

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

- MEETING:** November 18, 2021, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), 95 Perry Street, 5<sup>th</sup> Floor ESD Conference Room, Buffalo, New York 14203
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency’s website at [www.ecidany.com](http://www.ecidany.com).
- PRESENT:** Denise Abbott; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Glenn R. Nellis; Laura Smith; Lavon Stephens and Maria Whyte
- EXCUSED:** Hon. April Baskin; Rev. Mark Blue; Bryon W. Brown; Johanna Coleman; Colleen DiPirro; David State and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Beth O’Keefe, Vice President, Atiqah Abidi, Assistant Treasurer; Andrew Federick, Business Development Officer; Brian Krygier, Systems Analyst; Robbie Ann McPherson, Director of Marketing and Communications; and Robert G. Murray, General Counsel/Harris Beach PLLC
- GUESTS:** Alex Carducci on behalf of the City of Buffalo

There being a quorum present at 10:33 a.m., the special meeting of the Policy Committee was called to order by Mr. Lipsitz.

**REVIEW AND DISCUSSION OF DRAFT POLICY DOCUMENTS**

Mr. Cappellino reviewed the most recent issues and suggested language related to the MWBE Policy “construction period” and “good faith effort” compliance concepts. Mr. Cappellino reviewed the post-construction period qualifying activities concepts. Mr. Cappellino also described the job creation and workforce tract tier. Ms. Smith also described the post-construction diversity and inclusions compliance procedures.

General discussion ensued.

Mr. Cappellino confirmed limited ECIDA staff resources are available to implement diversity and inclusion tracts and to monitor same, and suggested that that ECIDA work to partner with a third party agency or consultant to assist companies with implementing the diversity and inclusion initiative.

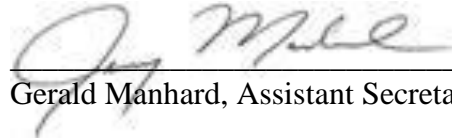
Further discussion ensued.

Mr. Cappellino then reviewed new Section 224-a of the New York Labor Law requiring prevailing wages and use of MWBE and SDVO enterprises for certain construction work receiving public funds, including IDA financial assistance, and how this will impact the ECIDA's MWBE Policy and Local Labor Policy.

Ms. Whyte requested staff to continue to review the compliance provisions of the MWBE policy in consideration of ECIDA staffing challenges. Mr. Cappellino confirmed that the Policy Committee will schedule another meeting to continue these discussions.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 11:57 a.m.

Dated: November 18, 2021

  
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Gerald Manhard, Assistant Secretary