



Buffalo and Erie County Industrial Land Development Corporation
Board of Directors Meeting
February 24, 2021
@ 12:30 p.m.

Via Conference Call and Meeting is being Livestreamed

1.0 Call to Order

2.0 Approval of Minutes

2.1 Approval of the January 27, 2021 minutes of the Board of Directors (Action Item) (Pages 2-3)

3.0 Reports / Action Items / Information Items:

3.1 Financial Report (Informational) (Pages 4-7)

3.2 Approval of Contract for Engineering services for Water & Sewer at Bethlehem Steel Site (Action Item) (Pages 8-10)

3.3 Approval of Angola Ag. Park – Erie County Grant Contract Master Plan GEIS (Action Item) (Pages 11-13)

4.0 Management Team Report:

4.1

5.0 Adjournment - Next Meeting March 24, 2021 at 12:30 p.m.

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

- DATE AND PLACE:** January 27, 2021, held via telephone 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 Board meeting is being live-streamed and made accessible on the Erie County Industrial Development Agency website at www.ecidany.com.
- PRESENT:** Hon. Howard Johnson, Richard Lipsitz, Jr., Hon. Mark C. Poloncarz and Maria Whyte
- EXCUSED:** Denise Abbott, Hon. April Baskin and Hon. Byron W. Brown
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Jerry Manhard, CFO; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocienec, Administrative Coordinator; Beth O’Keefe, Business Development Officer; Atiqa Abidi, Assistant Treasurer; Lori Szewczyk, Director of Grants; Robbie Ann McPherson, Director of Marketing and Communications; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Lisa Hicks on behalf of the City of Buffalo; Alex Carducci on behalf of the City of Buffalo; Seth Piccirillo, on behalf of BNP; Michael Montante, on behalf of Uniland Development; Kellena Kane, on behalf of Uniland Development; and Richard Stanton on behalf of the City of Lackawanna

There being a quorum present at 12:53 p.m., the Meeting of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation was called to order by its Chair, Mr. Poloncarz.

MINUTES

Mr. Lipsitz moved, and Mr. Johnson seconded to approve of the December 16, 2020 minutes. Mr. Poloncarz called for the vote and the minutes were unanimously approved.

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Approval of Purchase Sale Agreement for Spec Building at Bethlehem Steel Site. Mr. Cappellino reviewed the proposed sale and terms.

Mr. Poloncarz thanked Uniland for their contemplated investment and the proposed project and queried as to timing of when Uniland believes it would be able to acquire a tenant.

Mr. Montante noted the building is designed to be divided into 4-5 units, giving Uniland a lot of flexibility to accommodate a future tenant or tenants requiring different space needs.

Mr. Poloncarz spoke in favor of the purchase and sale agreement.

Ms. Whyte spoke in favor of the sale and project as proposed by Uniland, and commented that this ILDC spec project is an example of the positive role government can play in development. Ms. Whyte thanked Mr. Cappellino and Uniland for their efforts.

Ms. Whyte moved and Mr. Lipsitz seconded to approve of the purchase sale agreement for the Spec Building project at the Bethlehem Steel site. 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 (THE "ILDC") AUTHORIZING THE ILDC TO (i) NEGOTIATE, EXECUTE, AND DELIVER AN AGREEMENT OF PURCHASE AND SALE TO BE ENTERED INTO WITH UNILAND DEVELOPMENT COMPANY TO SELL PARCEL II-8 (AS MORE FULLY DEFINED BELOW); (ii) TO NEGOTIATE, EXECUTE, AND DELIVER AN OPTION AGREEMENT TO SELL A PORTION OF OR ALL OF PARCEL II-11 TO UNILAND DEVELOPMENT COMPANY; (iii) EXECUTE AND DELIVER A BROWNFIELD SITE CLEANUP AGREEMENT AMENDMENT WITH RESPECT TO PARCEL II-8; AND (iv) MAKE A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

There being no further business to discuss, Mr. Poloncarz adjourned the meeting at 1:05 p.m.

Dated: January 27, 2021

Karen M. Fiala, Secretary

Industrial Land Development Corp.

Financial Statements

As of January 31, 2021

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Balance Sheet

January 31, 2021

	January 2021	December 2020
ASSETS:		
Restricted Cash *	\$ 1,792,738	\$ 1,944,866
Grants Receivable	514,051	514,051
Loans Receivable, net	175,374	35,966
Prepaid Acquisition Costs	24,110	24,110
Total Loan Assets	<u>2,506,274</u>	<u>2,518,993</u>
Capital Assets	6,877,681	6,877,681
Total Assets	<u>\$ 9,383,955</u>	<u>\$ 9,396,674</u>
LIABILITIES & NET ASSETS:		
Accounts Payable	\$ 19,099	\$ 32,609
Due to/(from) ECIDA	288,473	283,473
Other Liabilities	2,038,094	2,038,091
Total Liabilities	<u>2,345,666</u>	<u>2,354,173</u>
Restricted Fund Balance	7,038,289	7,042,501
Total Liabilities & Net Assets	<u>\$ 9,383,955</u>	<u>\$ 9,396,674</u>

Loan Portfolio Summary:

	January 2021	December 2020
# of Loans	<u>7</u>	<u>3</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 January 2021

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Interest Income - Loans	\$ 59	\$ 375	\$ (316)
Interest Income - Cash & Inv.	45	2	44
Proceeds from Land Sales	-	20,833	(20,833)
Other Income	750	750	-
Total Revenues	<u>854</u>	<u>21,960</u>	<u>(21,105)</u>
EXPENSES:			
Management Fee - ECIDA	\$ 5,000	\$ 5,000	-
Professional Services	(375)	6,667	(7,042)
General Office Expenses	441	-	441
Other Expenses	-	2,281	(2,281)
Total Expenses	<u>5,066</u>	<u>13,948</u>	<u>(8,881)</u>
SPECIAL PROJECT GRANTS:			
Industrial Land Park - ESD	-	129,583	(129,583)
Industrial Land Park - ECIDA	78,581	16,667	61,914
Angola Ag Park - ECIDA Grant	11,743	8,333	3,409
Other grant revenue	-	245,833	(245,833)
Industrial Land Park costs	(78,581)	(16,667)	(61,914)
Angola Ag Park grant costs	(11,743)	(8,333)	(3,409)
Other grant expenses	-	(245,833)	245,833
	<u>(0)</u>	<u>129,583</u>	<u>(129,583)</u>
NET INCOME/(LOSS):	<u>\$ (4,212)</u>	<u>\$ 137,566</u>	<u>\$ (141,777)</u>

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

INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

Income Statement

Year to Date: January 31, 2021

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Interest Income - Loans	\$ 59	\$ 375	\$ (316)	\$ 59	\$ 8	\$ 51
Interest Income - Cash & Inv.	45	2	44	45	0	45
Proceeds from Land Sales	-	20,833	(20,833)	-	-	-
Other Income	750	750	-	750	-	750
Total Revenues	854	21,960	(21,105)	854	8	846
EXPENSES:						
Management Fee - ECIDA	\$ 5,000	\$ 5,000	-	\$ 5,000	\$ 4,833	\$ 167
Professional Services	(375)	6,667	(7,042)	(375)	-	(375)
General Office Expenses	441	-	441	441	-	441
Other Expenses	-	2,281	(2,281)	-	20	(20)
Total Expenses	5,066	13,948	(8,881)	5,066	4,853	213
SPECIAL PROJECT GRANTS:						
Industrial Land Park - ESD	-	129,583	(129,583)	-	-	-
Industrial Land Park - ECIDA	78,581	16,667	61,914	78,581	-	78,581
Angola Ag Park - ECIDA Grant	11,743	8,333	3,409	11,743	-	11,743
Other grant revenue	-	245,833	(245,833)	-	-	-
Industrial Land Park costs	(78,581)	(16,667)	(61,914)	(78,581)	-	(78,581)
Angola Ag Park grant costs	(11,743)	(8,333)	(3,409)	(11,743)	-	(11,743)
Other grant expenses	-	(245,833)	245,833	-	-	-
	(0)	129,583	(129,583)	(0)	-	(0)
NET INCOME/(LOSS):	\$ (4,212)	\$ 137,595	\$ (141,807)	\$ (4,212)	\$ (4,845)	\$ 633

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



MEMORANDUM

February 24, 2021

To: Members of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation

Re: Former Bethlehem Steel Site – Sanitary Sewer and Water Line Extensions

Background:

The ILDC recently publicly issued an RFP for engineering and design services to construct new public sanitary sewer and waterline extensions on the Former Bethlehem Steel Site. The services to be provided would include engineering and design of sanitary sewer and water line extensions along new road and utility corridors as shown on Master Plan at Odell Street and Ridge Road. In addition, the engineer would be responsible for developing bid documents, assisting the ILDC in bidding and providing field inspection and oversight of the construction.

The ILDC received multiple proposals which were evaluated by a review committee. As a result of the review process the committee is recommending that the board act to award the contract to C&S Companies. Funding for the work is being provided through a grant from Erie County.

Requested Action:

Seeking approval to contract with C&S Companies for engineering and design services for sanitary sewer and water line extensions, more fully described in the Request for Proposals publicly issued by the ILDC in compliance with the ILDC's procurement policy for the amount of \$146,387.00 and any appropriate change orders or scope additions as approved by the CEO in consultation with the ILDC board Chair.

**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, February 24, 2021 at 12:00 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 CONTRACT WITH C&S COMPANIES FOR THE
PROVISION OF ENGINEERING AND DESIGN SERVICES FOR SANITARY
AND WATERLINE EXTENSIONS AT THE FORMER
BETHLEHEM STEEL SITE**

WHEREAS, 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 150 acres of real property located within the former Bethlehem Steel Site in Lackawanna, New York, and is currently in negotiations to purchase an additional, and adjacent, approximately 90 acre parcel of real property also located within the former Bethlehem Steel Site in Lackawanna, New York (collectively, the “Real Property”); and

WHEREAS, the ILDC desires to establish an Advanced Manufacturing Park within the Real Property and related thereto, recently completed an Infrastructure Master Plan and prepared a Generic Environmental Impact Statement and Findings Statement pursuant to 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”); and

WHEREAS, in an effort to initiate the Infrastructure Master Plan, the ILDC desires to (i) extend the Erie County Sewer District No. 6 sewer system from Odell Street (east of Route 5) to an existing private force main located on the Real Property; (ii) extend the water main along Ridge Road; and (iii) extend the water main along Odell Street, with all such activities to be undertaken in a manner consistent with the Infrastructure Master Plan (the “Project”); and

WHEREAS, on December 18, 2020, the ILDC, in a manner consistent with its Procurement Policy, issued a Request for Proposals (the “RFP”) for engineering firms to provide Engineering Documents (Engineer’s Report, Design Plans & Specifications) along with

construction administration and resident engineer services during construction for the Project; and

WHEREAS, the ILDC received multiple proposals in response to the RFP and established a review committee consisting of ILDC staff, Erie County Industrial Development Agency staff, Erie County Department of Environment and Planning staff, Erie County Water Authority staff, Erie County Department of Sewerage Management staff, and City of Lackawanna staff (collectively, the "Review Committee") to analyze and consider said RFP responses; and

WHEREAS, the Review Committee is recommending that the ILDC retain the services of C&S Companies ("C&S") with respect to undertaking the Project consistent with the ILDC's SEQRA findings and the Infrastructure Master Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF 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, to negotiate and execute a contract with C&S for engineering and design services for the Project in the amount of \$146,387.00 and any appropriate change orders or scope additions as approved by the President/Chief Executive Officer, in consultation with the ILDC 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 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 3. Any and all prior actions taken by the ILDC with respect to the contents of this Resolution are hereby ratified and confirmed.

Section 4. These Resolutions shall take effect immediately.

Dated: February 24, 2021



MEMORANDUM
February 24, 2021

To: Members of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation

Re: Angola Ag. Park – Erie County Grant Contract Master Plan GEIS

Background:

The ILDC recently engaged Wendel to prepare a Master Plan and Generic Environmental Impact Statement (“GEIS”) for the development of the Angola Agri-Business Park. The ILDC is serving as project administrator for the Master Plan project. Erie County and National Grid are providing the funding for the Master Plan work.

The County recently allocated up to \$230,100 to be used for the planning work necessary to develop the park including Master Plan, GEIS, utility planning and other miscellaneous tasks.

Requested Action:

Seeking approval to enter into contract with Erie County in an amount not to exceed \$230,100 to provide project administration services related to planning work necessary to develop the Angola Agri-Business 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 Wednesday, February 24, 2021 at 12:00 p.m.

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

**RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION (“ILDC”) TO ENTER INTO A
CERTAIN AGREEMENT WITH THE COUNTY OF ERIE (“COUNTY”) TO
FUND THE MASTER PLAN AND GENERIC ENVIRONMENTAL IMPACT
STATEMENT IN SUPPORT OF DEVELOPING THE
ANGOLA AGRI-BUSINESS PARK**

WHEREAS, 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 has acquired approximately 240 acres of real property at 1526 Eden Evans Center Road, Evans, New York (the “Real Property”) for purposes of establishing an agribusiness focused industrial park that will attract private sector investment in food processing and manufacturing and for the purpose of providing a market for farmers’ agricultural products in an effort to create local and regional employment opportunities to help alleviate rural poverty (the “Agri-Business Park Project”): and

WHEREAS, the ILDC desires to develop a Master Plan and to Generic Environmental Impact Statement (the “Master Plan and GEIS”) for purposes of implementing and establishing the Agri-Business Park Project; and

WHEREAS, the Master Plan and GEIS analysis will provide a road map for planning improvements and upgrades to meet future needs in maintaining cost effective infrastructure to service anticipated end users and to prepare the Real Property for development; and

WHEREAS, the County has allocated up to \$230,100 to be used for the Master Plan and GEIS, including utility planning and other related infrastructure tasks; and

WHEREAS, the ILDC and County desire to enter into an agreement by which the County will provide the aforementioned funding to the ILDC for purposes of allowing the ILDC to prepare the Master Plan and GEIS.

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

Section 1. The ILDC hereby authorizes the ILDC to enter into an appropriate agreement with the County in the amount of \$230,100 for purposes of enabling the ILDC to complete the Master Plan and GEIS for the Angola Agri-Business Park.

Section 2. 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 and empowered to negotiate, execute and deliver, in consultation with ILDC general counsel, any and all necessary agreements with the County for purposes of funding the Master Plan and GEIS as described herein.

Section 3 This Resolution shall take effect immediately upon adoption.

Dated: February 24, 2021