

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

- DATE:** April 7, 2022
- 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; Rev. Mark E. Blue; Johanna Coleman; Colleen DiPirro; Richard Lipsitz, Jr.; Brenda W. McDuffie; Hon. Glenn R. Nellis; Laura Smith; Hon. John Tobia and Hon. Maria Whyte
- EXCUSED:** Hon. Bryon W. Brown; David J. State; Lavon Stephens and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Beth O'Keefe, Vice President of Operations; Mollie Profic, Chief Financial Officer; Atiqa Abidi, Assistant Treasurer; Grant Lesswing, Director of Business Development; Andrew Federick, Business Development Officer; Sean Fallon, Project Manager; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; Pat Smith, Senior Bookkeeper and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Alex Carducci on behalf of the City of Buffalo; Steven Obadiah, Daniel Bobbett, William Hart on behalf of Worksport; Kevin Zanner on behalf of Hurwitz & Fine; Jeff Crabtree, Kristin Stroup on behalf of United Renewable Energy; Scott Shiokari on behalf of Renewable Properties and Zachary Evans on behalf of the County

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

Mr. Lipsitz welcomed John Tobia, Supervisor of the Town of North Collins, as a new member to the Policy Committee.

MINUTES

The minutes of the March 3, 2022 Policy Committee meeting were presented. Upon motion made by Ms. Whyte to approve of the minutes, and seconded by Mr. Nellis, the aforementioned Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

Mr. Cappellino reviewed the Agency's 2022 Tax Incentives Project Matrix. Mr. Lipsitz directed that the report be received and filed.

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

PROJECT PRESENTATIONS

Workspport Ltd., 2500 N. America Drive, West Seneca, New York 14224. Ms. O'Keefe presented this proposed sales tax and mortgage recording tax benefits project involving the purchasing of an existing 222,000 sq. ft. facility for the manufacturing of both their conventional tonneau covers as well as to produce its newer products, including an advanced hard tonneau cover, a collapsible soft cover and the Terra Vis System.

Ms. O'Keefe confirmed that Workspport Ltd. is seeking \$103,562 in incentives including sales tax exemption and mortgage tax exemption benefits. Total payroll is projected at \$6,703,534 for the direct and indirect jobs created including 30 construction jobs. The resulting cost benefit is 1:67 so for every \$1 of incentives the community benefit is \$67 in payroll & tax revenue. For Erie County, every \$1 of incentives provides \$133 in community benefits.

Ms. Baskin stated her belief that the application is deficient with regard to its proposed use of MWBE labor contractors.

Mr. Bobbett, counsel to applicant, stated the company will be glad to work with Ms. Baskin and the Committee to help select MWBE contractors. Mr. Obadiah, spoke on behalf of the company, and confirmed it is soliciting proposals from MWBE contractors.

Ms. Whyte confirmed the Policy Committee MWBE working group is meeting again later this month continuing its efforts to develop an MWBE policy.

Ms. O'Keefe stated that in exchange for providing the sales and use tax and mortgage recording tax exemption 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 = \$15,006,887 85% = \$12,755,854
Employment	Coincides with recapture period	Create 85% of Projected Jobs Projected = 11 FTE 85% = 9 Recapture Employment = 9
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with recapture period	Adherence to policy
Unpaid Tax	Coincides with recapture period	Adherence to policy
Recapture Period	2 years after project completion	Recapture of state and local sales taxes and mortgage recording tax

Mr. Blue moved and Ms. Coleman 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.

RPNY SOLAR 2, LLC/BULLIS ROAD SOLAR PROJECT-LOCAL LABOR REQUEST

Mr. Cappellino reviewed a memorandum provided to Policy Committee members describing the project and its required use of, and actual use of, local labor, attempts to find local laborers, and the request by the Company for a waiver from the 90% local labor use requirement as it was only able to use 87.72% local labor. Mr. Cappellino reviewed the Local Labor Policy waiver circumstances permitting use of less than 90% local labor due to documented lack of workers meeting the local labor area requirements.

Mr. Shiokari spoke on behalf of the company. General discussion ensued.

Mr. Lipsitz concluded that the Company has demonstrated and exhibited significant and thorough efforts to find local laborers.

Mr. Tobia thanked the Company for its significant efforts to find and utilize local labor.

Ms. Smith moved and Mr. Blue seconded to recommend that the Agency board of directors grant the requested waiver.

Ms. Whyte spoke in favor of the Agency's thoughtful consideration of the evolving application of the use of local labor policy in support of renewable energy projects.

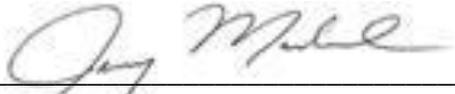
Mr. Lipsitz called for the vote and the waiver recommendation was unanimously approved.

MWBE UPDATE

Mr. Cappellino provided an update to Committee members.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:42 a.m.

Dated: April 7, 2022



Gerald Manhard, Assistant Secretary