

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

DATE AND PLACE: August 7, 2025, at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203

PRESENT: Denise Abbott, A.J. Baynes, Rev. Mark E. Blue, Gregory R. Inglut, Dr. Susan McCartney, Glenn R. Nellis, Hon. Brian Nowak, Peter Petrella, Laura Smith and David State and Lavon Stephens

EXCUSED: Zaque Evans and Hon. Christopher Scanlon

VIA ZOOM: Brenda W. McDuffie

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Beth O'Keefe, Vice President of Operations; Grant Lesswing, Director of Business Development; Brian Krygier, Director of Information Technology; Soma Hawramee, Compliance Portfolio Manager, Michelle Moore, Compliance Associate, Robbie Ann McPherson, Director of Marketing and Communications, Andrew Pawenski, Esq., as General Counsel/Harris Beach Murtha, and Carrie Hocieniec, Operations Assistant/ Assistant Secretary;

GUESTS: Yessica Vasquez on behalf of the City of Buffalo; Eric Recoon, Tony Battista on behalf of Benderson Development ; Evan Finegan, Travis Gordon on behalf of Urban Vantage, LLC; Christa McHale, Jeff Fregelette on behalf of Erie 1 Boces; Jeff Sellers on behalf of Buffalo Construction Consultants. Enrico D'Abate, Eric Ekman on behalf of McGuire Development; Ruth Conner, Lauren Pacheco on behalf of Buffalo Public Schools

There being a quorum present at 9:02 a.m., the Meeting of the Policy Committee was called to order by Chair Abbott.

MINUTES

The minutes of the July 10, 2025 Policy Committee meeting were presented. Upon motion made by Dr. McCartney to approve of the minutes, and seconded by Mr. Baynes, the Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

Mr. Cappellino presented the project matrix to the Committee.

PROJECT PRESENTATION

Mr. Petrella joined the meeting at 9:10 a.m.

93 NYRPT, LLC/Erie 1 BOCES. Ms. O’Keefe presented this proposed sales and use tax savings and real property tax abatement benefits project involving the renovation of an existing approximately 178,144 square foot building and construction of an approximately 39,975 square foot addition, consisting of 3 gymnasiums, 6 courtyards and 2 playfields to create a state-of-the-art campus for BOCES special education students.

Ms. O’Keefe confirmed that 93 NYRPT, LLC/Erie 1 BOCES is seeking up to \$4,375,000 in sales and use tax exemption savings and up to \$833,778 in real property tax abatement benefits. Total payroll is projected at \$270,477,566, which includes the direct and indirect jobs for both the temporary and ongoing positions over the life of the PILOT. Created jobs include 329 construction jobs and 401 spillover jobs. The resulting cost benefit is 1:51 so for every \$1 of incentive the community benefit is \$51 in payroll & tax revenue. Within Erie County, for every \$1 of incentive the community benefit is \$80 in benefits to the community.

Ms. O’Keefe stated that in exchange for providing the sales and use tax savings and real property tax abatement 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 = \$75,500,000 85% = \$ 64,175,000
Employment	Coincides with x-year PILOT	Maintain Base = 361 FTE Create 85% of Projected Projected = FTE 85% = FTE Recapture Employment = FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to policy
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes and real property taxes

General discussion ensued, preceded by a presentation by Eric Racoon, Vice President of Development and Leasing with Benderson Development, and Krista McHale from Erie 1

BOCES. The applicant clarified that the estimated average salary for FTE disclosed in the application of the Applicant (\$45,396) would actually be closer to \$65,000.00. Ms. Abbott called for a motion to recommend the project to the ECIDA Board, subject to the Agency's receipt of an amended application disclosing the increased estimated average salary for FTE.

Mr. Baynes moved and Ms. McDuffie seconded to recommend the project as proposed be forwarded to the members of the ECIDA Board for approval, and the motion was then unanimously approved.

1016 East Delavan, LLC/BPS Commissary Kitchen. Ms. O'Keefe presented this proposed sales and use tax exemption savings, real property tax exemption benefits, and mortgage recording tax exemption benefits project involving the construction of an approximately 61,000+/- square-foot light industrial single-story building to serve as the new commissary kitchen for the sole use of the Buffalo Public Schools to prepare and distribute school meals to all schools in the district.

Ms. O'Keefe confirmed that 1016 East Delavan, LLC/BPS Commissary Kitchen is seeking up to \$1,263,247 in sales and use tax exemption savings, up to \$5,116,715 in real property tax abatement benefits and up to \$216,750 in mortgage recording tax exemption benefits. Total payroll is projected at \$60,017,247, which includes the direct and indirect jobs for both the temporary and ongoing positions over the life of the PILOT. Created jobs include 144 construction jobs and 143 spillover jobs. The resulting cost benefit is 1:10 so for every \$1 of incentive the community benefit is \$10 in payroll & tax revenue. Within Erie County, for every \$1 of incentive the community benefit is \$11 in benefits to the community.

Ms. O'Keefe stated that in exchange for providing the sales and use tax savings, real property tax exemption benefits 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 = \$34,135,084 85% = \$29,014,821
Employment	Coincides with 10-year PILOT	Maintain Base = 16 FT, 35 PT (33 FTE) Create 85% of Projected Projected = 15PT 85% = 12 FTE (6 FTE) Recapture Employment = 39 FTE
Local Labor	Construction Period	Adherence to policy including quarterly reporting

Pay Equity	Coincides with 10-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to policy
Recapture Period	Coincides with 10-year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

General discussion ensued, and questions from committee members were answered by Eric Eckman, VP at McGuire Development..

Ms. Abbott called for a motion to recommend the project to the ECIDA Board. Mr. Inglut moved and Mr. Petrella seconded to recommend the project as proposed be forwarded to the members of the ECIDA Board for approval, and the motion was then unanimously approved.

MANAGEMENT TEAM REPORT

Mr. Cappellino declined to present the Management Report.

There being no further business to discuss, Ms. Abbott adjourned the meeting at 9:46 a.m.

Dated: August 7, 2025


Elizabeth A. O'Keefe, Secretary