

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

DATE AND PLACE: December 16, 2020, held via telephone conference. Governor Cuomo’s Executive Order 202.1, as amended from time to time, 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 Erie County Industrial Development Agency website at www.ecidany.com.

PRESENT: Denise Abbott, Hon. April Baskin, Hon. Howard Johnson, Richard Lipsitz, Jr., Hon. Mark C. Poloncarz and Maria Whyte

EXCUSED: Hon. Byron W. Brown

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Atiqah Abidi, Assistant Treasurer; Beth O’Keefe, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocienec, Administrative Coordinator; Robbie Ann McPherson, and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC

GUESTS: Andrew Federick, Erie County Senior Economic Development Specialist and Lisa Hicks on behalf of the Office of Strategic Planning

There being a quorum present at 12:43 p.m., the Meeting of the Board of Directors of the Buffalo and Erie County Industrial Land Development Corporation was called to order by its Chair, Mr. Poloncarz.

MINUTES

Mr. Lipsitz moved, and Ms. Abbott seconded to approve of the October 28, 2020 minutes. Mr. Poloncarz called for the vote and the minutes were unanimously approved.

REPORTS / ACTION ITEMS / INFORMATION ITEMS

Financial Report. Ms. Profic presented the November 2020 financial report. Ms. Profic noted that the balance sheet indicates the ILDC finished the month with total assets of \$9.4 million and net assets of \$7.1 million. There weren't any significant balance sheet fluctuations from October to November. The ILDC received \$1,755,000 from Empire State Development for the Buffalo Billion II Grant, which is the majority of the grants receivable balance. The monthly income statement shows income of \$800 and expenses of \$4,700. Under Special Projects, there was net expenses of \$1,200. Overall there was a net loss of \$5,000 for November. The year-to-date income statement shows revenues of \$389,000 and total expenses of \$474,000, plus net special project income of \$889,000, resulting in net income of \$804,000 so far in 2020. Mr. Poloncarz directed that the report be received and filed.

UDAG Grant. Mr. Cappellino reviewed the contemplated ILDC-Town of Evans (the "Town") water tower project to benefit both the Town and to provide water service to the ILDC Agri-Business Park. Specifically, Mr. Cappellino noted that the ILDC must resolve (i) to accept a grant from the Erie County Industrial Development Agency (the "Agency") Urban Development Action Grant ("UDAG") Fund, in the amount of \$1,250,000, said funds to be utilized by the ILDC to contribute to the construction of the Town water tower project, and (ii) the ILDC must resolve to convey an approximately 1.85 acre parcel of real property, upon which the water tower will be constructed, to the Town, along with a related easement upon and through certain related real property to permit the Town to access the water tower. Ms. Whyte moved to accept the UDAG grant funds, to permit the expenditure of the grant funds to construct the water tower project, and to convey the aforementioned real property and easement area to the Town. Mr. Johnson seconded the motion. Mr. Poloncarz then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION (THE "ILDC") AUTHORIZING THE ILDC TO: (i) ENTER INTO A FUNDING AGREEMENT FOR ECONOMIC DEVELOPMENT PURPOSES WITH THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") TO RECEIVE \$1,250,000 IN THE FORM OF A GRANT FROM THE AGENCY'S U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT URBAN DEVELOPMENT ACTION GRANT ("UDAG") REFLOW FUND; (ii) MAKE A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iii) AUTHORIZE THE NEGOTIATION AND EXECUTION AND DELIVERY OF A FUNDING AGREEMENT BY WHICH THE ILDC WILL PROVIDE \$1,250,000 OF FUNDING TO THE TOWN OF EVANS FOR PURPOSES OF CONSTRUCTING THE REVISED EVANS WATER SYSTEM PROJECT; AND (iv) AUTHORIZE THE NEGOTIATION AND EXECUTION AND DELIVERY OF AN AGREEMENT OF PURCHASE AND SALE TO BE ENTERED INTO WITH THE TOWN OF EVANS FOR CONVEYING CERTAIN REAL PROPERTY UPON WHICH A PORTION OF THE REVISED EVANS WATER SYSTEM PROJECT WILL BE CONSTRUCTED AND A NON-EXCLUSIVE EASEMENT FOR ACCESS TO

SAID PARCEL AND FOR WATERLINE CONSTRUCTION AND
INSTALLATION

Approval of Consultant for Agri-Business Park Master Plan and GEIS. Mr. Cappellino reviewed the required master planning and environmental impact statement process that must be implemented with respect to the ILDC Agri-Business Park. Mr. Cappellino reviewed the request for proposals and related deliberations undertaken resulting in the recommendation that Wendel be retained by the ILDC to produce the master plan and environmental impact statement. Mr. Lipsitz moved and Ms. Whyte seconded to approve and adopt the below Resolution. Mr. Poloncarz then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION ("ILDC") AUTHORIZING THE
ILDC TO ENTER INTO A CONTRACT WITH WENDEL TO UNDERTAKE
THE MASTER PLAN AND GENERIC ENVIRONMENTAL IMPACT
STATEMENT ANALYSIS AND PROCESS FOR THE ANGOLA AGRIBUSINESS PARK

There being no further business to discuss, Mr. Poloncarz adjourned the meeting at 12:54 p.m.

Dated: December 16, 2020



Karen M. Fiala, Secretary