

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

- MEETING:** July 13, 2021, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), 95 Perry Street, 5th Floor ESD Conference Room, Buffalo, New York 14203
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency’s website at www.ecidany.com.
- PRESENT:** Denise Abbott; Hon. April Baskin; Johanna Coleman; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie Laura Smith; David State; Lavon Stephens and Maria Whyte
- EXCUSED:** Rev. Mark E. Blue; Hon. Bryon W. Brown; Colleen DiPirro; Hon. Glenn R. Nellis and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Jamee Lanthier, Compliance Officer; Beth O’Keefe, Business Development Officer; Robbie Ann McPherson, Director, Marketing & Communications; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** None.

There being a quorum present at 9:05 a.m., the special meeting of the Policy Committee was called to order by Mr. Lipsitz.

REVIEW AND DISCUSSION OF DRAFT POLICY DOCUMENTS

Mr. Cappellino reviewed the draft MWBE Policy and PILOT schedules in comparison to the current PILOT schedules contained within the Uniform Tax Exemption Policy, confirmed various assumptions regarding use of certain abatement percentages used to assist in the preparation of the draft proposed schedules, discussed construction and post-construction construction concepts and scenarios, and provided examples of the PILOT formula payments based on various investment scenarios.

At this point in time, Ms. Baskin joined the meeting.

General discussion ensued regarding whether the construction period goal of 30% should be fixed/required or if “good faith efforts” could be shown to allow satisfaction of this

requirement in the event the 30% figure could not otherwise be obtained. Concern was expressed that for certain trades and work, a 30% goal may not even be practical, and regarding whether a company that could only obtain a certain percentage below 30% may abandon use of all MWBE firms given an inability to comply with a 30% threshold.

At this point in time, Mr. State left the meeting.

Mr. Lipsitz then confirmed that staff will take the discussion in consideration to draft some “good faith” concepts for review by the Policy Committee, and that discussions on post-construction MWBE considerations and compliance will also need to be further discussed.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 10:02 a.m.

Dated: July 13, 2021



Karen M. Fiala, Secretary