



Erie County Industrial Development Agency  
Meeting of the Membership  
July 22, 2020  
at 12:00 p.m.

**Via Conference Call and Meeting is being Livestreamed**

**1.0 Call to Order**

- 1.1 Call to Order Meeting of the Membership
- 1.2 Welcome New Board Member - Renee Wilson – President, Erie County Association of School Boards

**2.0 Approval of Minutes:**

- 2.1 Approval of Minutes of June 24, 2020 Meeting of the Membership (Action Item 2-6)

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

- 3.1 Financial Report (Informational) (Pages 7-10)
- 3.2 2020 Tax Incentive Induced/Closing Schedule/ Estimated Real Property Tax Impact (Informational) (Pages 11-13)
- 3.3 Approval of Resolution Re: Bethlehem Steel Site Water and Sewer Contract (Action Item) (Pages 14-16))
- 3.4 Approval of Disaster Emergency Grant Program Allocation of Funding (Action Item) (Pages 17-20)
- 3.5 Water Tower Project at Angola Ag Park Site (Informational) (Pages 21-23)

**4.0 Inducement Resolutions:**

- 4.1 (None)

**5.0 Management Team Reports:**

- 5.1 COVID-19 Response Update (Informational)
- 5.2 Status of COVID-19 Emergency Relief Business Loan Program (Informational)

**6.0 Adjournment - Next Meeting August 26, 2020 @ 12:00 p.m.**

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

**DATE AND PLACE:** June 24, 2020, held via telephone conference. Governor Cuomo's Executive Order 202.1, as amended, issued in response to the Coronavirus (COVID-19) crisis, suspended Article 7 of the Public Officers Law to the extent necessary to permit any public body to take actions without permitting in public in-person access to such meetings and authorized such meetings to be held remotely by conference call or other similar service, provided the public has the ability to view or listen to such proceedings and that the meeting is recorded and transcribed.

**LIVE STREAMED:** This meeting is being live-streamed and made accessible on the ECIDA's website at [www.ecidany.com](http://www.ecidany.com).

**PRESENT:** Denise Abbott, Hon. Diane Benczkowski, Rev. Mark E. Blue, Hon. Joseph Emminger, Dottie Gallagher, Richard Lipsitz, Jr., Brenda W. McDuffie, Hon. Glenn R. Nellis, Hon. Mark C. Poloncarz, Hon. Darius G. Pridgen, Sister Denise Roche, Kenneth A. Schoetz, and Art Wingerter

**EXCUSED:** Hon. Bryon W. Brown, James Doherty, Hon. Howard Johnson, Tyra Johnson, Hon. Brian J. Kulpa and Charles F. Specht

**OTHERS PRESENT:** John Cappellino, Chief Executive Officer; Mollie Profic, Chief Financial Officer; Atiqah Abidi, Assistant Treasurer; Karen M. Fiala, Assistant Treasurer/Secretary; Gerald Manhard, Chief Lending Officer; Grant Lesswing, Business Development Officer; Robbie Ann McPherson, Director, Marketing & Communications; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Assistant and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC

**GUESTS:** Maria Whyte, Deputy County Executive; Andrew Federick, Erie County Senior Economic Development Specialist; Alex Carducci and Petro Kushnir, on behalf of Kamax/Raine Logistics

There being a quorum present at 12:07 p.m., the meeting of the Members of the ECIDA was called to order by Vice Chair Lipsitz.

Mr. Cappellino noted that this will be the last meeting to be attended by Mr. Specht, as his term as President of the Erie County Association of School Boards is expiring, and as such,

the new President of the Erie County Association of School Boards will be joining the Agency as a new member starting next month. Mr. Cappellino and Mr. Lipsitz thanked Mr. Specht for his service.

## MINUTES

The minutes of the May 27, 2020 meeting of the members were presented. Sister Denise moved and Mr. Nellis seconded, to approve of the minutes.

At this point in time, Mr. Blue joined the meeting

Mr. Lipsitz called for the vote, and the minutes were then approved 10-1 with Ms. McDuffie abstaining.

At this point in time, Mr. Emminger joined the meeting.

## REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Profic presented the May 2020 financial report, noting that the balance sheet shows that the Agency finished the month with total assets of \$27.8 million, which includes \$7.4 million of unrestricted cash available for Agency operations. Net assets at the end of May were \$21.2 million. The monthly income statement shows a net loss from operations of \$66,000. Operating revenue was below monthly budget by \$68,000 due to administrative fee receipts of just under \$99,000. Operating expenses were under budget by \$95,000. After depreciation, a non-cash expense, there was a net loss of \$77,000 for the month. The year-to-date income statement shows revenues of \$881,000, being \$283,000 below budget for the year, and expenses of \$1.17 million, being \$79,000 below budget. After special project grants, the operational side/top half of the income statement shows a net loss of \$273,000 through May. After factoring in strategic initiatives and depreciation, there is currently a net loss of \$1.4 million for the year. Mr. Lipsitz directed that the report be received and filed.

2020 Tax Incentive Induced/Closing Schedule/Estimated Real Property Tax Impact. Ms. Fiala presented this report. Mr. Lipsitz directed that the report be received and filed.

Policy Committee Update. Mr. Lipsitz presented this report and noted the Policy Committee recommended approval for the Kamax, LLC/Raine Logistics project by a vote of 10-1. Mr. Lipsitz directed that the report be received and filed.

## INDUCEMENT RESOLUTION

Kamax, LLC/Raine Logistics, Inc., 2890 North America Drive, West Seneca, New York

Ms. Fiala reviewed the proposed project noting that Raine Logistics is currently located in the City of Buffalo in a 6,000 sq. ft. leased facility on Hamburg Street. After reviewing several sites within the City of Buffalo, the company has made the decision to construct a 14,380 sq. ft. truck terminal in the Town of West Seneca. Since the project involves movement of a company from the City of Buffalo to the Town of West Seneca, the Agency has followed its Inter-Municipal Move Policy and has notified both the Mayor of the City of Buffalo and the

Supervisor of the Town of West Seneca regarding this proposed move. Ms. Fiala commented on the company's contractor's use of MWBE contractors and noted the general contractor anticipated use of MWBE contractors for the construction of the project.

Ms. Gallagher spoke in favor of the project and, in particular, thanked the company for making this capital investment at this point in time.

Mr. Poloncarz spoke in favor of the project.

At this point in time, Mr. Pridgen joined the meeting.

Mr. Lipsitz commented on importance of using MWBE contractors.

Mr. Blue queried as to breakdown of the company's minority employees.

Mr. Kushnir then spoke on behalf of the company and stated that the company is an EEO employer, and that, so long as a person meets the company's employment qualifications, that person will be hired.

Mr. Blue asked if there is a breakdown on race of employees.

Mr. Kushnir stated they have no African-American employees and one Native American employee.

As a condition precedent of receiving financial assistance, and as a material term or condition established by the Agency in connection with its approval of the Project, Mr. Cappellino noted that the Company 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 actually made with respect to the Project at the time of Project completion equals or exceeds \$1,881,900 (which represents the product of 85% multiplied by \$2,214,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment - that there are at least 12 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 the Company has maintained and created full-time equivalent ("FTE") employment at the Facility equal to 13 FTE employees [representing the sum of (i) 12 Baseline FTE employees and (ii) 1 FTE, being the product of 85% multiplied by 1, (representing the 1 new FTE employee position proposed to

be created by the Company as stated in the Company's application for Financial Assistance)]. In an effort 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.

General discussion ensued. Ms. Benczkowski moved and Mr. Wingerter seconded to approve the Project as proposed.

Mr. Lipsitz confirmed the Agency desires to see a demonstrated use of MWBE hiring for contractors and contractor work.

Mr. Pridgen queried if the company has a plan to hire minorities.

Mr. Cappellino confirmed Kulback's Inc. anticipates use of 5 MWBE certified subcontractors.

Mr. Lipsitz noted MWBE goals/practices are a Policy Committee action item and is to be addressed in future meetings.

Ms. Lipstiz 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 KAMAX, LLC, 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

#### **MANAGEMENT TEAM REPORTS**

Mr. Cappellino updated members that staff is occupying the facility at 50% capacity and discussed various ECIDA activities related to various projects, its COVID-19 lending program, new EDA grant funding appropriations, and new IDA legislation allowing IDAs to provide grants and loans to COVID-19 impacted companies to fund PPE purchases and/or facility improvements required to be made to comply with office/facility opening requirements. Mr. Lipsitz directed that the report be received and filed.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting of the Agency at 12:34 p.m.

Dated: June 24, 2020

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Karen M. Fiala, Secretary

**Erie County Industrial Development Agency**  
**Financial Statements**  
As of June 30, 2020

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Balance Sheet**

June 30, 2020

	June 2020	May 2020	December 2019
<b>ASSETS:</b>			
Cash *	\$ 7,270,461	\$ 7,405,192	\$ 7,576,519
Restricted Cash & Investments *	17,419,050	17,449,790	19,385,789
Due from Affiliates	389,700	356,083	553,651
Due from Buffalo Urban Development Corp.	125,894	162,327	114,751
Other Receivables	105,476	119,868	144,311
Total Current Assets	<u>25,310,581</u>	<u>25,493,261</u>	<u>27,775,021</u>
Grants Receivable	184,151	331,434	331,434
Venture Capital Investments, net of reserves	634,061	634,061	634,061
Capital Assets	1,294,008	1,304,841	1,358,104
Total Long-Term Assets	<u>2,112,220</u>	<u>2,270,336</u>	<u>2,323,599</u>
<b>TOTAL ASSETS</b>	<u><u>\$ 27,422,801</u></u>	<u><u>\$ 27,763,597</u></u>	<u><u>\$ 30,098,620</u></u>
<b>LIABILITIES &amp; NET ASSETS</b>			
Accounts Payable & Accrued Exp.	\$ 227,007	\$ 204,144	\$ 390,971
Deferred Revenues	128,810	249,423	243,708
Other Payables	-	56,294	56,294
Funds Held on Behalf of Others	6,049,162	6,048,665	6,785,657
Total Liabilities	<u>6,404,979</u>	<u>6,558,525</u>	<u>7,476,629</u>
Net Assets	21,017,822	21,205,072	22,621,991
<b>TOTAL LIABILITIES &amp; NET ASSETS</b>	<u><u>\$ 27,422,801</u></u>	<u><u>\$ 27,763,597</u></u>	<u><u>\$ 30,098,620</u></u>

\* Cash and restricted cash is invested in checking accounts at M&T Bank. The maximum FDIC insured amount = \$250,000 with the remainder of the cash balance collateralized with government obligations by the financial institution.



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Income Statement**

Month of June 2020

	<b>Actual vs. Budget</b>		
	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
<b>REVENUES:</b>			
Administrative Fees	\$ 18,222	\$ 158,333	\$ (140,111)
Affiliate Management Fees	43,250	43,375	(125)
Interest Income - Cash & Investments	1,472	8,750	(7,278)
Rental Income	19,877	19,875	2
Other Income	6,253	6,333	(81)
<b>Total Revenues</b>	<b>89,074</b>	<b>236,667</b>	<b>(147,593)</b>
<b>EXPENSES:</b>			
Salaries & Benefits	\$ 155,381	\$ 170,137	\$ (14,757)
General Office Expenses	21,880	21,542	338
Building Operating Costs	16,287	19,380	(3,093)
Professional Services	3,139	8,042	(4,903)
Public Hearings & Marketing	5,711	6,250	(539)
Travel, Mileage & Meeting Expenses	704	5,250	(4,546)
Other Expenses	1,653	833	820
<b>Total Expenses</b>	<b>204,755</b>	<b>231,434</b>	<b>(26,679)</b>
<b>SPECIAL PROJECT GRANTS:</b>			
Revenues	\$ (30,725)	\$ 13,350	\$ (44,075)
Expenses	2,041	(10,417)	12,458
	<b>(28,683)</b>	<b>2,933</b>	<b>(31,617)</b>
<b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS &amp; DEPRECIATION:</b>			
	<b>(144,364)</b>	<b>8,166</b>	<b>(152,530)</b>
<b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>			
Zero Net Energy costs (Z7+)	-	(52,160)	52,160
Bethlehem Steel Industrial Park Grant	(25,000)	-	(25,000)
Angola Ag Park Grant	(7,053)	(100,000)	92,947
Other Strategic Initiatives	-	(5,000)	5,000
	<b>(32,053)</b>	<b>(157,160)</b>	<b>125,107</b>
<b>NET INCOME/(LOSS) BEFORE DEPRECIATION:</b>			
	<b>(176,417)</b>	<b>(148,994)</b>	<b>(27,424)</b>
Depreciation	(10,833)	(10,833)	0
<b>NET INCOME/(LOSS):</b>			
	<b>\$ (187,251)</b>	<b>\$ (159,827)</b>	<b>\$ (27,423)</b>

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")**

**Income Statement**

Year to Date: June 30, 2020

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
<b>REVENUES:</b>						
Administrative Fees	\$ 548,831	\$ 950,000	\$ (401,169)	\$ 548,831	\$ 753,131	\$ (204,300)
Affiliate Management Fees	259,500	260,250	(750)	259,500	241,900	17,600
Interest Income - Cash & Investments	28,375	52,500	(24,125)	28,375	21	28,353
Rental Income	119,264	119,250	14	119,264	58,617	60,648
Other Income	13,765	18,000	(4,235)	13,765	118,564	(104,800)
Interest Income - Loans	-	-	-	-	12,117	(12,117)
<b>Total Revenues</b>	<b>969,735</b>	<b>1,400,000</b>	<b>(430,265)</b>	<b>969,735</b>	<b>1,184,350</b>	<b>(214,615)</b>
<b>EXPENSES:</b>						
Salaries & Benefits	1,049,458	1,093,316	(43,858)	1,049,458	1,005,006	44,452
General Office Expenses	127,585	129,250	(1,665)	127,585	133,386	(5,800)
Building Operating Costs	106,300	116,280	(9,980)	106,300	109,277	(2,977)
Professional Services	41,870	61,500	(19,630)	41,870	60,916	(19,046)
Public Hearings & Marketing	28,016	37,500	(9,484)	28,016	27,340	676
Travel, Mileage & Meeting Expenses	15,131	31,500	(16,369)	15,131	34,918	(19,787)
Other Expenses	2,677	5,000	(2,323)	2,677	1,973	704
<b>Total Expenses</b>	<b>1,371,037</b>	<b>1,474,346</b>	<b>(103,308)</b>	<b>1,371,037</b>	<b>1,372,816</b>	<b>(1,778)</b>
<b>SPECIAL PROJECT GRANTS:</b>						
Revenues	4,137	80,100	(75,963)	4,137	424,498	(420,361)
Expenses	(20,709)	(62,500)	41,791	(20,709)	(377,012)	356,303
	<b>(16,571)</b>	<b>17,600</b>	<b>(34,171)</b>	<b>(16,571)</b>	<b>47,487</b>	<b>(64,058)</b>
<b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS &amp; DEPRECIATION:</b>	<b>\$ (417,873)</b>	<b>\$ (56,746)</b>	<b>\$ (361,128)</b>	<b>\$ (417,873)</b>	<b>\$ (140,979)</b>	<b>\$ (276,895)</b>
<b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>						
Zero Net Energy costs (Z7+)	\$ -	\$ (625,917)	\$ 625,917	\$ -	\$ (103)	\$ 103
Bethlehem Steel Industrial Park Grant	(105,000)	(200,000)	95,000	(105,000)	(200,000)	95,000
Angola Ag Park Grant	(844,296)	(100,000)	(744,296)	(844,296)	-	(844,296)
Buffalo Building Reuse Project (BUDC)	(100,000)	(100,000)	-	(100,000)	(100,000)	-
Canadian Lead Generation (IBN)	(72,000)	(72,000)	-	(72,000)	(72,000)	-
UDAG Gain/(Loss) on Venture Investments	-	-	-	-	31,915	(31,915)
Other Strategic Initiatives	-	(160,000)	160,000	-	(30,000)	30,000
	<b>(1,121,296)</b>	<b>(1,257,917)</b>	<b>136,621</b>	<b>(1,121,296)</b>	<b>(370,188)</b>	<b>(751,108)</b>
<b>NET INCOME/(LOSS) BEFORE DEPREC:</b>	<b>(1,539,169)</b>	<b>(1,314,662)</b>	<b>(224,507)</b>	<b>(1,539,169)</b>	<b>(511,167)</b>	<b>(1,028,002)</b>
Depreciation	(65,000)	(65,000)	0	(65,000)	(64,800)	(200)
<b>NET INCOME/(LOSS):</b>	<b>\$ (1,604,169)</b>	<b>\$ (1,379,662)</b>	<b>\$ (224,507)</b>	<b>\$ (1,604,169)</b>	<b>\$ (575,967)</b>	<b>\$ (1,028,202)</b>



**Tax Incentives Closings - 2020**

Project Name	Project Amount at Closing	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projected Year 2 PT Jobs	Project City	Induced Date	Est. Project Completion Date
Jemal's Seneca, LLC	\$ 45,000,000	0	5	0	0	Buffalo	3/25/2020	4/3/2020
Moog, Inc.	\$ 44,300,000	288	357	0	0	Elma	3/22/2017	12/31/2020
570 Associates Vi, LLC	\$ 20,745,000	0	124	0	0	Cheektowaga	2/22/2017	12/31/2020
Steuben Foods, Inc.	\$ 16,457,951	564	582	19	19	Elma	3/27/2019	3/31/2020
637 Linwood, LLC/1275 Delaware, LLC	\$ 12,402,877	0	10	0	0	Buffalo	3/25/2020	12/31/2021
Buffalo High Technology Centre, Inc.	\$ 7,877,447	0	4	0	0	Buffalo	7/24/2019	12/31/2020
Hertel Pacific, LLC/Cypress North	\$ 999,568	16	18	1	1	Buffalo	8/28/2019	12/31/2020
7 Projects Closed								
232 FT Projected New Jobs								
0 PT Projected New Jobs								
	\$ 147,782,843	868	1,100	0	0			

**ESTIMATED TAX IMPACT (SUBJECT TO RESTRICTIONS OF NYS TAX CAP)  
2020 CLOSINGS**

<b>PROJECT NAME</b>	<b>EST. OR ACTUAL INCREASE IN ASSESSED VALUE DUE TO PROJECT</b>	<b>COUNTY TAX RATE</b>	<b>LOCAL TAX RATE</b>	<b>PROJECTED INCREASE IN COUNTY TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD</b>	<b>PROJECTED INCREASE IN LOCAL TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD</b>
Moog	\$175,275	\$120.24	\$373.46	\$44,258	\$137,462
Steuben Foods	\$205,000	\$120.24	\$373.46	\$51,763	\$160,775
Hertel Pacific/Cypress North	\$210,000	\$7.33	\$28.22	\$2,300	\$8,900
570 Associates/Garden Village Plaza	\$10,000,000	\$5.27	\$26.76	\$79,000	\$401,000
637 Linwood, LLC*	\$3,000,000	\$7.33	\$28.22	\$263,000	\$169,000
			<b>Total</b>	<b>\$440,321</b>	<b>\$877,137</b>

\*The final assessment on each project is determined by the assessor of the respective municipality

\*denotes company has or intends to file for City 485-a exemption



MEMORANDUM  
July 22<sup>nd</sup>, 2020

To: Members of the Board of Directors of the Erie County Industrial Development Agency

From: John Cappellino

Re: Erie County Contract for Design and Engineering Services  
Bethlehem Steel Site Water and Sewer Utilities

**Background:**

The ECIDA and Erie County continue to partner and work toward the redevelopment of the former Bethlehem Steel site. The County recently allocated up to \$700,000 to support the design, engineering and construction administration for water and sewer utility extensions and upgrades on the site. The resolution approved by the County Legislature also allows for the ECIDA to serve as project administrator and to contract for design engineering and construction services for the proposed improvements.

The new utility corridors would provide public sewer and water service to various entrance corridors on the property including at Odell and Ridge Road. The Agency is also working with the Federal Economic Development Administration to receive grant funding to help fund the construction of the improvements.

**Requested Action:**

Seeking approval to enter into contracts with Erie County and appropriate design consultants in an amount not to exceed \$700,000 to provide project administration services related to water and sewer infrastructure improvements on the former Bethlehem Steel site.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, July 22, 2020, at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE AGENCY TO ENTER INTO A CONTRACT BETWEEN THE AGENCY AND THE COUNTY OF ERIE REGARDING THE BETHLEHEM STEEL PROJECT AND TO ENTER INTO CONTRACTS WITH APPROPRIATE FIRMS FOR DESIGN, ENGINEERING, AND CONSTRUCTION ADMINISTRATION SERVICES FOR WATER AND SEWER UTILITIES ON THE BETHLEHEM STEEL PROJECT SITE IN AMOUNTS NOT TO EXCEED A TOTAL OF \$700,000.

**WHEREAS**, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

**WHEREAS**, both the County of Erie (the "County") and the Agency are interested in the fostering of business growth and job creation within the County; and

**WHEREAS**, the Agency and the County desire to encourage the sound reuse of urban brownfields for productive use; and

**WHEREAS**, the County, the City of Lackawanna, and the Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

**WHEREAS**, the development of water and sewer infrastructure on/along existing/future ingress and egress access routes, or otherwise, for the benefit of the former Bethlehem Steel site (the "Project") is necessary to market the site as shovel ready; and

**WHEREAS**, the Agency has extensive experience in contracting with consultants and contractors specializing design of utility infrastructure; and

**WHEREAS**, the Agency intends to provide services for the Project in accordance with that certain Resolution of the Erie County Legislature, dated June 18, 2020, being item Comm. 12E-9 (the "County Resolution"), which provides that the County Executive is authorized to

enter into contracts with the Agency, the Buffalo and Erie County Industrial Land Development Corporation, the Erie County Water Authority, the New York State Department of Transportation and other state and federal agencies and consultants in amounts not to exceed a total of \$700,000, for the purpose of designing utilities on the former Bethlehem Steel site in the City of Lackawanna; and

**WHEREAS**, the County Resolution set forth that the source of the funds shall be in SAP accounts A.20911 in the amount of \$254,873 and A.13012 in the amount \$445,127 available respectively as part of the approved County budgets; and

**WHEREAS**, the Agency, acting as project administrator for the County, intends to solicit for and contract directly with the necessary, appropriate and qualified professional firm or firms for the design, engineering, and construction administration services for the aforementioned water and sewer infrastructure on the former Bethlehem Steel site.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. As referenced and authorized by the County in its County Resolution and in accordance with the Agency's goals and purposes set forth above, the Agency is hereby authorized to enter into contracts with the County and with the appropriate consultant(s) in amounts not to exceed a total of \$700,000, for the purpose of design, engineering and site preparation for construction related to water and sewer infrastructure on the former Bethlehem Steel site; and

Section 2. This Resolution shall take effect immediately upon adoption.

Dated: July 22, 2020





July 22, 2020

**MEMO:**

**To: ECIDA Board of Directors**

**RE: ECIDA's COVID-19 Disaster Emergency Grant Program**

New York State has temporarily amended the general municipal law (8181-A) to allow Industrial Development Agencies to provide grants to eligible small businesses and not-for-profit corporations for the purpose of acquiring **personal protective equipment or installing fixtures** necessary to prevent the spread of novel coronavirus, COVID-19.

The Erie County Industrial Development Agency is requesting to allocate up to \$500,000 in funding, from the ECIDA general fund, to establish the **Erie County COVID-19 Disaster Emergency Grant Program**. The ECIDA's temporary Grant Program would provide support to eligible small businesses and not-for-profit organizations as they reopen and/or proceed to reopen in compliance with the safety guidelines under the New York Forward Plan.

In accordance with GML 8181-A, eligible grant applicants would be required to meet the following criteria:

- Small Businesses (not more than 50 employees)
- Small not-for-profit corporation (formed pursuant to the not-for-profit corporation law with not more than 50 employees)
- Applicant **must** be physically located within Erie County, New York;
- Applicant was operational **prior** to the state disaster emergency declaration (March 7, 2020); and
- Applicant has **not** received grant funding from another IDA and/or state or federal funding source to support the purchase of the PPE identified in the project budget.

Additionally, the IDA shall give priority under the state disaster emergency grant program to applicants serving highly distressed areas, as pursuant to GML -GMU §854.

The goal of the state disaster emergency grant program is to provide financial relief to small businesses and not-for-profits as they must incur upfront expenses associated with reopening during these fiscally challenging and uncertain times.

**Requested Action:**

Seeking authorization to allocate an amount not to exceed \$500,000 to establish the **Erie County COVID-19 Disaster Emergency Grant Program** and authorize ECIDA staff, in consultation with the Chair and general counsel, to prepare standard Terms and Conditions of the Grant Awards, outlining the program details, limits and responsibilities. Note, ECIDA board will ultimately review grant applications and authorize grant awards.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
STATE DISASTER EMERGENCY GRANT PROGRAM  
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, July 22, 2020, at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE AGENCY TO ESTABLISH, FUND AND ADMINISTER THE ERIE COUNTY COVID-19 DISASTER EMERGENCY GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED A TOTAL OF \$500,000.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended (the "GML"), and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act; and

WHEREAS, the novel coronavirus, COVID-19, is a pandemic disease characterized as a severe acute respiratory syndrome (the "COVID-19 Pandemic"); and

WHEREAS, the COVID-19 Pandemic and directives issued by the State of New York (the "State") to reduce transmission has negatively impacted the State's economy and caused financial hardship to businesses, including those businesses in Erie County, New York; and

WHEREAS, on June 17, 2020, Andrew M. Cuomo, Governor of the State, signed into law Chapter 109 of the Laws of 2020 ("S8181A"), which amends certain sections of the GML to allow industrial development agencies in the State, including the Agency, to provide financial assistance in the form of loans and/or grants to eligible small businesses and not-for-profit corporations in an effort to alleviate the financial hardship caused by the COVID-19 Pandemic; and

WHEREAS, pursuant to S8181A, eligible small businesses and not-for-profit corporations with not more than fifty (50) employees (each an "Eligible Entity") must establish (i) it was a financially viable entity prior to March 7, 2020, (ii) it conducts business in the area served by the Agency (i.e., Erie County, New York) and (iii) it has been negatively impacted by the COVID-19 Pandemic; and

WHEREAS, pursuant to S8181A, the Agency may provide grants to Eligible Entities in an amount not to exceed \$10,000, the proceeds of which must be used for the purpose of

acquiring personal protective equipment or installing equipment necessary to prevent the spread of the COVID-19 Pandemic (the “Grant Program”); and

WHEREAS, S8181A has placed a priority on those applicants operating in “highly distressed areas,” as that term is defined in GML Section 854(18); and

WHEREAS, the Agency has identified \$500,000 in currently available funds to administer the Grant Program; and

WHEREAS, the Agency intends to allocate said funds for the establishment, funding and administration of the Grant Program, subject to approval of the Agency’s Board of Directors (the “Board”).

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:**

Section 1. The Agency hereby approves the allocation of \$500,000 in currently available funds to administer the Grant Program.

Section 2. The Agency hereby authorizes establishment of the Grant Program to award grants in an amount not to exceed \$10,000, provided, pursuant to S8181A, Eligible Entities must use any grant proceeds awarded to it for the purpose of acquiring personal protective equipment or installing equipment necessary to prevent the spread of the COVID-19 Pandemic.

Section 3. The establishment of the Grant Program, as contemplated by Section 2 of this Resolution, shall be subject to, inter alia:

(a) To qualify for the Grant Program, an Eligible Entity must establish that:

- (1) it was a financially viable entity prior to March 7, 2020;
- (2) it is physically located within Erie County, New York;
- (3) it has been negatively impacted by the COVID-19 Pandemic; and
- (4) it has not received grant funding from another industrial development agency and/or state or federal funding source to support the purchase or installation of personal protective equipment.

(b) The Agency shall place a priority on those Eligible Entities operating in “highly distressed areas,” as that term is defined in GML Section 854(18).

Section 4. The Agency hereby agrees to abide by certain reporting and record retention obligations in connection with the Grant Program, including reporting the following information to the Authorities Budget Office within ninety (90) days of the end of the Agency’s fiscal year:

- (a) Name and address of each grant recipient;
- (b) The amount of the grant provided;
- (c) Date the grant was awarded; and
- (d) Specific use of grant funds.

Section 5. The members, representatives, and agents of the Agency are hereby authorized and directed to take all actions deemed appropriate to effectuate the Grant Program, including, but not limited to, preparing standard terms and conditions of the grant awards and outlining the details, limits and responsibilities of the Grant Program and Eligible Entity-applicants in accordance with S8181A and any regulation promulgated thereto, and are hereby authorized and directed to execute and deliver such other documents and instruments, subject to the approval of legal counsel and the Chair, and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by these resolutions.

Section 6. The Agency has determined that the establishment of the Grant Program is a “Type II Action,” in accordance with Article 8 of the Environmental Conservation Law of the State and the regulations promulgated thereunder.

Section 7. This Resolution shall take effect immediately upon adoption.

Dated: July 22, 2020



MEMORANDUM

July 22<sup>nd</sup>, 2020

To: Members of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation

From: John Cappellino

Re: Angola Ag. Park – Town of Evans Water Tower Project  
Informational Briefing

**Background:**

The Town of Evans is currently in the final stages of design and interagency review for a new 1 million-gallon water tower, pump station and additional water mains. The total estimated capital cost of the project is \$5.53M.

The Evans water system is currently under a lease management agreement with the Erie County Water Authority (ECWA). The Town currently has no water storage of its own and needs a new water tower due to a lack of sufficient storage capacity and flow in the existing water distribution system. This has resulted in an inability to meet average local demands and provide the necessary pressure for adequate fire protection in the Town. This issue has also placed the Town in violation of the “Ten States Recommended Standards for Water Works”, which in turn has led the Erie County Department of Health to enact a moratorium on any new water line extensions, including new commercial and residential service connections, until sufficient progress is made on the construction of the water tower.

Based on current water demand and forecasted growth the proposed 1 million-gallon tank will provide sufficient capacity for the existing water demands of the Town. The current planning for the development of the Agri-Business Park would include redevelopment of the 240-acre site of the former Angola Airport. It is estimated that this new development could add up to 500,000 gallons of additional demand to the eastern zone of the Evans water system.

To address the potential new demand of the Agri-Business Park, the Town has agreed to solicit alternate bids for a 1.5 million-gallon tank. This will quantify the additional costs of the larger tank and allow for discussion of potential funding options.

Having thoroughly analyzed numerous potential locations for the water tower, there is a mutual agreement among engineers from the Town and ECWA that the future Agri-Business Park is the most ideal site. As part of the overall master planning for the site we are working to identify the



best placement of the tower within the Park, as well as subdivision and acquisition of land by the Town. Locating the new water tower toward the back of the property would minimize the impact on future developable parcels and provide the additional benefit of installing water supply lines which would be able to service the park development. There would be additional costs to run the water supply lines to the back of the property as part of the water tower project, but it would eliminate the need and cost of running the lines later. (see attached map)



