

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

**DATE AND PLACE:** June 23, 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 meeting is being live-streamed and made accessible on the ECIDA's website at [www.ecidany.com](http://www.ecidany.com).

**PRESENT:** Denise Abbott, Hon. Diane Benczkowski, Rev. Mark E. Blue, Tyra Johnson, Richard Lipsitz, Brenda W. McDuffie, Hon. Glenn R. Nellis, Hon. Mark C. Poloncarz, Sister Denise Roche and Kenneth A. Schoetz

**EXCUSED:** Hon. Bryon W. Brown, James Doherty, Hon. Joseph Emminger, Dottie Gallagher, Hon. Howard Johnson, Hon. Brian Kulpa, Hon. Darius G. Pridgen, Paul Vukelic and Renee Wilson

**OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Atiqa Abidi, Assistant Treasurer; Gerald Manhard, Chief Lending Officer; Jamee Lanthier, Compliance Officer; Beth O'Keefe, Business Development Officer; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Robbie Ann McPherson, Director, Marketing & Communications, Pat Smith, Bookkeeper; Lori Szewczyk, Director of Grants; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC

**GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Adrienne Schreier on behalf of 283 Ship Canal/Sonwil Distribution; Alex Carducci, on behalf of the City of Buffalo and Tuona Batchelor on behalf of the City of Buffalo

There being a quorum present at 12:04 p.m., the Meeting of the Board of Directors of the Erie County Industrial Development Agency was called to order by Chair McDuffie.

## MINUTES

The minutes of the May 26, 2021 meeting of the members were presented. Mr. Blue moved and Sister Denise seconded to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

## REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Profic noted that the ECIDA finished the month of May with total assets of \$29.3M and net assets were \$20.8M. Cash increased \$377,000 month to month, due to monthly net income. The monthly income statement shows overall net income of \$389,000 for May. Operating revenues of \$639,000 exceeded the monthly budgeted total by \$421,000, due mainly to \$575,000 of administrative fees received during the month, related to 7 different projects. Operating expenses of \$201,000 were under budget by \$15,000. Under Special Project Grants, \$61,000 of PPE grant funds were disbursed to 10 grantees in May. The year-to-date Income Statement shows revenues of \$1.3M, including administrative fee revenue of \$970,000. Through May, the Agency has recognized 54% of our total budgeted administrative fees. Expenses of \$1M are \$51,000 below budget. Special project grants include EDA CARES Act funding passed through to RDC of \$2.7M and distributions of PPE grant funding. Ms. Profic pointed out that the \$1M allocated for the PPE grant program was done so out of the IDA's excess general funds that had built up over the years, essentially coming out of the savings account. Similarly, strategic initiatives are funds that have been Board approved to use from UDAG funds. After taking into account the strategic initiatives and depreciation, there is currently a net loss of \$255,000 for the year. Ms. McDuffie directed that the report be received and filed.

2021 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.

Approval of COVID-19 Disaster Emergency Grant Application. Ms. McDuffie asked if any member had a potential conflict of interest with any of the various applicants and no member identified any such conflict. Ms. O'Keefe reviewed the five (5) various grant applications presented to the members.

Mr. Lipsitz moved and Mr. Poloncarz seconded to approve the five (5) grant applications. Ms. McDuffie called for the vote and the following five (5) grant applications were approved.

1. @ Eleven Wings Cuisine
2. ASA Janitorial Services
3. Barbara D. Glover dba Miss Barbara's School of Dance
4. Fit Fuel, LLC
5. J. Malik LLC d.b.a BurgerIM

Policy Committee Update. Mr. Lipsitz presented the report and noted the Policy Committee reviewed and approved the project being considered by the members at today's meeting. Ms. McDuffie directed that the report be received and filed.

## AMENDATORY INDUCEMENT RESOLUTION

283 Ship Canal Parkway, LLC, 283 Ship Canal Parkway, Buffalo, New York. Mr. Cappellino reviewed this proposed amendment to the previously approved project to request to enter into a non-standard PILOT Agreement. Mr. Cappellino explained that a non-standard PILOT payment agreement is required due to conditions placed within the existing purchase and sale agreement related to redevelopment, remediation, and reuse of the Buffalo Lakeside Commerce Park.

Mr. Blue moved and Ms. Benczkowski seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:


RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (ii) APPROVING A DEVIATION FROM THE UNIFORM TAX EXEMPTION POLICY OF THE AGENCY WITH RESPECT TO A PAYMENT-IN-LIEU-OF-TAXES AGREEMENT; AND (iii) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PAYMENT-IN-LIEU-OF-TAXES AGREEMENT AND RELATED DOCUMENTS

## MANAGEMENT TEAM REPORT

Mr. Cappellino provided the report. Ms. McDuffie directed that the report be received and filed.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 12:33 p.m.

Dated: June 23, 2021

  
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Karen M. Fiala, Secretary