



Erie County Industrial Development Agency  
Annual Meeting of the Membership  
April 22, 2020

@ 12:00 P.M.  
Via Conference Call

**1.0 Call to Order**

1.1 Call to Order Meeting of the Membership

**2.0 Approval of Minutes:**

2.1 Approval of Minutes of March 25, 2020 Meeting of Membership (Pages 2-12)

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

3.1 Financial Report (Pages 13-16)

3.2 Banking Resolution Approval – Adding Signer (Action Item) (Pages 17-19)

3.3 2020 Tax Incentive Induced/Closing Schedule/ Estimated Real Property Tax Impact (Pages 20-22)

3.4 COVID-19 Response Update (Informational)

3.5 Nominating Committee Update

a) Election of Officers/Committee Appointments (Action Item) (Pages 23-25)

**4.0 Inducement Resolutions:**

4.1 (None)

**5.0 Management Team Reports:**

5.1

**6.0 Adjournment - Next Meeting May 27, 2020**

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

- DATE AND PLACE:** March 25, 2020, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”) held via telephone conference. Governor Cuomo’s Executive Order 202.1, 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 Board meeting is being live-streamed and made accessible on the Agency’s website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Hon. Diane Benczkowski, Rev. Mark E. Blue, Hon. Bryon W. Brown, Dottie Gallagher, Hon. Howard Johnson, Tyra Johnson, Hon. Brian J. Kulpa, Richard Lipsitz, Jr., Brenda W. McDuffie, Hon. Glenn R. Nellis, Hon. Darius G. Pridgen, Sister Denise Roche, Kenneth A. Schoetz and Art Wingerter
- EXCUSED:** Denise Abbott, James Doherty, Hon. Joseph Emminger, Hon. Mark C. Poloncarz and Charles F. Specht
- OTHERS PRESENT:** Steve Weathers, Chief Executive Officer; John Cappellino, Executive Vice President; Atiqah Abidi, Assistant Treasurer; Karen M. Fiala, Assistant Treasurer/Secretary; Gerald Manhard, Chief Lending Officer; Beth O’Keefe, Business Development Officer; Dawn Boudreau, Assistant Treasurer; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Tod Ciso on behalf of Marathon Drains; Milan Tyler, Phillips Lytle, LLP.; Tyson Prince on behalf of Steuben Foods; Byron DeLuke and Chris Campos, on behalf of TM Montante

There being a quorum present at 12:06 p.m., the meeting of the ECIDA Board of Directors was called to order by its Chair, Ms. McDuffie.

## MINUTES

The minutes of the February 26, 2020 meeting of the members were presented. Sister Denise moved and Mr. Nellis seconded, to approve of the minutes. Ms. McDuffie called for the vote, and the minutes were then unanimously approved.

## REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Abidi presented the February 2020 financial report, noting that the balance sheet shows that the Agency finished the month with total assets of \$29.4 million and net assets of \$22.4 million. The monthly income statement shows operating income of \$59,000. Operating revenue was over budget by \$65,000 due to administrative fee receipts in excess of monthly budget. Operating expenses were over budget by \$6,000. After factoring in strategic investments and depreciation, there was a net loss of \$103,000 for the month. The year-to-day income statement shows revenues of \$373,000, being \$90,000 below budget for the year, and expenses of \$457,000, being \$8,000 below budget. After special project grants, strategic initiatives, and depreciation, there is currently a net loss of \$258,000 for the year. Ms. McDuffie directed that the report be received and filed.

Finance and Audit Committee Update and Committee Self-Evaluation. Ms. Abidi presented this report. Ms. McDuffie directed that the reports be received and filed.

Audited Financial Statements: Ms. Abidi noted that the auditing firm, Freed Maxick CPAs, issued an unmodified (clean) opinion on the financial statement indicating that the financial statements present fairly, in all material respects, the financial position of the Corporation as of December 31, 2019. Ms. Abidi then summarized the auditor's report and findings, noting that the drafts were reviewed in detail with the Finance & Audit Committee on March 9, and that said committee recommended that the audited financial statement be approved by the Board.

Mr. Wingerter moved and Mr. Blue seconded to approve of the 2019 Audited Financial Statements. Ms. McDuffie called for the vote and the 2019 Audited Financial Statements were unanimously approved.

2019 Investment Report. Ms. Abidi reviewed the 2019 Investment Report. This report was reviewed by the Finance & Audit Committee at their meeting on March 9 and recommended to the Board for approval.

Ms. Benczkowski moved and Mr. Johnson seconded to approve of the 2019 Investment Report. Ms. McDuffie called for the vote and the 2019 Investment Report was unanimously approved.

Governance Committee Update. Ms. Boudreau presented this report. Ms. McDuffie directed that the report be received and filed.

Governance Committee Self-Evaluation. Ms. Boudreau reviewed the results of the required Governance Committee self-evaluation noting that all the core responsibilities of the Governance Committee as mandated under the New York Public Authorities Law and as set

forth in the Governance Committee Charter, were met and satisfied. Ms. McDuffie directed that the report be received and filed.

ECIDA Board of Directors Self-Evaluation. Ms. Boudreau reviewed the required Board of Director self-evaluations for the ECIDA noting that all the core responsibilities of the ECIDA Board of Directors as mandated under the New York Public Authorities Law and as set forth in the Agency's Charter, were met and satisfied. Ms. McDuffie directed that the report be received and filed.

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

Approval of Board Certification of RLF Plan. Mr. Manhard reviewed the RLF Plan. Mr. Pridgen moved and Sister Denise seconded to approve of the Board Certification of the RLF Plan. Ms. McDuffie then called for the vote and the following resolution was then unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "RLF BOARD" OR "AGENCY") IN CONNECTION WITH AN ANNUAL CERTIFICATION TO BE MADE UNDER THE STANDARD TERMS AND CONDITIONS AND ADMINISTRATIVE MANUAL REQUIREMENTS OF THE ECONOMIC DEVELOPMENT ADMINISTRATION (THE "EDA")

Policy Committee Update. Ms. McDuffie presented this report. Ms. McDuffie directed that the report be received and filed.

## **INDUCEMENT RESOLUTION**

3310 Benzing Road, LLC/Marathon Drains/MRP Supports, 3310 Benzing Road, Orchard Park, New York

Ms. Fiala reviewed the proposed project which involves the construction of a 10,000 sq. ft. addition to the company's existing facility. The existing facility is approximately 23,000 sq. ft. and is at capacity. The expansion is necessitated by increased project demand and related business growth and will create a safer working experience.

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 Agent Agreement/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 \$616,250.00 (which

represents the product of 85% multiplied by \$725,000.00, 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 and 1 existing part time equivalent (“PTE”) employee 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 FTE employment at the Facility equal to 17 FTE employees and 1 PTE employee [the 17 FTE employees being calculated by taking the sum of the Baseline FTE of 15 FTE plus the product of 85% multiplied by 3 (being the 2 new FTE employee positions plus 1 new part-time equivalent (“PTE”) employees (with 2 PTE employees counting as 1 FTE employee) as 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 on a quarterly basis to the Agency, 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. Mr. Nellis moved and Sister Roche 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 3310 BENZING RD., 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, AND (B) 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

637 Linwood, LLC/1275 Delaware, LLC, 1275 Delaware Avenue, Buffalo, New York

Mr. Cappellino reviewed the proposed project which entails the adaptive re-use of a former medical office building. The 50,000 sq. ft. building has been vacant or underutilized for over 3 years. The project involves converting the building into a mixed use structure containing approximately 10,000 sq. ft. of commercial space and 33 residential units. Approximately 9,000 sq. ft. of ground floor and garden level space will be dedicated to commercial uses for a professional services or a back office user. Approximately 1,000 sq. ft. of ground floor space will be dedicated to a food service component adjacent to the lobby in the original diner/café space.

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 conclusion of the later of two (2) years following either (i) the construction completion date, or (ii) the termination of the Agent 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 \$10,591,844.00 (which represents the product of 85% multiplied by \$12,460,993.00, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment - the number of current full time equivalent ("FTE") employees in the then current year at the Facility; and
  - that the Company has created and maintained FTE employment at the Facility equal to 8.5 FTE employees [representing 85% multiplied by 10 (being the 8 new FTE employee positions plus 4 new part-time equivalent ("PTE") employees (with 2 PTE employees counting as 1 FTE employee) as 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 on a quarterly basis to the Agency, 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. Mr. Brown moved and Mr. Kulpa 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 637 LINWOOD LLC, 1275 DELAWARE 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 AND (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

At this point, Mr. Wingerter left the meeting.

Jemal's Seneca, LLC, 1 Seneca Street, Buffalo, New York

Mr. Cappellino reviewed the proposed redevelopment and re-occupancy of the vacant 1.2 million sq. ft. Seneca One complex which consists of a vacant 38-story tower, two 4-story annex buildings to the south and west of the tower and a plaza area surrounding these buildings. The redevelopment plan will serve to provide needed commercial Class A office space to

Buffalo's growing IT hub and stabilize an iconic Buffalo commercial complex. Approximately \$15,000,000 in infrastructure improvements are planned which includes elevator work, fire protection work, internet and technology improvements, plumbing and storm/sanitary systems. The ECIDA will enter into a PILOT Agreement with the developer for a 25-year term. The PILOT Agreement will provide for full tax payments to both the County and City. All City of Buffalo PILOT payments will be directed to be paid to the ECIDA. The ECIDA will create a separate fund for the Accelerator Fund projects as well as other critical downtown streetscape improvements and will reimburse the City for these infrastructure improvements. The City of Buffalo estimates the dollar amount of revenue generated through the PIF over the 25-year term to be approximately \$40,000,000.

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 conclusion of two (2) years following the mortgage closing and related provision of the Agency's mortgage recording tax exemption benefit, 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 \$38,250,000.00 (which represents the product of 85% multiplied by \$45,000,000.00, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – the number of current FTE employees in the then current year at the Facility; and
  - that the Company has maintained and created FTE employment at the Facility equal to 4.5 FTE employees [representing the product of 85% multiplied by 5 (being the total number of new FTE employee positions as 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 on a quarterly basis to the Agency, 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. Mr. Brown moved and Mr. Pridgen 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 JEMAL'S SENECA L.L.C. 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) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT; (v) APPROVING A DEVIATION FROM THE UNIFORM TAX EXEMPTION POLICY OF THE AGENCY WITH RESPECT TO A PAYMENT-IN-LIEU-OF-TAX AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PILOT AGREEMENT, A FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

At this point, Mr. Brown left the meeting.

Steuben Foods, Inc., 1150 Maple Road, Elma, New York

Ms. Fiala reviewed the proposed project that includes the buildout of approximately 26,000 sq. ft. in Steuben's existing facility along with the construction of a 7,700 sq. ft. addition. The project will allow Steuben to increase its capacity to receive and separately store multiple streams of fluid milk. Additionally, the project will increase Steuben's overall product processing and production capacity. The project also includes the purchase and installation of various beverage and dairy processing and storage equipment.

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 \$21,778,269.00 (which represents the product of 85% multiplied by \$25,621,494.00, being the total project cost as stated in the Company's application for Financial Assistance).

- (ii) Employment Commitment – that there are at least 604 existing full time equivalent (“FTE”) employees and at least 20 existing part-time equivalent (“PTE”) employees located at, or to be located at, the Facility as stated in the Company’s application for Financial Assistance (the “Baseline FTE/PTE”); and
  - the number of current FTE/PTE employees in the then current year at the Facility; and
  - that the Company has maintained and created FTE/PTE employment at the Facility equal to 621 FTE employees and 20 PTE employees [the 621 FTE employees being calculated by taking the sum of the Baseline FTE of 604 plus the product of 85% multiplied by 20 (being the total number of new FTE employee positions as 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 on a quarterly basis to the Agency, 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. Sister Roche moved and Ms. Benczkowski 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 STEUBEN FOODS, INCORPORATED, 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 AND (B) 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

## **REVIEW AND ADOPTION OF POLICIES, REPORTS AND COMMITTEE CHARTERS.**

The 2019 Mission Statement, Performance Measures and Results. Ms. O’Keefe reviewed the 2019 Mission Statement and related results. Mr. Lipsitz moved and Mr. Nellis seconded to approve of the statement and results. Ms. McDuffie called for the vote and the 2019 Mission Statement, Performance Measures and Results was unanimously approved.

The 2020 Mission Statement, Performance Measures and Results. Ms. O’Keefe reviewed the 2020 Mission Statement and related results. Mr. Lipsitz moved and Mr. Nellis seconded to approve of the statement and results. Ms. McDuffie called for the vote and the 2020 Mission Statement, Performance Measures and Results was unanimously approved.

2019 Public Authorities Report. Ms. Boudreau reviewed the Agency’s 2019 Public Authorities Report. Mr. Nellis moved and Mr. Lipsitz seconded to approve of the report as proposed. Ms. McDuffie called for the vote and the 2019 Public Authorities Report was then unanimously approved.

Code of Ethics & Conflict of Interest Policy. Ms. Boudreau reviewed the Agency’s Code of Ethics and Conflict of Interest Policy, including proposed amendments to be made thereto. Mr. Nellis moved and Mr. Lipsitz seconded to approve of the amended policy. Ms. McDuffie called for the vote and the Code of Ethics and Conflict of Interest Policy, as amended, was then unanimously approved.

## **RE-ADOPT POLICIES AND CHARTERS**

Ms. Boudreau noted that Items 5-18 on the agenda were reviewed by counsel, that Authority Budget Office recommended no changes, and as such, the staff recommends that the policies and charters items numbered 5-18 be approved without any changes. Mr. Nellis moved and Mr. Lipsitz seconded to approve of the various polices and charters. Ms. McDuffie called for the vote and the following policies and charters were then unanimously approved:

- Investment & Deposit Policy
- Procurement Policy
- Whistleblower Policy and Procedures
- Defense & Indemnification Policy
- Finance & Audit Committee Charter
- Governance Committee Charter
- Property Disposition Guidelines

- Real Property Acquisition Policy
- Board Member Compensation, Reimbursement & Attendance Policy
- Employee Compensation Program
- Travel, Conferences, Meals & Entertainment Policy
- Statement of Duties & Responsibilities of the Board of Directors
- Statement of the Competencies & Personal Attributes Required by Board Members
- Corporate Credit Card Policy

#### **MANAGEMENT TEAM REPORTS**

2019 Year in Review. Mr. Weathers presented members with the Agency's 2019 annual report.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 1:02 p.m.

Dated: March 25, 2020

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Karen M. Fiala, Secretary

**Erie County Industrial Development Agency**  
**Financial Statements**  
As of March 31, 2020

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

**Balance Sheet**

March 31, 2020

	March 2020	February 2020	December 2019
<b>ASSETS:</b>			
Cash *	\$ 7,065,932	\$ 7,302,889	\$ 7,576,519
Restricted Cash & Investments *	19,542,446	18,901,825	19,385,789
Due from Affiliates	654,424	620,841	553,651
Due from Buffalo Urban Development Corp.	144,923	133,113	114,751
Other Receivables	185,302	185,283	144,311
Total Current Assets	<u>27,593,027</u>	<u>27,143,950</u>	<u>27,775,021</u>
Grants Receivable	331,434	331,434	331,434
Venture Capital Investments, net of reserves	634,061	634,061	634,061
Capital Assets	1,326,508	1,337,341	1,358,104
Total Long-Term Assets	<u>2,292,003</u>	<u>2,302,836</u>	<u>2,323,599</u>
<b>TOTAL ASSETS</b>	<u>\$ 29,885,030</u>	<u>\$ 29,446,787</u>	<u>\$ 30,098,620</u>
<b>LIABILITIES &amp; NET ASSETS</b>			
Accounts Payable & Accrued Exp.	\$ 283,695	\$ 199,219	\$ 390,971
Deferred Revenues	249,423	251,328	243,708
Other Payables	56,294	56,294	56,294
Funds Held on Behalf of Others	7,229,690	6,576,232	6,785,657
Total Liabilities	<u>7,819,101</u>	<u>7,083,072</u>	<u>7,476,629</u>
Net Assets	<u>22,065,929</u>	<u>22,363,715</u>	<u>22,621,991</u>
<b>TOTAL LIABILITIES &amp; NET ASSETS</b>	<u>\$ 29,885,030</u>	<u>\$ 29,446,787</u>	<u>\$ 30,098,620</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 March 2020

	<b>Actual vs. Budget</b>		
	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
<b>REVENUES:</b>			
Administrative Fees	\$ 3,000	\$ 158,333	\$ (155,333)
Affiliate Management Fees	43,250	43,375	(125)
Interest Income - Cash & Investments	4,830	8,750	(3,920)
Rental Income	19,877	19,875	2
Other Income	7,512	6,333	1,179
<b>Total Revenues</b>	<b>78,470</b>	<b>236,667</b>	<b>(158,197)</b>
<b>EXPENSES:</b>			
Salaries & Benefits	\$ 248,616	\$ 242,628	\$ 5,988
General Office Expenses	24,889	21,542	3,348
Building Operating Costs	18,685	19,380	(695)
Professional Services	375	8,042	(7,667)
Public Hearings & Marketing	5,326	6,250	(924)
Travel, Mileage & Meeting Expenses	860	5,250	(4,390)
Other Expenses	212	833	(621)
<b>Total Expenses</b>	<b>298,964</b>	<b>303,925</b>	<b>(4,961)</b>
<b>SPECIAL PROJECT GRANTS:</b>			
Revenues	\$ 33,542	\$ 13,350	\$ 20,192
Expenses	-	(10,417)	10,417
	<b>33,542</b>	<b>2,933</b>	<b>30,609</b>
<b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS &amp; DEPRECIATION:</b>			
	<b>(186,952)</b>	<b>(64,325)</b>	<b>(122,627)</b>
<b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>			
Zero Net Energy costs (Z7+)	-	(52,160)	52,160
Buffalo Building Reuse Project (BUDC)	(100,000)	(100,000)	-
Other Strategic Initiatives	-	(5,000)	5,000
	<b>(100,000)</b>	<b>(157,160)</b>	<b>57,160</b>
<b>NET INCOME/(LOSS) BEFORE DEPRECIATION:</b>			
	<b>(286,952)</b>	<b>(221,485)</b>	<b>(65,467)</b>
Depreciation	(10,833)	(10,833)	0
<b>NET INCOME/(LOSS):</b>	<b>\$ (297,786)</b>	<b>\$ (232,318)</b>	<b>\$ (65,467)</b>

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

**Income Statement**

Year to Date: March 31, 2020

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
<b>REVENUES:</b>						
Administrative Fees	\$ 230,890	\$ 475,000	\$ (244,110)	\$ 230,890	\$ 163,065	\$ 67,825
Affiliate Management Fees	129,750	130,125	(375)	129,750	121,050	8,700
Interest Income - Loans	-	-	-	-	21	(21)
Interest Income - Cash & Investments	23,885	26,250	(2,365)	23,885	29,063	(5,178)
Rental Income	59,632	59,625	7	59,632	59,082	550
Other Income	7,512	9,000	(1,488)	7,512	6,757	756
<b>Total Revenues</b>	<b>451,669</b>	<b>700,000</b>	<b>(248,331)</b>	<b>451,669</b>	<b>379,038</b>	<b>72,631</b>
<b>EXPENSES:</b>						
Salaries & Benefits	581,468	582,903	(1,435)	581,468	537,982	43,486
General Office Expenses	76,610	64,625	11,985	76,610	78,360	(1,750)
Building Operating Costs	56,786	58,140	(1,354)	56,786	57,489	(703)
Professional Services	10,426	24,125	(13,699)	10,426	15,870	(5,444)
Public Hearings & Marketing	15,496	18,750	(3,254)	15,496	15,955	(459)
Travel, Mileage & Meeting Expenses	14,427	15,750	(1,323)	14,427	17,774	(3,347)
Other Expenses	942	2,500	(1,558)	942	1,140	(198)
<b>Total Expenses</b>	<b>756,155</b>	<b>766,793</b>	<b>(10,638)</b>	<b>756,155</b>	<b>724,570</b>	<b>31,585</b>
<b>SPECIAL PROJECT GRANTS:</b>						
Revenues	34,462	40,050	(5,588)	34,462	418,698	(384,236)
Expenses	(1,539)	(31,250)	29,711	(1,539)	(376,791)	375,252
	<b>32,924</b>	<b>8,800</b>	<b>24,124</b>	<b>32,924</b>	<b>41,907</b>	<b>(8,983)</b>
<b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS &amp; DEPRECIATION:</b>						
	<b>\$ (271,562)</b>	<b>\$ (57,993)</b>	<b>\$ (213,569)</b>	<b>\$ (271,562)</b>	<b>\$ (303,625)</b>	<b>\$ 32,063</b>
<b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>						
Zero Net Energy costs (Z7+)	\$ -	\$ (625,917)	\$ 625,917	\$ -	\$ -	\$ -
Bethlehem Steel Industrial Park Grant	(80,000)	(300,000)	220,000	(80,000)	(80,000)	-
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)	-
Other Strategic Initiatives	-	(160,000)	160,000	-	(15,000)	15,000
	<b>(252,000)</b>	<b>(1,257,917)</b>	<b>1,005,917</b>	<b>(252,000)</b>	<b>(267,000)</b>	<b>15,000</b>
<b>NET INCOME/(LOSS) BEFORE DEPREC:</b>						
	<b>(523,562)</b>	<b>(1,315,910)</b>	<b>792,348</b>	<b>(523,562)</b>	<b>(570,625)</b>	<b>47,063</b>
Depreciation	(32,500)	(32,500)	0	(32,500)	(32,400)	(100)
<b>NET INCOME/(LOSS):</b>						
	<b>\$ (556,062)</b>	<b>\$ (1,348,410)</b>	<b>\$ 792,348</b>	<b>\$ (556,062)</b>	<b>\$ (603,025)</b>	<b>\$ 46,963</b>





**Item 3.2**

**MEMORANDUM**

**TO:** ECIDA Board of Directors  
**FROM:** Mollie Profic, CFO  
**SUBJECT:** M&T Bank Resolution – Adding Signer  
**DATE:** April 22, 2020

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As part of internal controls surrounding cash disbursements, ECIDA’s procedures require two signers on each check issued by the Agency. Current check signers are John Cappellino, Karen Fiala, and Mollie Profic. With the recent retirement of the President & CEO, he has been removed as a check signer with M&T Bank. Management proposes adding Atiq Abidi, Assistant Treasurer, to maintain four active check signers.

M&T Bank has a standard Public Funds Certified Resolution, a copy of which follows this memo. A separate resolution is required for each account maintained by the Agency. As all the resolutions will be identical other than the account number, one is included for the Board’s review.

**Action:**

The ECIDA Board is requested to approve the attached resolution and authorize the execution of the remaining Public Funds resolutions related to the Agency’s accounts.

ACCOUNT NUMBER \_\_\_\_\_ SAFE DEPOSIT BOX \_\_\_\_\_ SAFE DEPOSIT BOX  
BRANCH LOCATION (CC#) \_\_\_\_\_ NUMBER \_\_\_\_\_  
DEPOSITOR ECIDA

**NAME** JOHN CAPPELLINO  
ROLE / TITLE Executive Vice President/COO  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
EMAIL ADDRESS (if available) \_\_\_\_\_  
U.S. SSN \_\_\_\_\_  
COUNTRY(IES) OF CITIZENSHIP US  
COUNTRY OF RESIDENCE US  
DATE OF BIRTH \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**NAME** KAREN FIALA  
ROLE / TITLE Assistant Treasurer  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
EMAIL ADDRESS (if available) \_\_\_\_\_  
U.S. SSN \_\_\_\_\_  
COUNTRY(IES) OF CITIZENSHIP US  
COUNTRY OF RESIDENCE US  
DATE OF BIRTH \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**NAME** MOLLIE PROFIC  
ROLE / TITLE CFO  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
EMAIL ADDRESS (if available) \_\_\_\_\_  
U.S. SSN \_\_\_\_\_  
COUNTRY(IES) OF CITIZENSHIP US  
COUNTRY OF RESIDENCE US  
DATE OF BIRTH \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

**NAME** ATIQA ABIDI  
ROLE / TITLE Assistant Treasurer  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
EMAIL ADDRESS (if available) \_\_\_\_\_  
U.S. SSN \_\_\_\_\_  
COUNTRY(IES) OF CITIZENSHIP US  
COUNTRY OF RESIDENCE US  
DATE OF BIRTH \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

I certify that Depositor named above has duly authorized the opening of a deposit account pursuant to the agreement on M&T Bank's Commercial Deposit Account Opening Request, and that I am duly authorized to act on behalf of Depositor; that Depositor is:

- an agency or department of the United States,
- an agency, division or department of the State of New York,
- a State of \_\_\_\_\_ local government entity (county, town, village),
- a school district,
- a fire district, or
- other \_\_\_\_\_

duly organized and validly existing under the laws of the State of \_\_\_\_\_; and, if applicable, that the resolutions set forth below or provided separately to M&T Bank have been duly adopted by the Board of of Depositor, at a meeting duly called and held on April 22, 2020; that each of such resolutions is in full force and effect and none has been rescinded, revoked, or modified; and that none of such resolutions nor any action pursuant thereto will violate any law, rule, regulation, charter, by-law or agreement by which Depositor is governed, constituted or bound. RESOLVED, that:

1. Manufacturers and Traders Trust Company ("M&T Bank"), a New York banking corporation, is hereby designated a depository for this entity (the "Depositor") and the officers or employees named herein or on a Rider hereto are hereby authorized to open one or more deposit accounts from time to time (each an "Account") on behalf of Depositor.
2. M&T Bank may purchase, give credit for, cash, accept, certify and pay from funds on deposit in the Account, without inquiry, all items signed, drawn, accepted or endorsed on behalf of Depositor, whether under a title, the words "Authorized Signature" or otherwise, with the actual or purported facsimile signature of any one of the officials whose names, capacities and specimen signatures appear above or on a Rider hereto, or his or her successor in office (each an "Authorized Signer"), regardless of the circumstances under which the signature shall have become affixed so long as the signature is the actual signature of an Authorized Signer or resembles the facsimile signature of an Authorized Signer previously certified to M&T Bank. Depositor shall indemnify M&T Bank against all claims, damages, liabilities, costs and expenses (including, but not limited to, attorneys' fees and disbursements) incurred by M&T Bank in connection with honoring any signature of any Authorized Signer (including any facsimile signature that resembles the facsimile signature of an Authorized Signer previously certified to M&T Bank) or any refusal to honor the signature of any person who is not an Authorized Signer. Depositor acknowledges and agrees that any requirement of Depositor that any item or other instrument for the payment of money signed, drawn, accepted or endorsed on behalf of Depositor bear the signature of more than one Authorized Signer is solely an internal requirement of Depositor and imposes no duty of enforcement on M&T Bank.
3. Any Authorized Signer may, on behalf of Depositor, transact with and through M&T Bank all such business as he or she deems advisable upon such terms as he or she deems proper, including, but not limited to, obtaining an undertaking and pledge of collateral for uninsured balances in the Account, entering into custodial agreements concerning such collateral, obtaining such loans and other extensions of credit as may be consistent with applicable law, discounting, selling, assigning, delivering and negotiating items, guaranteeing the obligations of others pursuant to applicable law, applying for letters of credit, electronic funds transfers, capital markets products, automated clearing house ("ACH") payments, cash management, trust and investment products and any other services or transactions, and, in compliance with all applicable law and procedures, pledging, hypothecating, assigning, mortgaging, encumbering, granting security interests in and otherwise creating liens upon Depositor's property, whether real or personal, tangible or intangible ("Property"), as security for loans and other extensions of credit, and in connection with any such transaction of business do all acts or other things as he or she shall deem proper including, but not limited to, signing, drawing, accepting, executing and delivering items, guarantees, assignments, pledges, hypothecations, receipts, waivers, releases and other instruments, agreements and documents, making and receiving delivery of Property, accepting, receiving, withdrawing and waiving demands and notices and incurring and paying liabilities, costs and expenses.
4. In the event an Authorized Signer acting on behalf of Depositor shall apply to or contract with M&T Bank for any electronic funds transfer service that M&T Bank may make available to Depositor, including, but not limited to, any service that contemplates M&T Bank's execution of payment orders initiated by Depositor for the wire or ACH transfer of funds to or from an Account of Depositor, such Authorized Signer shall be empowered on behalf of Depositor to designate one or more persons (who may, but need not be, Authorized Signers), each of whom, acting alone, shall be authorized on behalf of Depositor to transmit payment orders to M&T Bank for the transfer of funds to or from Depositor's Account.
5. Each person identified as an Authorized Signer, and each person or persons designated by an Authorized Signer to act on behalf of Depositor (who may, but need not be, Authorized Signers), shall have the power and authority to transact business and bind Depositor through electronic medium (e.g., the Internet) and M&T Bank may rely on any of the following to the same extent as the actual signature and proof of identity of each such person to bind Depositor: any electronic signature or digital signature, under applicable law, of such person; any identifier issued by M&T Bank, its affiliates or any other party (e.g., Personal Identification Number associated with ATM or other card or any access device) to such person; or any other criteria that M&T Bank may reasonably rely on which may serve as an indicator of authentication for such person.

I further certify that each person whose name appears above or on a Rider hereto opposite an office has been duly elected or appointed to and now holds such office of Depositor; that each other person whose name thus appears is acting for Depositor in the capacity opposite such other person's name; and that each signature on this certification or a Rider hereto is a true specimen of the signature of the person whose signature it purports to be.

**X**

\_\_\_\_\_

Date Authorized Signature Title

Tax Incentives Induced 2020

Project Name	Project City	Inducement Amount	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projectd Jobs Year 2 PT
Jemal's Seneca, LLC	Buffalo	\$ 45,000,000	0	5	0	0
Barcalo Living & Commerce/Barcalo Buffalo, LLC	Buffalo	\$ 34,727,449	9	34	0	10
Steuben Foods Incorporated	Elma	\$ 25,621,494	604	624	20	20
637 Linwood, LLC/1275 Delaware, LLC	Buffalo	\$ 12,460,993	0	10	0	0
3310 Benzing Road/Marathon Drains	Orchard Park	\$ 725,000	15	17	1	1

\$ 118,534,936    628    690    21    31

5 Projects

62 Projected FTE New Jobs

10 Projected PT New Jobs

**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	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
Hertel Pacific, LLC/Cypress North	\$ 999,568	16	18	1	1	Buffalo	8/28/2019	13/31/2020
5 Projects Closed								
218 FT Projected New Jobs								
0 PT Projected New Jobs								
	\$ 127,502,519	868	1,086	0	0			

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

PROJECT NAME	EST. OR ACTUAL INCREASE IN ASSESSED VALUE DUE TO PROJECT	COUNTY TAX RATE	LOCAL TAX RATE	PROJECTED INCREASE IN COUNTY TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD	PROJECTED INCREASE IN LOCAL TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD
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
*denotes company has or intends to file for City 485-a exemption	*The final assesment on each project is determined by the assessor of the respective municipality		<b>Total</b>	<b>\$177,321</b>	<b>\$708,137</b>

## 2020-2021 Draft ECIDA/RDC/ILDC Board Committees & Officers

Executive Committee ECIDA/RDC	Current Committee Members	Proposed Committee Members
7 Board members, President & CEO, as specified in By-Laws	Chair - Brenda McDuffie (Chair)	Chair - Brenda McDuffie (Chair)
	Vice Chair - Richard Lipsitz	Vice Chair - Richard Lipsitz
	County Executive - Hon Mark Poloncarz	County Executive - Hon Mark Poloncarz
	Mayor Buffalo – Hon. Byron Brown	Mayor Buffalo – Hon. Byron Brown
	Hon. Joseph Emminger (Chair, RDC Loan Committee)	Hon. Joseph Emminger (Chair, RDC Loan Committee)
	Glenn Nellis - (Representing the Finance & Audit Committee)	Glenn Nellis - (Representing the Finance & Audit Committee)
	Hon. Darius Pridgen (Chair, Loan Write- Off)	Hon. Darius Pridgen (Chair, Loan Write- Off)
	President & CEO - Steve Weathers [non- voting]	President & CEO – [non-voting]

Nominating Committee ECIDA/RDC/ILDC	Current Committee Members	Proposed Committee Members
Number of members not specified in By-Laws  <b>1 Meeting a Year</b>	Hon. Mark Poloncarz (Chair)	Hon. Mark Poloncarz (Chair)
	Rev. Mark Blue	Rev. Mark Blue
	Dottie Gallagher	Dottie Gallagher
	Richard Lipsitz	Richard Lipsitz
	Brenda McDuffie	Brenda McDuffie
		Howard Johnson
		Sister Denise Roche
		Ken Schoetz

Compensation Committee ECIDA	Current Committee Members	Proposed Committee Members
No by-law requirement  <b>1-2 Meetings a Year</b>	Hon. Mark Poloncarz (Chair)	Hon. Mark Poloncarz (Chair)
	Rev. Mark Blue	Rev. Mark Blue
	Dottie Gallagher	Dottie Gallagher
	Richard Lipsitz	Richard Lipsitz
	Ken Schoetz	Ken Schoetz
		Denise Abbott
		Sister Denise Roche

Finance & Audit Committee ECIDA/RDC/ILDC	Current Committee Members	Proposed Committee Members
At least 3 Board members specified in By-Laws. Not less than 3 independent members per PAL.  <b>3-4 Meetings a Year</b>	Michael Szukala (Chair)	Michael Szukala (Chair)
	Penny Beckwith (M&T)	Penny Beckwith (M&T)
	Hon. Joseph Emminger*	Hon. Joseph Emminger*
	Glenn Nellis*	Glenn Nellis*
	Charlie Specht	Charlie Specht
	Art Wingerter*	Art Wingerter*
	William Witzleben (M&T)	William Witzleben (M&T)

\*=Board members who fill seats required by By-laws  
Nominating Committee Approved Date – 03/25/2020  
Board Approved Date –

## 2020-2021 Draft ECIDA/RDC/ILDC Board Committees & Officers

<b>Governance Committee ECIDA/RDC/ILDC</b>	<b>Current Committee Members</b>	<b>Proposed Committee Members</b>
At least 3 Board members specified in By-Laws. Not less than 3 independent members per PAL.  1-2 Meetings a Year	Brenda McDuffie* (Chair)	Brenda McDuffie* (Chair)
	Hon. Diane Benczkowski*	
	Tyra Johnson*	Tyra Johnson
	Hon. Brian Kulpa	Hon. Brian Kulpa
	Ken Schoetz	Ken Schoetz
	David State	David State
	Maria Whyte	Maria Whyte
		Howard Johnson

<b>Loan Committee ECIDA/RDC</b>	<b>Current Committee Members</b>	<b>Proposed Committee Members</b>
By-Laws specify no more than 5 members of the Policy Committee plus 2 City members and 1 County member  6-12 Meetings a Year	Hon. Joseph Emminger (Chair)	Hon. Joseph Emminger (Chair)
	Denise Abbott	Denise Abbott
	[City 2] Rebecca Gandour	[City 2] Rebecca Gandour
	[Other] Nancy LaTulip	[Other] Nancy LaTulip
	[County 1] David McKinley (Community Bank N.A.)	[County 1] David McKinley (Community Bank N.A.)
	[Other] Michael Taylor (NYBDC)	[Other] Michael Taylor (NYBDC)
	[City 1] Royce Woods (Beverly Gray Business Exchange Center)	[City 1] Royce Woods (Beverly Gray Business Exchange Center)

<b>Loan Write-off Committee ECIDA/RDC/ILDC</b>	<b>Current Committee Members</b>	<b>Proposed Committee Members</b>
At least 3 Board members specified in By-Laws  1 Meeting a Year	Pridgen* (Chair)	Pridgen* (Chair)
	Penny Beckwith (M&T)	Penny Beckwith (M&T)
	Tyra Johnson*	Tyra Johnson
	Ken Schoetz*	Ken Schoetz*
	William Witzleben (M&T)	William Witzleben (M&T)
		Hon. Diane Benczkowski

<b>Project Expenditure Committee ECIDA/RDC</b>	<b>Current Committee Members</b>	<b>Proposed Committee Members</b>
No by-law requirement  4-6 Meetings a Year	Hon. Mark Poloncarz (Chair)	Hon. Mark Poloncarz (Chair)
	Alan Alpert	Alan Alpert
	Clifford Bell	Clifford Bell
	Tyra Johnson	Tyra Johnson
	Diane McMahon	Diane McMahon
	Ken Schoetz	Ken Schoetz
	(Vacant)	(Vacant)
	(Vacant)	(Vacant)

\*=Board members who fill seats required by By-laws  
Nominating Committee Approved Date – 03/25/2020  
Board Approved Date –



## 2020-2021 Draft ECIDA/RDC/ILDC Board Committees & Officers

<b>Policy Committee ECIDA/RDC</b>	<b><u>Current Committee Members</u></b>	<b><u>Proposed Committee Members</u></b>
<b>At least 3 Board members specified in By-Laws</b>  <b>10-12 Meetings a year</b>	Richard Lipsitz* (Chair)	Richard Lipsitz* (Chair)
	Denise Abbott	Denise Abbott
	Hon. April Baskin	Hon. April Baskin
	Rev. Mark Blue*	Rev. Mark Blue
	Hon. Byron Brown	Hon. Byron Brown
	Johanna Coleman	Johanna Coleman
	Richard Cummings	Richard Cummings
	Colleen DiPirro	Colleen DiPirro
	Hon. William Krebs	Hon. William Krebs
	Brenda McDuffie*	Brenda McDuffie*
	Glenn Nellis	Glenn Nellis
	Laura Smith	Laura Smith
	David State	David State
Maria Whyte	Maria Whyte	

<b>OFFICERS</b>	<b><u>Current Officers</u></b>			<b><u>Proposed Officers</u></b>		
	<b><u>ECIDA</u></b>	<b><u>RDC</u></b>	<b><u>ILDC</u></b>	<b><u>ECIDA</u></b>	<b><u>RDC</u></b>	<b><u>ILDC</u></b>
<b>Chair</b>	Brenda McDuffie		Hon. Mark Poloncarz	Brenda McDuffie		Hon. Mark Poloncarz
<b>Vice Chair</b>	Richard Lipsitz			Richard Lipsitz		
<b>President &amp; CEO</b>	Steve Weathers			President & CEO		
<b>Executive Vice President</b>	John Cappellino			John Cappellino		
<b>Treasurer</b>	Mollie Profic			Mollie Profic		
<b>Assistant Treasurers</b>	Karen Fiala, Jerry Manhard, Atiqa Abidi			Karen Fiala, Jerry Manhard, Atiqa Abidi		
<b>Secretary</b>	Karen Fiala			Karen Fiala		
<b>Assistant Secretaries</b>	Jerry Manhard, Dawn Boudreau			Jerry Manhard, Dawn Boudreau		

<b>OTHER DESIGNATED POSITIONS</b>	<b><u>Current Designated Positions</u></b>	<b><u>Proposed Designated Positions</u></b>
<b>Chief Financial Officer</b>	Mollie Profic	Mollie Profic
<b>Senior Accountant</b>	Atiqa Abidi	Atiqa Abidi
<b>Chief Lending Officer</b>	Jerry Manhard	Jerry Manhard
<b>Contracting Officer (required in Property Disposition Policy)</b>	Mollie Profic	Mollie Profic
<b>Electronic Records Retention Officer</b>	Brian Krygier	Brian Krygier
<b>Ethics Officer (required in Conflict of Interest Policy)</b>	John Cappellino	John Cappellino
<b>FOIL Officer</b>	Karen Fiala	Karen Fiala
<b>FOIL Appeals Officer</b>	Steve Weathers	John Cappellino
<b>Human Resources Officers</b>	Mollie Profic Pat Smith	Mollie Profic Pat Smith
<b>Non-electronic Records Retention Officer</b>	Carrie Hocienec	Carrie Hocienec

\*=Board members who fill seats required by By-laws  
Nominating Committee Approved Date – 03/25/2020  
Board Approved Date –