-year PILOT term	Recapture of state and local sales tax, real property taxes
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General discussion ensued. Ms. McDuffie moved and Mr. Stevens 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.

Tonawanda Pirson/Gear Motions, North Youngmann Commerce Park, Pirson Parkway, Tonawanda, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax exemption and real property tax abatement benefits project consisting of the construction of an approximately 56,000 sq. ft. manufacturing facility that will be leased to Gear Motions. The company will be combining both the Niagara Street and Military Road operations into one facility within an industrial park.

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 = \$4,299,040 85% = \$3,654,184
Employment	Coincides with 10-year PILOT	Maintain base: 35 Create 85% of Projected Projected = 2 85% = 2 Recapture Employment = 37
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 tax, mortgage recording tax and real property taxes

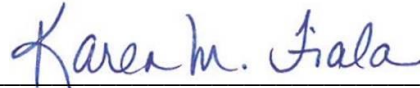
General discussion ensued. Ms. Smith moved and Mr. Krebs seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

WMBE UPDATE

Mr. Lipsitz provided an update to Committee members regarding WMBE policy discussions.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:53 a.m.

Dated: November 5, 2020

Handwritten signature of Karen M. Fiala in blue ink.

Karen M. Fiala, Secretary