



**Buffalo and Erie County Industrial Land Development Corporation  
Board of Directors Meeting**

**November 20, 2024  
At 12:00 p.m.**

**ECIDA Offices  
95 Perry Street, 4<sup>th</sup> Floor Conference Room  
Buffalo, New York 14203**

**1.0 Call to Order**

**2.0 Approval of Minutes**

2.1 Approval of the October 23, 2024 Minutes of the Board of Directors (Action Item) (Pages 2-4)

**3.0 Reports / Action Items / Information Items:**

3.1 Financial Report (Informational) (Pages 5-8)

3.2 Erie County Agribusiness Park – Approval to Accept Funds from Erie County for Infrastructure Projects (Action Item) (Pages 9-13)

3.3 Erie County Agribusiness Park – Approval to enter into Contract with Firm for Demolition services (Action Item) (Pages 14-17)

3.4 Loan Status Report (Informational) (Page 18)

**4.0 Management Team Reports:**

4.1

**5.0 Adjournment- Next - Meeting December 18, 2024**

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

**DATE AND PLACE:** October 23, 2024, at the Erie County Industrial Development Agency, 95 Perry Street, 4<sup>th</sup> Floor Conference Room, Buffalo, New York 14203

**PRESENT:** Denise Abbott, Daniel Castle, Hon. John J. Gilmour, Richard Lipsitz, Jr. and Hon. Christopher P. Scanlon

**EXCUSED:** Hon. April Baskin and Hon. Mark C. Poloncarz

**OTHERS PRESENT:** John Cappellino, President & CEO; Beth O’Keefe, Vice President of Operations; Mollie Profic, Chief Financial Officer; Atiqa Abidi, Accounting Manager; Grant Lesswing, Director of Business Development; Daryl Spulecki, Assistant Loan Manager; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Soma Hawramee, Compliance Portfolio Manager; Brian Krygier, Director of Information Technology; Michelle Moore, Compliance Associate; Elizabeth Hughes, General Counsel/Harris Beach PLLC and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC

**GUESTS:** Zachary Evans on behalf of Erie County; Daniel Castle on behalf of Erie County; Yessica Vasquez on behalf of City of Buffalo; Jonathan Epstein on behalf of the Buffalo News; J. Dale Shoemaker on behalf of Investigative Post

There being a quorum present at 12:40 p.m., the Meeting of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation was called to order by Vice Chair, Mr. Lipsitz, who presided over the meeting in the absence of Chair Poloncarz.

**MINUTES**

Ms. Abbott moved, and Mr. Castle seconded to approve of the September 25, 2024 minutes. Mr. Lipsitz called for the vote and the minutes were unanimously approved.

## REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the September financial reports. The balance sheet shows ILDC ended August with total assets of \$14.7M (Grants receivable of \$3.9M represent amounts awarded by several sources, the largest being Buffalo Billion II funds from Empire State Development. Restricted cash has been higher the past few months due to replenishment of the Buffalo Billion II imprest account in May). Net assets remained steady around \$7.6M. The September income statement includes \$1,700 of operating revenue, \$35,000 of expenses and \$2,600 of net special project expenses. Factoring in non-operating income there was a net loss of \$46,112 in September. The year-to-date income statement shows operating revenues of \$381,000 and operating expenses of \$396,000. Net special project grant revenue of \$1,000 and \$1,300 of non-operating revenue leads to net loss of \$14,597 so far in 2024. Mr. Lipsitz directed that the report be received and filed.

Finance and Audit Committee Update. Ms. Profic advised that the committee last met on September 17 and noted we are coming to the end of our 2025 budget process. The Board will be asked to vote on the 2025 budget today in order to meet the November 1 ABO deadline. Mr. Lipsitz directed that the report be received and filed.

Approval of 2025 Proposed Budget. Ms. Profic reviewed the ILDC's proposed budget for 2025. She also reviewed the explanation of changes to the budget for 2025 and the budget itself. There haven't been any changes to the 2025 budgeted amounts since we reviewed the budget last month, we did update the 2024 projections. For 2025, we are budgeting revenue of \$529,000, expenses of \$337,000, and net special project expenses of \$100,000. Special projects include Renaissance Commerce Park and the Angola Ag Park. After depreciation, budgeted net income amounts to \$87,392. Ms. Profic also reviewed the 3-year forecast as required by the ABO.

Ms. Abbott moved and Mr. Gilmour seconded to approve of the 2025 proposed Budget. Mr. Lipsitz then called for the vote and the motion was unanimously approved.

Governance Committee Update. Ms. Profic advised the Board that the Governance Committee met on October 18 to review the recommendations for professional legal services. She advised this was the culmination of about a 4 month process, as documented below:

- RFP developed with feedback from staff, Governance Committee, prior RFP
- RFP distributed in July via multiple channels to reach as many firms as possible
- 5 proposals were received – firms were invited to propose on any combination of positions, however no contingent proposals were permitted
- Staff committee reviewed and scored proposals based on the qualifications and experience of assigned attorneys as well as the firm overall, proposed hourly rates/fees, and M/WBE development.
- After the initial scoring, the committee interviewed 3 firms
- After the interviews were complete, the staff committee regrouped to discuss overall recommendations based on the results of the interviews

Ms. Profic advised that the Governance Committee concurred with the staff committee's recommendations and requested the Board approve entering into contracts with the recommended firms and noted that the contracts will be for a period of three years, with 2 one-year extensions available (can be exercised with Governance Committee approval).

Mr. Lipsitz then asked for a motion authorizing the President, Executive Vice President, Treasurer and/or Assistant Treasurer to enter into a contract for legal services with each of the following law firms as recommended by the Governance Committee: Harris Beach as General Counsel, Tax-Exempt Bond Counsel-conflict counsel and Loan Counsel-conflict counsel, Hodgson Russ as Tax-Exempt Bond Counsel; and Hurwitz & Fine as Loan Counsel and General Counsel-conflict counsel. Mr. Scanlon moved, and Mr. Castle seconded, to engage the aforementioned law firms as noted. Mr. Lipsitz called for the vote and the motion as unanimously approved.

Loan Status Report. Mr. Spulecki provided this report to Board members. Mr. Lipsitz directed that the report be received and filed.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 12:53 p.m.

Dated: October 23, 2024

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Elizabeth A. O'Keefe, Secretary

**Industrial Land Development Corp.**

**Financial Statements**

As of October 31, 2024

## INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")

### Balance Sheet

October 31, 2024

	October 2024	September 2024	December 2023
<b>ASSETS:</b>			
Restricted Cash *	\$ 3,376,126	\$ 3,354,055	\$ 407,345
Grants Receivable	3,913,558	3,913,558	9,191,178
Loans Receivable, net	400,323	411,299	495,740
Prepaid Expenses	798	1,197	-
Prepaid Acquisition Costs	703,461	702,402	697,929
Total Loan Assets	8,394,266	8,382,512	10,792,192
Capital Assets	6,359,363	6,358,995	6,356,268
Total Assets	\$ 14,753,628	\$ 14,741,507	\$ 17,148,460
<b>LIABILITIES &amp; NET ASSETS:</b>			
Accounts Payable	\$ 1,233	\$ 3,660	\$ 879,715
Due to/(from) ECIDA	4,250,022	3,846,168	4,519,375
Other Liabilities	2,936,437	3,320,721	4,163,816
Total Liabilities	7,187,692	7,170,549	9,562,905
Restricted Fund Balance	7,565,936	7,570,958	7,585,555
Total Liabilities & Net Assets	\$ 14,753,628	\$ 14,741,507	\$ 17,148,460

<b>Loan Portfolio Summary:</b>	October 2024	September 2024	December 2023
# of Loans	41	41	40

\* 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 October 2024

	Actual vs. Budget		
	Actual	Budget	Variance
<b>REVENUES:</b>			
Interest Income - Loans	\$ 1,623	\$ 1,417	\$ 207
Grant Income - Microloan Program	-	13,667	(13,667)
Proceeds from (Cost of) Land Sales	-	(20,798)	20,798
Other Income	3,500	-	3,500
Total Revenues	5,123	(5,714)	10,838
<b>EXPENSES:</b>			
Management Fee - ECIDA	\$ 2,000	\$ 2,000	\$ -
Professional Services	1,091	5,600	(4,509)
General Office Expenses	-	417	(417)
Other Expenses	-	840	(840)
Total Expenses	3,091	8,856	(5,765)
<b>SPECIAL PROJECT GRANTS:</b>			
Industrial Land Park - ESD	399,146	241,554	157,592
Industrial Land Park - EDA	-	132,540	(132,540)
Industrial Land Park - ECIDA	-	8,333	(8,333)
Angola Ag Park - ECIDA Grant	-	4,167	(4,167)
Other grant revenue	2,708	22,564	(19,855)
Industrial Land Park grant reimbursement	-	(25,000)	25,000
Industrial Land Park costs	(404,315)	(382,427)	(21,887)
Angola Ag Park costs	(2,024)	(4,167)	2,143
Other grant expenses	(2,708)	(22,564)	19,855
Total Special Project Grants	(7,193)	(25,000)	17,807
<b>NET OPERATING INCOME/(LOSS):</b>	(5,161)	(39,571)	34,410
<b>NONOPERATING REVENUE:</b>			
Interest Income	140	167	(27)
Total Nonoperating Revenue	140	167	(27)
<b>NET INCOME/(LOSS):</b>	\$ (5,021)	\$ (39,404)	\$ 34,383

\* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on 2024 budget.

**INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")**

**Income Statement**

Year to Date: October 31, 2024

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
<b>REVENUES:</b>						
Interest Income - Loans	\$ 16,684	\$ 14,167	\$ 2,518	\$ 16,684	\$ 16,927	\$ (243)
Grant Income - Microloan Program	28,555	136,667	(108,112)	28,555	129,000	(100,445)
Proceeds from (Cost of) Land Sales	-	(207,978)	207,978	-	-	-
Other Income	340,517	-	340,517	340,517	11,200	329,317
<b>Total Revenues</b>	<b>385,756</b>	<b>(57,145)</b>	<b>442,901</b>	<b>385,756</b>	<b>157,127</b>	<b>228,629</b>
<b>EXPENSES:</b>						
Management Fee - ECIDA	\$ 357,013	\$ 20,000	337,013	\$ 357,013	\$ 55,600	\$ 301,413
Provision for Loan Losses	31,347	52,500	(21,153)	31,347	-	31,347
Professional Services	10,156	56,000	(45,844)	10,156	4,518	5,638
General Office Expenses	422	4,167	(3,744)	422	(0)	422
Other Expenses	195	8,396	(8,201)	195	(820)	1,015
<b>Total Expenses</b>	<b>399,133</b>	<b>141,063</b>	<b>258,071</b>	<b>399,133</b>	<b>59,298</b>	<b>339,835</b>
<b>SPECIAL PROJECT GRANTS:</b>						
Industrial Land Park - ESD	1,162,152	2,415,539	(1,253,387)	1,162,152	2,328,648	(1,166,496)
Industrial Land Park - EDA	32,267	1,325,403	(1,293,136)	32,267	1,738,240	(1,705,973)
Industrial Land Park - ECIDA	98,064	83,333	14,731	98,064	180,651	(82,587)
Angola Ag Park - ECIDA Grant	12,545	41,667	(29,121)	12,545	29,680	(17,135)
Other grant revenue	50,230	225,636	(175,406)	50,230	201,890	(151,660)
Industrial Land Park grant reimbursement	-	(250,000)	250,000	-	-	-
Industrial Land Park costs	(1,295,725)	(3,824,275)	2,528,550	(1,295,725)	(4,155,671)	2,859,947
Angola Ag Park costs	(16,982)	(41,667)	24,685	(16,982)	(15,002)	(1,980)
Other grant expenses	(50,230)	(225,636)	175,406	(50,230)	(52,030)	1,800
<b>Total Special Project Grants</b>	<b>(7,678)</b>	<b>(250,000)</b>	<b>242,322</b>	<b>(7,678)</b>	<b>256,406</b>	<b>(264,084)</b>
<b>NET OPERATING INCOME/(LOSS):</b>	<b>(21,055)</b>	<b>(448,207)</b>	<b>427,152</b>	<b>(21,055)</b>	<b>354,235</b>	<b>(375,291)</b>
<b>NONOPERATING REVENUE:</b>						
Interest Income	1,437	1,667	(229)	1,437	3,343	(1,906)
<b>Total Nonoperating Revenue</b>	<b>1,437</b>	<b>1,667</b>	<b>(229)</b>	<b>1,437</b>	<b>3,343</b>	<b>(1,906)</b>
<b>NET INCOME/(LOSS):</b>	<b>\$ (19,619)</b>	<b>\$ (446,541)</b>	<b>\$ 426,923</b>	<b>\$ (19,619)</b>	<b>\$ 357,578</b>	<b>\$ (377,197)</b>

\* Represents an allocation of salary and benefit costs from the ECIDA based on time charged to ILDC. The amount booked is currently based on 2024 budget.





## MEMORANDUM

**Date:** November 20<sup>th</sup>, 2024

**To:** Buffalo and Erie County Industrial Land Development Corporation (“ILDC”)

**From:** ILDC Staff

**Re:** Erie County Agribusiness Park – Approval to Accept Funds from Erie County for Infrastructure Projects

### **Property Summary:**

In 2020, the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) purchased 240 acres from private owners at the former Eden Angola Airport in the Town of Evans for purposes of establishing the Erie County Agribusiness Park (“Ag Park”). The ILDC, County of Erie (“Erie County”), Town of Evans and its partners are focused on attracting businesses to the park to establish facilities dedicated to agribusiness processing, storage and distribution creating new capital investment for the local economy and job creation for the local community.

### **Funding Request Summary:**

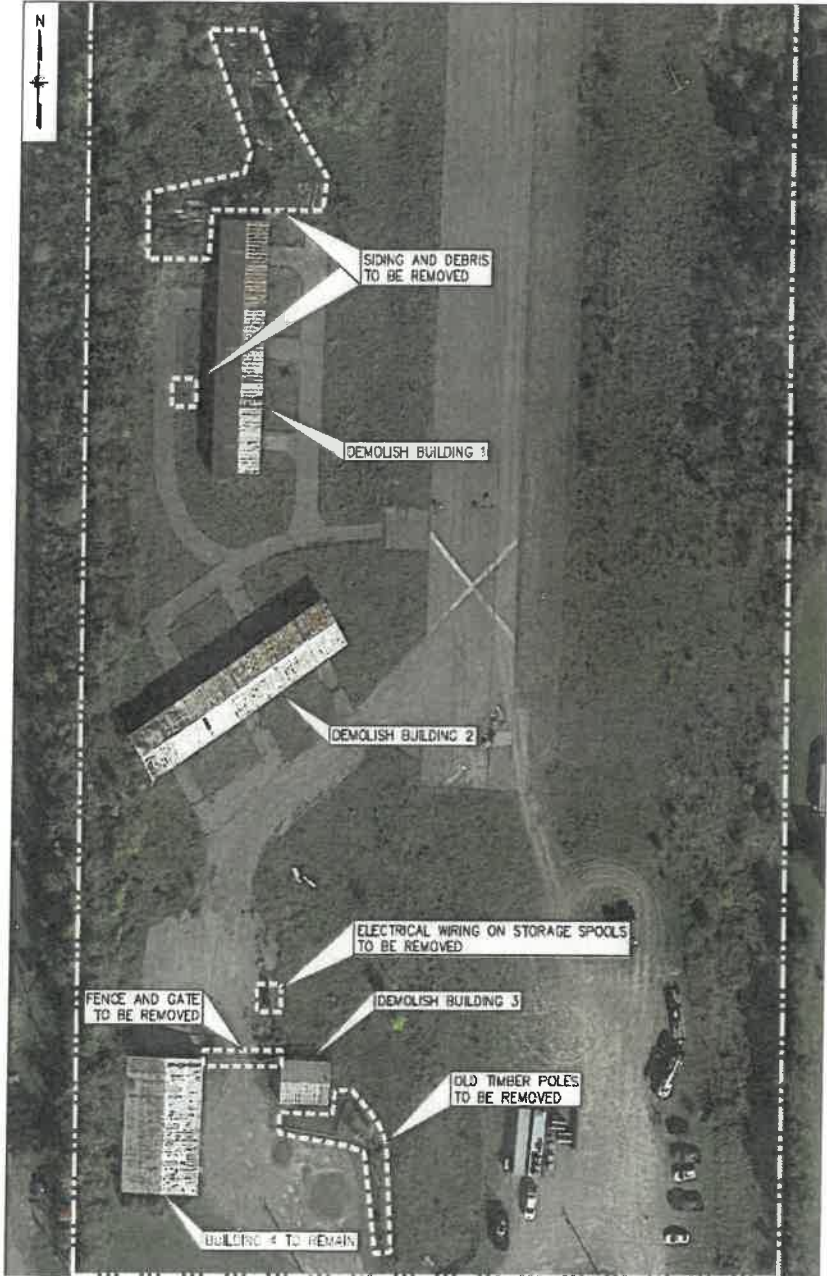
On November 7<sup>th</sup>, 2024, the Erie County Legislature voted to authorize the County Executive to enter into contracts with the ILDC to provide **\$2,500,000** in funds from the Erie County Capital budget for the purpose of engaging a qualified construction contractor to construct Phase 1 of a new access road, demolish four unused buildings (three of the four now and one later) and any additional infrastructure projects as part of the initial work to develop the Agribusiness Park.

### **Project Summary:**

In May 2024, the ILDC, acting as lead agency, issued the Final Generic Environmental Impact Statement (FGEIS) for the adoption and implementation of a master plan for development of the former Eden Angola Airport site into an Agribusiness Park. The master plan calls for the development of road infrastructure to initiate redevelopment of the site. The first phase of infrastructure development at the site includes construction of a main access road and utilities, using a portion of the former airport runway to provide access to the site from Eden Evans Center Road. The project will also require the demolition of four one-story former airport hangar buildings.

Demolition of the three buildings is slated for winter 2024 and the first phase of the road construction is tentatively slated for summer 2025.





**BUILDING 1 PHOTO**



**BUILDING 2 PHOTO**



**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, November 20, 2024 at 12:00 p.m.

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

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL DEVELOPMENT CORPORATION (“ILDC”) AUTHORIZING THE ILDC TO ENTER INTO A FUNDING AGREEMENT WITH THE COUNTY OF ERIE (“COUNTY”) FOR THE DEMOLITION OF CERTAIN BUILDINGS AND CONSTRUCTION OF A CERTAIN ACCESS ROAD LOCATED UPON LANDS OWNED BY THE ILDC AT THE AGRI-BUSINESS PARK IN THE TOWN OF EVANS, NEW YORK

**WHEREAS**, the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”), an affiliate of the Agency, 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 is the owner of approximately 240 acres of real property located within the Town of Evans, New York and is in the process of developing an Agri-Business Park thereon (the “Agri-Business Park Project”); and

**WHEREAS**, the ILDC has completed the Infrastructure and Master Plan for the Agri-Business Park Project (the “Master Plan”) and related thereto and as required under Article 8 of the New York State Environmental Conservation Law, and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQR”), the ILDC has accepted a Draft Generic Environmental Impact Statement (“DGEIS”) prepared for the Master Plan on November 27, 2023, accepted a Final Generic Environmental Impact Statement (“FGEIS”) prepared for the Master Plan on May 29, 2024 and prepared a Findings Statement for completion of the SEQR review for the Master Plan as required by 6 N.Y.C.R.R. § 617.11 of the SEQR regulations on June 24, 2024 (the “Findings Statement,” and collectively with the DGEIS and FGEIS, the “ILDC SEQRA Findings”); and

**WHEREAS**, in accordance with the Master Plan, the ILDC contemplates that it will undertake the demolition of the buildings situate on-site and undertake the construction of roadways and utility infrastructure and related activities all in an effort to initiate the development of the Agri-Business Park (collectively, the “Infrastructure Projects”); and

**WHEREAS**, to facilitate the undertaking of the Infrastructure Projects, the ILDC requires funding to engage construction contractors to complete the Infrastructure Projects and to take all actions necessary to implement the Infrastructure Projects as described herein (the “Infrastructure Projects Costs”); and

**WHEREAS**, the ILDC does not have sufficient cash reserves in its general fund to pay for, in the first instance, the Infrastructure Projects Costs at the Agri-Business Park; and

**WHEREAS**, the ILDC has requested funding from the County of Erie (the “County”) in an effort to fund or assist with funding the Infrastructure Projects Costs; and

**WHEREAS**, the County desires to facilitate the development the Agri-Business Park Project to encourage new investment and job creation for the benefit of the residents of Erie County and desires to fund the Infrastructure Projects Costs, and on November 7, 2024, authorized the County Executive to enter into contracts with the ILDC to provide \$2,500,000 in funds from the Erie County Capital budget for the purpose of implementing the Infrastructure Projects (the “County Funds”).

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

Section 1.     County Funding in the Aggregate. The ILDC hereby accepts and approves the grant of County Funds for the purposes of funding the Infrastructure Projects Costs.

Section 2.     SEQR Determination. Pursuant to SEQR, the ILDC hereby determines that no further SEQR compliance is required pursuant to 6 N.Y.C.R.R. Section 617.10(d)(1) because the Infrastructure Projects Costs are related to activities that will be carried out in conformance with the conditions and thresholds established in the ILDC SEQRA Findings.

Section 3.     Authority. 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 4.     Any and all actions heretofore taken or authorized by the ILDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 5.     This resolution shall take effect immediately.

Dated: November 20, 2024



## MEMORANDUM

**Date:** November 20<sup>th</sup>, 2024

**To:** Buffalo and Erie County Industrial Land Development Corporation (“ILDC”)

**From:** ILDC Staff

**Re:** Erie County Agribusiness Park – Approval to Enter into Contract with Contractor for Demolition Services

### Property Summary:

In 2020, the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) purchased 240 acres from private owners at the former Eden Angola Airport in the Town of Evans for purposes of establishing the Erie County Agribusiness Park (“Ag Park”). The ILDC, County of Erie (“Erie County”), Town of Evans and its partners are focused on attracting businesses to the park to establish facilities dedicated to agribusiness processing, storage and distribution creating new capital investment for the local economy and job creation for the local community.

### Project Summary:

The ILDC issued a Request for Proposals (“RFP”) on October 18<sup>th</sup>, 2024, seeking a qualified contractor to provide services for the demolition of three one-story metal buildings at the Erie County Agribusiness Park, the former Angola Airport, totaling approximately 14,700 sf, which were used by the former airport for various purposes, including warehousing and offices. A fourth building is being kept for storage for construction happening at the site but will eventually be demolished as well. The work is tentatively scheduled for winter 2024.

The demolition of the buildings is a component of the larger access road project at the site to construct approximately 325 feet of new roadway extending north from Eden Evans Center Road to connect with a former north-south aircraft runway that will be converted to a new road with utility infrastructure capable of supporting the future buildout of development parcels for Agribusiness Park tenants. The former runway is approximately 3,200 feet long, though this project will only involve conversion of approximately 1,200 feet (Phase 1). The road will serve as the site’s main access route, providing truck and vehicle access to the site including any future service roads and development parcels. The construction of the road is tentatively set for Summer 2025.

### RFP Process:

In response to the RFP, the ILDC received seven (7) quality proposals from highly qualified contractors. The proposals were evaluated by the ILDC, Erie County and its design and engineering consultant for

the project, LiRo. Following a review of the proposals and a live bid opening on November 8<sup>th</sup>, 2024, the ILDC selected Laubacker Enterprises, Inc., as the top respondent/lowest responsible bidder to the RFP. As a result of the selection process, the ILDC recommends awarding Laubacker Enterprises the contract for the demolition project at the Ag Park.

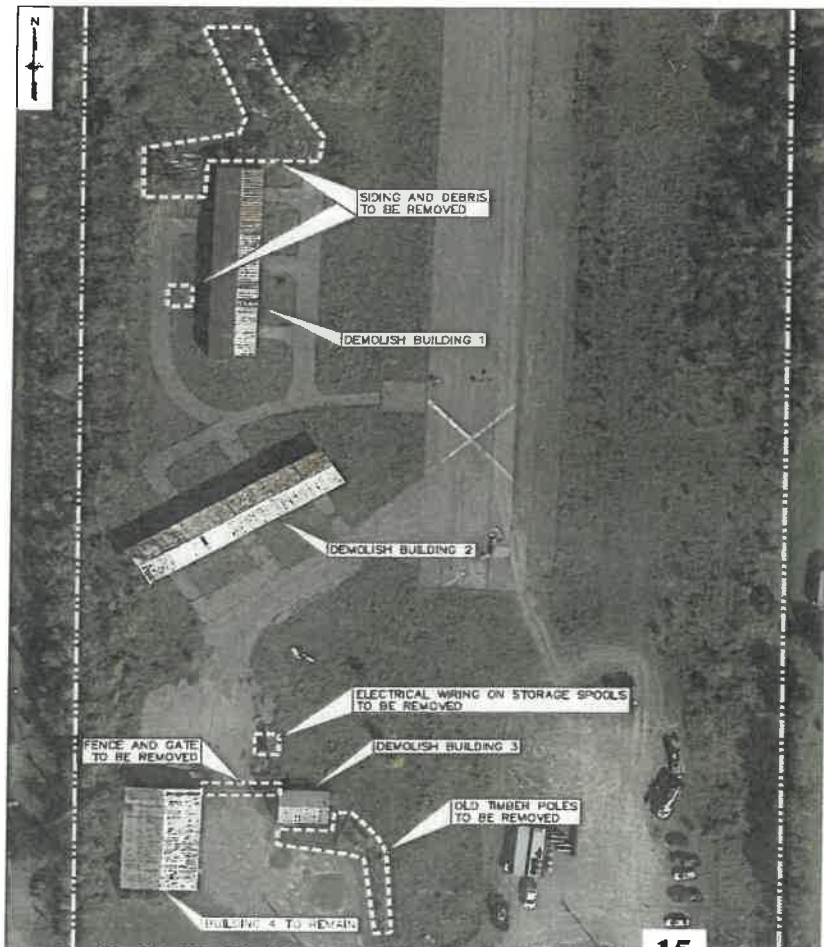
**Project Funding:**

On November 7<sup>th</sup>, 2024, the Erie County Legislature voted to authorize the County Executive to enter into contracts with the ILDC to provide **\$2,500,000** in funds from the Erie County Capital budget for the purpose of engaging a qualified construction contractor to construct Phase 1 of a new access road, demolish four unused buildings (three of the four now and one later) and any additional infrastructure projects as part of the initial work to develop the Agribusiness Park.

**Requested Action:**

Seeking approval from the ILDC Board of Directors to contract with Laubacker Enterprises, Inc. to provide services for the demolition of three one-story buildings at the Erie County Agribusiness Park in the Town of Evans and to take all actions necessary to implement the project as described.

**Map:**



**BUILDING 1 PHOTO**



**BUILDING 2 PHOTO**



**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND  
DEVELOPMENT CORPORATION**

**RESOLUTION**

A meeting of the Buffalo and Erie County Industrial Land Development Corporation was convened on Wednesday, November 20, 2024 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 LAUBACKER ENTERPRISES, INC. (“LAUBACKER”) FOR THE PROVISION OF CERTAIN CONSTRUCTION AND DEMOLITION SERVICES FOR THE DEMOLITION OF CERTAIN BUILDINGS LOCATED UPON LANDS OWNED BY THE ILDC AT THE AGRI-BUSINESS PARK IN THE TOWN OF EVANS, NEW YORK

**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 is the owner of approximately 240 acres of real property located within the Town of Evans, New York and is in the process of developing an Agri-Business Park thereon (the “Agri-Business Park Project”); and

**WHEREAS**, the ILDC has completed the Infrastructure and Master Plan for the Agri-Business Park Project (the “Master Plan”) and related thereto and as required under Article 8 of the New York State Environmental Conservation Law, and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQR”), the ILDC has accepted a Draft Generic Environmental Impact Statement (“DGEIS”) prepared for the Master Plan on November 27, 2023, accepted a Final Generic Environmental Impact Statement (“FGEIS”) prepared for the Master Plan on May 29, 2024 and prepared a Findings Statement for completion of the SEQR review for the Master Plan as required by 6 N.Y.C.R.R. § 617.11 of the SEQR regulations on June 24, 2024 (the “Findings Statement,” and collectively with the DGEIS and FGEIS, the “ILDC SEQRA Findings”); and

**WHEREAS**, in accordance with the Master Plan, the ILDC contemplates that it will undertake the demolition of three (3) one (1) story buildings (the “Demolition Project”); and

**WHEREAS**, on October 18, 2024, the ILDC, in a manner consistent with its Procurement Policy, issued a Request for Proposals (the “RFP”) seeking a qualified contractor to provide for the Demolition Project and complete certain construction and demolition work related thereto (the “Demolition Project Services”); and

**WHEREAS**, in response to the RFP, the ILDC received seven (7) quality proposals from highly qualified contractors, which were evaluated by the ILDC, Erie County and the ILDC’s design and engineering consultant for the Agri-Business Park Project, LiRo Group; and



**WHEREAS**, after considering the submitted proposals and a live bid opening on November 8, 2024, the ILDC has selected Laubacker Enterprises, Inc. (“Laubacker”) to provide the Demolition Project Services to the ILDC as the top respondent/lowest responsible bidder to the RFP; and

**WHEREAS**, the ILDC desires to enter into a contract with Laubacker to provide the Demolition Project Services in an amount not to exceed \$41,450.00.

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

Section 1. Pursuant to SEQR, the ILDC hereby determines that no further SEQR compliance is required pursuant to 6 N.Y.C.R.R. Section 617.10(d)(1) because the Demolition Project is a construction activity that will be carried out in conformance with the conditions and thresholds established in the ILDC SEQRA Findings.

Section 2. Based upon a review of the Laubacker response to the RFP, the representations made by Laubacker to the ILDC, and 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 Laubacker for the Demolition Project Services in an amount not to exceed \$41,450.00, in consultation with the ILDC’s general counsel, along with any appropriate change or scope additions as approved by the Chief Executive Officer, in consultation with the ILDC Board Chair.

Section 3. 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 4. Any and all actions heretofore taken or authorized by the ILDC and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 5. These Resolutions shall take effect immediately.

Dated: November 20, 2024



## Loan Status Report November 2024

<b><u>ILDC Loans Approved Since Last Meeting</u></b>	<b><u>Municipality</u></b>	<b><u>Amount</u></b>
None		
<b><u>ILDC Loans Closed Since Last Meeting</u></b>	<b><u>Municipality</u></b>	<b><u>Amount</u></b>
None		
<b><u>Loans in Closing Process</u></b>	<b><u>Municipality</u></b>	<b><u>Amount</u></b>
None		
<b><u>Loans in the Pipeline</u></b>	<b><u>Municipality</u></b>	<b><u>Amount</u></b>
Full House Home Renovations	Grand Island	\$35,000
Collen Chiropractic	Orchard Park	\$35,000

<b><u>2024 - Loans Closed</u></b>	<b><u>YTD Loan Total</u></b>	<b><u>Jobs to be Created</u></b>	<b><u>Retained Jobs</u></b>
1	\$35,000	1	1

### Loan Portfolio Performance

**Past Due Loans:**

<u>Loan</u>	<u>Outstanding Balance</u>	<u>Amount Past Due</u>	<u>Days Past Due</u>	<u>Comments</u>
Kevin Thie d/b/a Buffalo Firewood	\$34,723	\$1,679	210+	Borrower filed Chapter 7 bankruptcy. Attorney's monitoring bankruptcy
Wild Discs, LLC	\$32,082	\$1,344	180+	Filing Judgment Against Borrower Attorney monitoring
L&B Transportation	\$27,041	\$1,007	60+	Borrower closed business. In process Of selling collateral. Loan workout

**Portfolio Delinquency Rate** (Past Due Outstanding Loan Balance *divided by* Portfolio Balance):

\$93,846 / \$1,098,254 = 8.5% Delinquency Rate (41 Loans)

**ILDC Funds Available to Lend:        \$141,203**