

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

DATE AND PLACE: July 23, 2025, at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203

PRESENT: Denise Abbott, Dr. LaVonne Ansari, Jonathan Dandes, Lorry Goldhawk, Gregory Inglut, Tyra Johnson, Brenda W. McDuffie, Glenn Nellis, Hon. Brian Nowak, Hon. Mark C. Poloncarz, Kenneth A. Schoetz and Hon. Taisha St. Jean Tard

EXCUSED: Rev. Mark E. Blue, Hon. Joseph H. Emminger, Dottie Gallagher, Hon. Brian J. Kulpa and Hon. Christopher P. Scanlon

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Jerry Manhard, Chief Lending Officer; Grant Lesswing, Director of Business Development; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Andrew Federick, Director of Property Development; Soma Hawramee, Compliance Portfolio Manager; Lori Szewczyk, Director of Grants; Michelle Moore, Compliance Associate; Robbie Ann McPherson, Director, Marketing & Communications and Robert G. Murray, Esq., General Counsel/Harris Beach Murtha Cullina PLLC

GUESTS: Zaque Evans on behalf of Erie County; Daniel Castle on behalf of Erie County; Jeff McGiveron on behalf of Lactalis American Group; Timothy Nichols on behalf of Great Lakes Pressed Steel; Greg Wales and Pete VanPutte on behalf of Premier Aerospace; Matthew Hubacher on behalf of Invest Buffalo Niagara and Jonathan Epstein on behalf of Buffalo News

There being a quorum present at 12:05 p.m., the meeting of the members of the Erie County Industrial Development Agency (the “ECIDA” or “Agency”), was called to order by the Chair, Ms. McDuffie.

Ms. McDuffie welcomed new ECIDA Board members Lorry Goldhawk as the Erie County School Board Association member and Jonathan Dandes as new member representing Invest Buffalo Niagara.

MINUTES

The minutes of the June 25, 2025, meeting of the members were presented. Ms. St. Jean Tard moved, and Mr. Schoetz seconded to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

Policy Committee Update. Ms. Abbott updated members on the most recent Policy Committee meeting in which the Committee recommended to the Board the approval of the two projects before the Board for its consideration at today's meeting.

AMENDATORY INDUCEMENT RESOLUTION

Lactalis American Group, Inc., 2375 South Park Avenue, Buffalo, New York. Mr. Cappellino described this previously approved project, as amended, including proposed increases in projected expenditures subject to sales tax resulting in an increase in the sales tax benefit request.

General discussion ensued.

The Project's cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits which were discussed and considered.

Mr. Poloncarz spoke in favor of the project and motioned to approve the project and Mr. Nellis seconded to approve the amendment.

Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING (i) ADDITIONAL FINANCIAL ASSISTANCE TO LACTALIS AMERICAN GROUP, INC. (THE "COMPANY") IN AMOUNTS EXCEEDING THE AMOUNTS PREVIOUSLY APPROVED BY THE AGENCY; AND (ii) THE EXECUTION OF RELATED DOCUMENTS

INDUCEMENT RESOLUTIONS

Great Lakes Pressed Steel Corporation, 1382 Niagara Street, Buffalo, New York. Mr. Cappellino reviewed this proposed sales and use tax, mortgage recording tax and real property tax abatement benefits project involving the construction of a 13,000 square foot building next to the

company's current facility for the installation of a new laser along with shears press breaks and punch presses.

General discussion ensued.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment made with respect to the Project at the time of Project completion equals or exceeds \$2,172,175 (which represents the product of 85% multiplied by \$2,555,500, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 15 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 16 FTE employees [representing the sum of (x) 15 Baseline FTE and (y) 1 FTE employees, being the product of 85% multiplied by 2 (being the 2 new FTE employee positions proposed to be created by the Company as stated in its Application)]. To confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Ms. St. Jean Tard moved and Ms. Goldhawk seconded to approve the Project as proposed. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF GREAT LAKES PRESSED STEEL CORPORATION, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the June financial reports. The balance sheet shows that the IDA finished the month with total assets of \$34.5M (includes unrestricted cash of \$6.2M available for Agency operations). Net assets were \$19.7M. Overall assets decreased \$2.2M from May due to a decrease in restricted cash. During June, ECIDA received and processed a \$2.3M. reimbursement request from a PIF account as administrator of the fund. Liabilities decreased \$2.3M due to the corresponding decrease in funds held on behalf of others. The monthly income statement shows net income of \$180,671. Operating revenue of \$392,000 was above the monthly budget by \$167,000, due to \$319,000 of project administrative fees received in June. Operating expenses of \$254,000 were \$7,000 under budget, with minor variances spread across several expense lines. Net non-operating revenue of \$42,000, brings us to net income of \$180,671 for the month. The year-to-date income statement shows operating revenues of \$1.1M, including administrative fee revenue of \$702,000. We are 39% of our annual budget through June. Operating expenses of \$1.6M are \$88,000 below budget. Net special project grant income is \$35,000, and strategic initiatives year-to-date total \$100,000. Net non-operating revenue of \$247,000 brings us to a net loss of \$281,285 for the year. Ms. McDuffie directed that the report be received and filed.

Funding Request re Sumitomo Site Redevelopment Study. Mr. Cappellino presented this funding request to be reimbursed by an ESD grant.

General discussion ensued.

Mr. Poloncarz moved, and Ms. Abbott seconded, to approve the funding request regarding the Sumitomo Site Redevelopment Study. Ms. McDuffie called for a vote and the following resolution was unanimously approved.

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”) TO (i) AUTHORIZE THE ALLOCATION OF \$75,000 FROM THE AGENCY’S GENERAL FUND TO INVEST BUFFALO NIAGARA FOR UTILIZATION IN CONDUCTING A COMPREHENSIVE STUDY TO REVIEW AND ANALYZE FUTURE USES OF THE FORMER SUMITOMO RUBBER USA, LLC SITE IN THE TOWN OF TONAWANDA, NEW YORK AND (ii) TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND RELATED DOCUMENTS IN FURTHERANCE OF SAME.

Amendment to Community Development Block Grant Sub-Recipient Agreement. Mr. Manhard provided historical background to the existing Erie County-ECIDA CDBG block grant loan program and the County’s request to continue to have the ECIDA act as loan administrator.

Mr. Nellis moved, and Ms. Johnson seconded, to approve the amendment to the Community Development Block Grant Sub-Recipient Agreement. Ms. McDuffie called for a vote and the following resolution was unanimously approved.

RESOLUTION AUTHORIZING (i) THE ADOPTION, NEGOTIATION AND EXECUTION OF A SECOND AMENDATORY AGREEMENT TO THE JANUARY 2, 2019 SUB-RECIPIENT AGREEMENT BETWEEN THE COUNTY OF ERIE AND THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY RELATIVE TO THE CONTINUED RECEIPT AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (“CDBG FUNDS”); (ii) AUTHORIZING THE ALLOCATION OF \$350,000 OF SUCH CDBG FUNDS TOWARDS THE AGENCY’S MICROENTERPRISE LOAN FUND; and (iii) AUTHORIZING THE SUB-SUBGRANT OF THE CDBG FUNDS TO THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION (“ILDC”) FOR ADMINISTRATION OF SAME IN A MANNER CONSISTENT WITH THE MICROENTERPRISE LOAN FUND.

Buffalo Southern Railroad PFRAP Bridge Project. Mr. Cappellino reviewed the proposed railroad maintenance construction project and contractor agreement to maintain and repair the Buffalo Southern Railroad (“BSR”) rail line.

General discussed ensued.

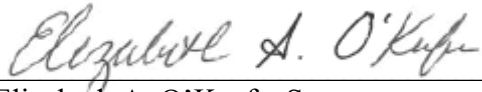
Ms. St. Jean Tard moved, and Mr. Nowak seconded, to authorize the Agency to enter into a contract for maintenance and repair of the BSR rail line. Ms. McDuffie called for a vote and the following resolution was unanimously approved.

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT BY AND BETWEEN THE AGENCY AND KENNEDY RAILROAD SERVICES, LLC ("KENNEDY") TO PERFORM CERTAIN RAILROAD BRIDGE AND TRACK REHABILITATION WORK ALONG THE BUFFALO SOUTHERN RAILROAD MAIN LINE IN AN AMOUNT NOT TO EXCEED \$1,784,969.00

2025 Tax Incentives Induced/Closing Schedule. Mr. Cappellino provided this report to Board members. 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 12:42 p.m.

Dated: July 23, 2025


Elizabeth A. O'Keefe, Secretary