



**Erie County Industrial Development Agency  
Meeting of the Membership  
June 26, 2024  
At 12:00 p.m.**

**ECIDA Offices  
95 Perry Street, 4<sup>th</sup> Floor Conference Room  
Buffalo, New York 14203**

**1.0 Call to Order**

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

**2.0 Approval of Minutes:**

- 2.1 Approval of Minutes of the May 29, 2024 Annual Meeting of the Membership (Action Item) (Pages 2-5)

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

- 3.1 Financial Report (Informational) (Pages 6-9)
- 3.2 Credit Card Authorization (Action Item) (Pages 10-12)
- 3.3 2024 Tax Incentive Induced/Closing Schedule (Informational) (Pages 13-14)
- 3.4 Approval of Engaging Engineering Firm for PFRAP Contract (Action Item) (Pages 15-17)
- 3.5 Global NY Program Funding Support (Action Item) (Pages 18-20)
- 3.6 Urban Land Institute Advisory Panel Special Projects Request (Action Item) (Pages 21-29)
- 3.7 Policy Committee Update (Informational) (Pages 30-32)
- 3.8 Approval of Addendum #1 to Adaptive Reuse Policy (Information Item) (Pages 33-38)

**4.0 Inducement Resolutions:**

**ECIDA  
Incentives**

**Private**

**Investment**

**Municipality**

- 4.1 (None)

**5.0 Management Team Reports:**

- 5.1 New York State's Affordable Housing Incentive Program

**6.0 Adjournment- Next Meeting - Meeting July 24, 2024**

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

- DATE AND PLACE:** May 29, 2024, at the Erie County Industrial Development Agency, 95 Perry Street, 4<sup>th</sup> Floor Conference Room, Buffalo, New York 14203
- PRESENT:** Denise Abbott, Hon. Bryon W. Brown, Hon. Joseph Emminger, Hon. Brian Kulpa, Richard Lipsitz, Jr., Denise McCowan, Brenda McDuffie, Hon. Glenn R. Nellis, Hon. Brian Nowak, Kenneth A. Schoetz and Paul Vukelic
- EXCUSED:** Rev. Mark Blue, James Doherty, Dottie Gallagher, Michael P. Hughes, Hon. Howard Johnson, Tyra Johnson, Hon. Mark C. Poloncarz and Hon. Christopher Scanlon
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Beth O’Keefe, Vice President of Operations; Atiqah Abidi, Accounting Manager; Soma Hawramee, Compliance Portfolio Manager, Carrie Hocieniec, Operations Assistant/Assistant Secretary; Brian Krygier, Director of Information Technology; Lori Szewczyk, Director of Grants; Robert G. Murray, Esq., General Counsel/Harris Beach PLLC and Andrew Pawenski, General Counsel/Harris Beach PLLC
- GUESTS:** Zachary Evans on behalf of Erie County; Daniel Castle on behalf of Erie County; Yessica Vasquez on behalf of City of Buffalo; Jonathan Epstein on behalf of the Buffalo News; and Patrick Boyle on behalf of Erie County Association of School Boards

There being a quorum present at 12:01 p.m., the meeting of the members of the Erie County Industrial Development Agency (the “ECIDA” or “Agency”), was called to order by the Chair, Ms. McDuffie.

Ms. McDuffie noted today is the last meeting for Denise McCowan, who sits as an ECIDA member as President of the Erie County Association of School Boards, and whose term as President is ending in June. Ms. McDuffie thanked Ms. McCowan for her service. Ms. McDuffie then introduced Mr. Patrick Boyle who will be replacing Ms. McCowan as the new President of the Erie County Association of School Boards and as a new ECIDA Board member in June.

## MINUTES

The minutes of the March 27, 2024, meeting of the members were presented. Mr. Nellis moved, and Mr. Schoetz seconded to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

## REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Profic presented the April financial reports. The balance sheet shows that the IDA ended the month with total assets of \$35.8M and net assets of \$20.0M. The ILDC repaid \$1.7M of funds borrowed from UDAG during April, resulting in the increase in Restricted Cash and decrease in Due from Affiliates line items. The monthly income statement shows a net loss of \$147,000 in April. Operating revenue of \$120,000 was below the monthly budget by \$88,000, due mainly to \$63,000 of administrative fees received during the month. Operating expenses were \$281,000 were \$25,000 over budget, with variance in salaries and benefits, general office expenses and professional services. Salary adjustments retroactive to January 1 were made in April, increasing that line for April. The variance in general office expenses is due to two months of general liability insurance expenses recorded in April, due to timing of the receipt of the invoices for the policy. After net non-operating revenue of #36,315, there was a net loss of \$146,980 for the month. The year-to-date income statement shows operating revenues of \$821,000, including administrative fee revenue of \$582,000. We are at 32% of our annual budget through four months of the year. Operating expenses of \$1.0M are \$87,000 below budget. The negative \$79,000 variance on the salaries & benefits line is due to the budget including room for performance incentives. Professional services are about \$14,000 below budget, due to lower than expected legal and consulting costs. Net special project grant expenses are \$17,000, and strategic initiatives year to date total \$151,000. After net non-operating revenue of \$140,000, there is currently a net loss of \$231,855 for the year. Ms. McDuffie directed that the report be received and filed.

Re-Adoption of ECIDA By-Laws. Ms. Profic stated that staff and counsel reviewed the By-Laws and confirmed no changes are recommended. Ms. Abbott moved and Mr. Lipsitz seconded to re-adopt the ECIDA By-Laws as proposed. Ms. McDuffie then called for the vote and re-adoption of the ECIDA By-Laws were unanimously approved.

2024 Tax Incentives Induced/Closing Schedule. Mr. Cappellino provided this report. Ms. McDuffie directed that the report be received and filed.

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

Nominating Committee Update: Mr. Cappellino noted the Nominating Committee has reviewed and accepted and recommended for approval the officer positions and committee member positions as presented to the Board today for ultimate approval. Mr. Kulpa moved and Mr. Nellis seconded to approve of the officer positions and committee member positions as proposed. Ms. McDuffie then called for the vote and the proposed officer positions and committee member positions were unanimously approved.

Erie County Grant Agreement – DL&W Railroad Bridge Capital Project. Mr. Cappellino described the contemplated railway maintenance project noting the funding source was previously approved by the Erie County Legislature for a grant up to \$150,000 for design, engineering and maintenance costs for railroad bridge rehabilitation.

Mr. Kulpa moved and Mr. Nowak 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 (THE “AGENCY”) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A GRANT AGREEMENT BETWEEN THE COUNTY OF ERIE AND THE AGENCY RELATIVE TO CERTAIN RAILROAD INFRASTRUCTURE IMPROVEMENTS, CONSTRUCTION AND MAINTENANCE ACTIVITIES TO BE UNDERTAKEN AT THE DEPEW LANCASTER & WESTERN RAILROAD (THE “RAILWAY FACILITIES”) IN AN AMOUNT OF \$150,000

Policy Committee Update: Mr. Lipsitz informed the Board that the Policy Committee continues to review the Agency’s Adaptive Reuse Policy with respect to modifying the policy with respect to affordable/workforce housing considerations. Ms. McDuffie directed that the report be received and filed.

### **SPECIAL RESOLUTION**

Skycatcher Holdings, LLC, 15 Cobham Drive, Orchard Park, New York. Mr. Cappellino reviewed the request to consent to the transfer and assignment of the project to CPC Real Property, LLC (“CPC”). CPC would assume the obligations of Skycatcher.

Mr. Lipsitz moved and Mr. Vukelic seconded to approve the transfer and assignment of the project to CPC. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY CONSENTING TO THE TRANSFER OF ALL OR SUBSTANTIALLY ALL OF THE PROPERTY OF SKYCATCHER HOLDINGS, LLC (“SKYCATCHER”) TO CPC REAL PROPERTY LLC (“CPC”)

### **MANAGEMENT TEAM REPORT**

Mr. Cappellino updated members on a new law requiring web based live-streaming of ILDC and RDC meetings.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 12:25 p.m.

Dated: May 29, 2024

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Elizabeth A. O'Keefe, Secretary

**Erie County Industrial Development Agency**  
**Financial Statements**  
As of May 31, 2024

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

**Balance Sheet**

May 31, 2024

	May 2024	April 2024	December 2023
<b>ASSETS:</b>			
Cash *	\$ 6,854,363	\$ 6,942,858	\$ 7,476,867
Restricted Cash & Investments *	16,548,943	17,111,511	16,004,625
Due from Affiliates	4,191,022	3,803,472	4,819,702
Due from Buffalo Urban Development Corp.	60,314	47,363	125,210
Other Receivables	165,184	187,863	88,321
Total Current Assets	<u>27,819,826</u>	<u>28,093,067</u>	<u>28,514,725</u>
Grants Receivable	4,694,137	4,858,276	4,869,218
Lease Receivable	736,328	754,178	824,838
Venture Capital Investments, net of reserves	506,886	506,886	506,886
Capital Assets	1,571,729	1,583,929	1,506,504
Total Long-Term Assets	<u>7,509,081</u>	<u>7,703,270</u>	<u>7,707,447</u>
<b>TOTAL ASSETS</b>	<u>\$ 35,328,907</u>	<u>\$ 35,796,337</u>	<u>\$ 36,222,172</u>
<b>LIABILITIES &amp; NET ASSETS</b>			
Accounts Payable & Accrued Exp.	\$ 153,506	\$ 177,399	\$ 455,331
Lease Payable	465,667	476,955	521,642
Deferred Revenues	4,528,860	4,593,251	4,764,541
Funds Held on Behalf of Others	9,692,660	9,886,807	9,516,218
Total Liabilities	<u>14,840,693</u>	<u>15,134,412</u>	<u>15,257,732</u>
Deferred Inflows of Resources Related to Leases	736,328	754,178	824,838
Net Assets	<u>19,751,885</u>	<u>19,907,747</u>	<u>20,139,601</u>
<b>TOTAL LIABILITIES &amp; NET ASSETS</b>	<u>\$ 35,328,907</u>	<u>\$ 35,796,337</u>	<u>\$ 36,222,172</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 May 2024

	<b>Actual vs. Budget</b>		
	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
<b>REVENUES:</b>			
Administrative Fees	\$ 1,000	\$ 150,000	\$ (149,000)
Management Fees - Affiliates and Others	39,033	39,100	(67)
Rental Income	17,920	18,433	(514)
Other Income	878	250	628
<b>Total Revenues</b>	<b>58,831</b>	<b>207,783</b>	<b>(148,953)</b>
<b>EXPENSES:</b>			
Salaries & Benefits	\$ 195,512	\$ 188,823	\$ 6,689
General Office Expenses	25,989	24,008	1,981
Building Operating Costs	1,620	4,533	(2,913)
Professional Services	1,728	5,833	(4,105)
Public Hearings & Marketing	1,138	5,417	(4,278)
Travel, Mileage & Meeting Expenses	4,792	3,083	1,709
Depreciation and amortization	22,107	22,500	(393)
Other Expenses	877	1,396	(519)
<b>Total Expenses</b>	<b>253,764</b>	<b>255,594</b>	<b>(1,830)</b>
<b>SPECIAL PROJECT GRANTS:</b>			
Revenues	\$ 64,391	\$ 41,129	\$ 23,262
Expenses	(64,391)	(35,446)	(28,945)
	-	5,683	(5,683)
<b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS :</b>			
	(194,933)	(42,127)	(152,806)
<b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>			
Bethlehem Steel Industrial Park Grant	-	(8,333)	8,333
Angola Ag Park Grant	-	(4,167)	4,167
	-	(12,500)	12,500
<b>NET OPERATING INCOME/(LOSS) :</b>			
	(194,933)	(54,627)	(140,306)
<b>NON-OPERATING REVENUE:</b>			
Interest Income	41,058	13,208	27,850
Interest Expense	(1,987)	(6,250)	4,263
	39,071	6,958	32,113
<b>NET INCOME/(LOSS):</b>	<b>\$ (155,862)</b>	<b>\$ (47,669)</b>	<b>\$ (108,193)</b>



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

**Income Statement**

Year to Date: May 31, 2024

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
<b>REVENUES:</b>						
Administrative Fees	\$ 583,231	\$ 750,000	\$ (166,769)	\$ 583,231	\$ 1,054,913	\$ (471,681)
Affiliate Management Fees	195,792	196,125	(333)	195,792	208,142	(12,350)
Rental Income	89,585	92,167	(2,582)	89,585	93,421	(3,836)
Other Income	11,600	13,500	(1,900)	11,600	14,014	(2,414)
<b>Total Revenues</b>	<b>880,208</b>	<b>1,051,792</b>	<b>(171,584)</b>	<b>880,208</b>	<b>1,370,489</b>	<b>(490,281)</b>
<b>EXPENSES:</b>						
Salaries & Benefits	933,262	1,006,090	(72,828)	933,262	847,986	85,276
General Office Expenses	133,777	120,042	13,736	133,777	130,085	3,692
Building Operating Costs	15,038	22,667	(7,629)	15,038	15,924	(886)
Professional Services	38,700	57,167	(18,467)	38,700	55,978	(17,278)
Public Hearings & Marketing	25,000	27,083	(2,083)	25,000	19,494	5,506
Travel, Mileage & Meeting Expenses	16,690	15,417	1,273	16,690	9,771	6,919
Depreciation and amortization	110,537	112,500	(1,963)	110,537	111,451	(914)
Other Expenses	5,901	7,500	(1,599)	5,901	26,332	(20,431)
<b>Total Expenses</b>	<b>1,278,906</b>	<b>1,368,465</b>	<b>(89,559)</b>	<b>1,278,906</b>	<b>1,217,021</b>	<b>61,885</b>
<b>SPECIAL PROJECT GRANTS:</b>						
Revenues	277,971	205,645	72,326	277,971	212,561	65,410
Expenses	(294,979)	(177,229)	(117,750)	(294,979)	(161,694)	(133,285)
	<b>(17,007)</b>	<b>28,417</b>	<b>(45,424)</b>	<b>(17,007)</b>	<b>50,867</b>	<b>(67,875)</b>
<b>NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS:</b>	<b>\$ (415,706)</b>	<b>\$ (288,257)</b>	<b>\$ (127,449)</b>	<b>\$ (415,706)</b>	<b>\$ 204,335</b>	<b>\$ (620,041)</b>
<b>OTHER STRATEGIC INVESTMENTS AND INITIATIVES:</b>						
Bethlehem Steel Industrial Park Grant	\$ (98,064)	\$ (100,000)	\$ 1,936	\$ (98,064)	\$ (79,328)	\$ (18,736)
Angola Ag Park Grant	(12,545)	(50,000)	37,455	(12,545)	(43,001)	30,456
Bethlehem Steel Industrial Park Grant Reimb	-	300,000	(300,000)	-	-	-
Buffalo Urban Development Corporation	-	(100,000)	100,000	-	-	-
Other Strategic Initiatives	(40,525)	(75,000)	34,475	(40,525)	(28,975)	(11,550)
	<b>(151,134)</b>	<b>(25,000)</b>	<b>(126,134)</b>	<b>(151,134)</b>	<b>(151,304)</b>	<b>170</b>
<b>NET OPERATING INCOME/(LOSS):</b>	<b>(566,840)</b>	<b>(313,257)</b>	<b>(253,584)</b>	<b>(566,840)</b>	<b>53,031</b>	<b>(619,872)</b>
<b>NON-OPERATING REVENUE:</b>						
Interest Income	189,527	66,042	123,485	189,527	154,347	35,179
Interest Expense	(10,403)	(6,250)	(4,153)	(10,403)	(3,505)	(6,898)
	<b>179,124</b>	<b>59,792</b>	<b>119,332</b>	<b>179,124</b>	<b>150,842</b>	<b>28,281</b>
<b>NET INCOME/(LOSS):</b>	<b>\$ (387,717)</b>	<b>\$ (253,465)</b>	<b>\$ (134,252)</b>	<b>\$ (387,717)</b>	<b>\$ 203,874</b>	<b>\$ (591,590)</b>



## MEMORANDUM

**TO:** ECIDA Board of Directors  
**FROM:** Mollie Profic, CFO  
**SUBJECT:** Credit Card Authorization  
**DATE:** June 26, 2024

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ECIDA would like to open a business credit card with M&T Bank in order to fully transition our banking relationship to our primary bank. The previous account maintained with Key Bank will be closed and the card destroyed.

ECIDA uses a credit card for purchases when manual checks or other forms of electronic payment are not accepted (e.g. hotel reservations, internet purchases). The Agency will request one card issued in its name that will remain secured on premises at all times.

Section II of ECIDA's Credit Card Policy provides that the authorization of the ECIDA Board is needed to acquire a card. Once authorized, ECIDA staff will apply for a business credit card with M&T Bank with a limit of \$10,000.00 (consistent with the current limit). ECIDA does not utilize a rewards card and the balance is paid in full each month.

ECIDA's Credit Card Policy is reviewed and re-adopted annually (most recently March 27, 2024). Purchases are made in accordance with the Agency's Procurement Policy and/or Travel, Conference, Meals and Entertainment Policy. Currently the authorized user of the card is Mollie Profic. All purchases are reviewed in detail by Finance Department staff and require backup documentation.

**Requested Action:**

Seeking Board approval of the attached resolution authorizing ECIDA to apply for an M&T Bank business credit card and use the card in accordance with ECIDA's Credit Card Policy.

**RESOLUTION**  
**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, June 26, 2024 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 ACQUISITION BY THE AGENCY OF A CREDIT CARD CONSISTENT WITH THE AGENCY'S CREDIT CARD POLICY**

WHEREAS, on March 27, 2024, the Agency re-adopted its Credit Card Policy (the "Policy") to provide the necessary authority for the Agency to obtain and utilize a credit card, identify all authorized users of the credit card, set appropriate credit limits, establish protocols regarding custody of the credit cards when not in use, establish standards regarding use of the credit card, adopt appropriate controls for monitoring the use of the credit card, establish an approval process for payment of charges, and establish a means to recoup any unauthorized expenditures; and

WHEREAS, by resolution dated February 22, 2023, the Agency selected M&T Bank to act as the Agency's prime bank, providing the Agency with banking, cash management, and investment services; and

WHEREAS, the Agency desires to obtain a credit card from M&T Bank (the "M&T Credit Card"); and

WHEREAS, prior to issuing the M&T Credit Card to the Agency, M&T Bank requires that the Agency provide certain authorizations with respect to issuance of the M&T Credit Card to the Agency; and

WHEREAS, to accomplish the foregoing, and in accordance with Section II of the Policy, the Agency is required to authorize the acceptance and utilization of the M&T Credit Card via resolution, which shall: (i) authorize the approval of the issuance of a credit card and the number and type(s) of credit cards to be used, (ii) identify all authorized users, (iii) set appropriate credit limits, (iv) establish custody of the cards when not in use, (v) authorize the uses of the card, (vi) establish appropriate internal control structures for monitoring the use of the card, (vii) establish the approval process for payment of the charges, and (viii) establish a means to recoup any unauthorized expenditures (collectively, the "Internal Controls").

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

Section 1. The Agency hereby affirms that it is authorized to open a credit card account with M&T Bank in accordance with the Policy, and further resolves to confirm and approve the issuance of one (1) M&T Credit Card.

Section 2. The Agency hereby confirms that the Internal Controls are enumerated in the Policy, as may be amended from time to time, and such Internal Controls, as enumerated in the Policy, shall govern the use of the M&T Credit Card.

Section 3. This resolution shall take effect immediately and shall remain in effect and be binding until revoked by the Agency.

DATED: June 26, 2024

**Tax Incentives Approved - 2024**

Approval Date	Project Name	Project City/Town	Private Investment/Project Amount	Minimum Investment Commitment	FT Jobs Retained	FT Jobs Retained	FT Jobs to be Created	FT Jobs to be Created	Job Creation	Const Jobs	Spillover Jobs	Length of Term	Incentive Amount	Cost Benefit Ratio
1 Mar-24	BPS Commissary <sup>2</sup>	Buffalo	\$34,135,084	85% threshold \$29,014,821	16	35	0	15	85% - New 12PT	156	141	project completion date + 2 yrs	\$1,479,997	1.22
1 Mar-24	SL Evans	Evans	\$20,769,000	85% threshold \$17,653,650	0	0	0	0	0	90	79	Period of PILOT 20 Years	\$4,238,447	1.4

Totals:		Totals:	Private Investment/Project Amount			FT Jobs Retained			FT Jobs to be Created			Job Creation			Const Jobs			Spillover Jobs			Incentive Amount		
Adaptive Reuse Subtotal																							
2023 Total	2	\$54,904,084	16	35	0	15	246	220					\$5,718,444										

<sup>1</sup> Adaptive Reuse  
<sup>2</sup> Amendatory Inducement

### Tax Incentives Closed - 2024

Closing Date	Project Name	Project City/Town	Project Amount at Closing	FT Jobs Retained	PT Jobs Retained	FT Jobs to be Created	PT Jobs to be Created	Inducement Date	Est. Project Completion Date
2/1/2024	Sumitomo Rubber USA, LLC	Tonawanda	\$127,671,671	1,399	0	0	0	10/27/2021	12/31/2023

<b>Totals:</b>	<b>Total # of Projects Closed</b>	<b>Project Amount at closing</b>	<b>FT Jobs Retained</b>	<b>PT Jobs Retained</b>	<b>FT Jobs Created</b>	<b>PT Jobs Created</b>
	1	\$127,671,671	1,399	0	0	0



**MEMO:**

**Date:** June 26, 2024

**To:** Erie County Industrial Development Agency Board of Directors

**From:** ECIDA Staff

**RE:** Engineering Services for Depew Lancaster and West Lancaster Railroad

On April 20, 2022, the Erie County Industrial Development Agency (ECIDA) submitted a grant request through the New York State Department of Transportation's (NYSDOT) Passenger and Freight Rail Assistance Program, which is available for capital-based projects intended to maintain and modernize freight rail and port infrastructure across the state with a focus on synergies among investment in transportation infrastructure, job creation and economic growth. On February 9, 2023, the ECIDA received notification of award in the amount of **\$1,616,470** to restore a State of Good Repair to the ECIDA Lancaster IT by removing an obsolete bridge and performing necessary track rehabilitation between mileposts 382.5 and 385.6 in the Towns of Cheektowaga, Depew and Lancaster in Erie County.

To complete the project, the ECIDA issued a Request for Proposals (RFP) on March 19, 2024, seeking qualified Architectural and Engineering ("A/E") firms to provide design, engineering, construction, and administration services to complete the improvements outlined in the scope referenced below. In response to the RFP, ECIDA received one (3) proposals from highly qualified A/E firm. The proposals were thoroughly evaluated on April 9, 2024 by the six-member Consultant Selection Committee made up of ECIDA and Erie County staff as well as a representative from DLWR. As a result of the selection process, the ECIDA recommends awarding Erdman Anthony the design phase of the project in the amount of \$224,515.00. Once the design is complete, the ECIDA will issue bids for the construction phase of the project.

**Requested Action:**

Seeking authorization to contract with Erdman Anthony for an amount not to exceed \$224,515.00 for site planning, design, construction administration and inspection necessary to complete the Depew, Lancaster and West Lancaster (DLWR) Improvement Project and the approval to take all actions necessary to complete the project.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, June 26, 2024 at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CERTAIN AGREEMENT WITH ERDMAN ANTHONY (“EA”) IN AN AMOUNT NOT TO EXCEED \$224,515 FOR ENGINEERING SERVICES IN RELATION TO THE AGENCY’S REMOVAL AND REHABILITATION OF RAILWAY FACILITIES LOCATED AT THE DEPEW LANCASTER AND WESTERN RAILROAD (“RAILROAD FACILITIES”)

**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 as a public benefit corporation of the State 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 to prevent unemployment and economic deterioration; and

**WHEREAS**, the Agency currently holds a leasehold interest in certain railroad properties owned by the County of Erie (“County”), more commonly known as USRA Line 1242, located within the County and between Milepost 382.540 and Milepost 385.561, which is part of the Depew Lancaster and Western Railway (the “Railway Facilities”); and

**WHEREAS**, on February 9, 2023, the Agency received notification of award in the amount of \$1,616,470 from the New York State Department of Transportation’s (“NYSDOT”) Passenger and Freight Rail Assistance Program to restore a portion of the Railroad Facilities to a State of Good Repair by removing an obsolete bridge and performing necessary track rehabilitation on the Railway Facilities (the “Rehabilitation Project”); and

**WHEREAS**, the Agency requires certain design, engineering, construction, and administration services to complete the Rehabilitation Project (the “Rehabilitation Project Engineering Services”); and

**WHEREAS**, the Agency issued a Request for Proposals (the “RFP”) on March 19, 2024 seeking a qualified Architectural and Engineering (“A/E”) firm to provide the Rehabilitation Project Engineering Services; and

**WHEREAS**, in response to the RFP, the Agency received three (3) quality proposals from highly qualified A/E firms, which were thoroughly evaluated on April 9, 2024 by the six-member Consultant Selection Committee made up of Agency and County staff, as well as a representative from the Depew Lancaster and Western Railroad; and



**WHEREAS**, following a review of the proposals, the Selection Committee has recommended Erdman Anthony (“EA”) as the top respondent to the RFP, and the Agency desires to retain EA for the Rehabilitation Project Engineering Services; and

**WHEREAS**, to facilitate the completion of the Rehabilitation Project Engineering Services, the Agency desires to enter into an agreement with EA in an amount not to exceed \$224,515 to be used to complete the Rehabilitation Project Engineering Services; and

**WHEREAS**, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA prior to undertaking the action as described herein.

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

Section 1. The Rehabilitation Project Engineering Services contemplated herein involves conducting engineering studies and services and does not otherwise commit the Agency to commence or engage in any activity. Pursuant to 6 N.Y.C.R.R. §617.5(c)(27) of the SEQRA regulations, the Rehabilitation Project Engineering Services constitute a Type II Action as defined thereunder and no findings or determination of significance are required under SEQRA.

Section 2. Subject to the terms of this Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, in consultation with Agency counsel, are hereby authorized, on behalf of the Agency, to negotiate and execute an agreement with EA in an amount not to exceed \$224,515 in furtherance of the Rehabilitation Project Engineering Services and any appropriate change orders or scope additions as approved by the President/Chief Executive Officer, in consultation with the Agency Chair, and to take all actions necessary to implement the Rehabilitation Project Engineering Services as described.

Section 3. The officers, employees, and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such checks, certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent so acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 4. Any and all actions heretofore taken or authorized by the Agency and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 5. These resolutions shall take effect immediately.

Dated: June 26, 2024



## **MEMO:**

**To: Board of Directors**

**Date: June 26, 2024**

**RE: Funding Request – Global NY Program**

### **Background:**

Empire State Development (ESD) approached the ECIDA, Niagara County IDA, World Trade Center Buffalo Niagara and Invest Buffalo Niagara to create a regional resource to help local manufacturing companies export. ESD is offering to help fund a program and a staff resource through a Global NY grant of up to \$100,000 that would cover staffing and program expenses. Invest Buffalo Niagara and the World Trade Center will be responsible for running the program which will provide direct outreach to local manufacturers, provide export training and resources as well as helping local manufacturers apply for direct funding support through the Global NY program.

The Global NY programs provide technical assistance to help companies market and expand globally, utilizing New York's sales and distributor network as well as providing grants to help companies offset the costs of exporting. Global NY provides financial and technical assistance grants through the State Trade Expansion Program (STEP) program of up to \$10,000 to help small businesses begin exporting and grants from \$25,000 - \$100,000 through the Global NY Grant Fund.

In order to facilitate the start up and implementation of the program, Invest Buffalo Niagara has agreed to make \$50,000 available to cover costs and is asking both the ECIDA and The Niagara County IDA for \$25,000 each to cash flow the program. The funds will be held in an escrow account at Invest Buffalo Niagara to be drawn upon during the year to pay staff and expenses incurred by Invest Buffalo Niagara and World Trade Center Buffalo Niagara during the program year. The funds will be repaid to all the entities including ECIDA when the program reimbursable funds are received from ESD.

### **Requested Action:**

Seeking approval to allocate \$25,000 from ECIDA's general fund and to enter into any and all agreements needed to provide funding to an escrow account to be utilized to cover costs for the Manufacturing Outreach Program in support of Global NY. The funds will be returned to ECIDA as program costs are reimbursed for the program through an ESD grant.

## ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

A regular meeting of the Erie County Industrial Development Agency was convened on June 26, 2024 at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”) AUTHORIZING (i) THE EXPENDITURE OF FUNDS TO SUPPORT THE GLOBAL NY PROGRAM IN AN AMOUNT NOT TO EXCEED \$25,000, AND (ii) THE NEGOTIATION AND EXECUTION OF A FUNDING AGREEMENT WITH INVEST BUFFALO NIAGARA (“IBN”) WITH RESPECT TO SAME

WHEREAS, the Global NY Program, administered by Empire State Development (“ESD”), provides technical assistance to help companies market and expand globally by utilizing New York’s sales and distributor networks, as well as helping companies offset the costs of exporting by providing financial and technical assistance grants through the State Trade Expansion Program (“STEP”) of up to \$10,000 to help small businesses begin exporting, and grants from \$25,000 to \$100,000 through the Global NY Grant Fund; and

WHEREAS, ESD approached World Trade Center Buffalo Niagara (“WTCBN”) and Invest Buffalo Niagara (“IBN”) to create a program to help local manufacturing companies begin exporting (the “Global NY Program”), and ESD has offered to help fund the Global NY Program and provide staff resources through a Global NY Program grant of up to \$100,000 to cover Global NY Program expenses (the “ESD Grant”); and

WHEREAS, IBN and the WTCBN will be responsible for administering the Global NY Program, which will provide direct outreach and export training and resources to local manufacturers, as well as providing assistance to local manufacturers applying for direct funding support through the Global NY Program; and

WHEREAS, to facilitate the implementation of the Global NY Program, IBN has requested that the Agency provide \$25,000 in funding (the “Funding Request”), to be held in escrow by IBN and drawn upon to pay staff and expenses incurred by IBN and WTCBN in furtherance of the Global NY Program until the ESD Grant is received, at which time the Funding Request amount would be repaid to the Agency; and

WHEREAS, the Agency desires to support the Global NY Program.

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

Section 1. In accordance with the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”), based upon a review of the proposed

Global NY Program and Funding Request, the Agency hereby determines that no further SEQRA compliance is required pursuant to 6 N.Y.C.R.R. Section 617.15.(c)(27) because the Global NY Program and associated Funding Request are Type II actions constituting “studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.”

Section 2. The Agency hereby approves and authorizes the Funding Request in furtherance of the Global NY Program as described herein, in an amount not to exceed \$25,000 from the Agency’s general funds.

Section 3. The Chair, the Vice Chair, the President/Chief Executive Officer, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer are hereby authorized on behalf of the Agency, in consultation with the Agency’s general counsel, to negotiate, execute and deliver the appropriate funding assistance agreement and any related documents necessary to facilitate the Funding Request, and the officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of this resolution.

Section 4. These resolutions shall take effect immediately.

Dated: June 26, 2024



## **MEMO:**

**To: Board of Directors**

**Date: June 26, 2024**

**RE: Funding Request – ULI Advisory Panel for the Jefferson Avenue Business Corridor**

### **Background:**

The ECIDA recently received a request from the Buffalo Chapter of the NAACP for financial assistance in the amount of \$25,000 to support an Urban Land Institute Advisory panel that will convene in Buffalo this September. The panel will focus on the Jefferson Avenue corridor, examining the issues and challenges that have for years contributed to a decline in economic growth, and create a series of strategic action steps toward revitalization that community.

After the devastating mass shooting that occurred May 14, 2022 at the Tops on Jefferson Avenue in Buffalo, Rev. Mark Blue, President of the Buffalo NAACP Branch has been actively involved with helping the community attempt to move forward. The unspeakably tragic murder of ten innocent people also brought to light the neighborhood's severe decline, and the long-overdue need for strengthening the community through economic investment. In 2023, Rev. Blue empaneled the NAACP Economic Development Committee to explore ways the community could encourage economic growth for the businesses and legacy African-American families who have lived in the area for generations.

The committee suggested convening an expert Urban Land Institute (ULI) Advisory Services panel to conduct a thorough review and analysis of the Jefferson Avenue community, offer a comprehensive vision, and recommend an executable, strategic economic growth plan for all stakeholders to implement.

ULI is the oldest and largest network of cross-disciplinary real estate and land use experts in the world, with 45,000 members. ULI members volunteer their time to participate in these advisory panels all over the United States, including locally for the Central Terminal, The Richardson Complex, and One Seneca tower. All three of these local ULI action plans are in various stages of implementation.

### **Advisory Service Program Process:**

ULI will choose eight to ten qualified volunteer national experts who will spend five days immersed in the Jefferson Avenue business district. Panelists will tour the neighborhood, interview hundreds of local business, district and community stakeholders. Additionally, they will hold informational meetings, review historically significant prior studies and relevant development plans. The interviews, studies, tours and other information are identified in a comprehensive “briefing book” to be provided to the panel by the Local Organizing Committee, led by Reverend Blue. The briefing book will also describe the history, challenges, and circumstances in the Jefferson Avenue community that are relevant to the ULI objectives. The resulting analysis and recommendations will be community-driven, but with objective, independent action-based solutions.

The total cost of convening the ULI Advisory Services panel is \$135,000, which includes convening and conducting the five-day panel (before, during, and after), the design, drafting and production of the panel week final presentation, the production of the final comprehensive report. \*

*\*see attachments for ULI final report example from the Rochester “Bull Head” neighborhood review and relevant correspondence, including a support letter from ULI*

### **Deliverables:**

- Public media presentation event at the end of the panel week, highlighting recommended executable action steps
- Final Report\*: The final report is compiled, drafted, designed and produced in-house by ULI staff after the panel has concluded its research. The report is an executable series of strategic action items, and a more detailed account of the recommendations presented on-site during the last day of the week-long panel. Final reports tend to average around 50 pages.\*

The funding request of \$25,000 from the ECIDA would help pay for the direct expenses incurred in conducting the panel and for the final deliverables.

The NAACP Economic Development Committee has worked to secure funding commitments from several stakeholders, including \$25,000 to be underwritten by the ULI Foundation and \$5,000 from the local ULI Western New York chapter, funding commitments secured to date include:

- ULI Foundation: \$25,000
- ULI Western New York: \$5,000
- Additional \$20,000 in total committed from People Inc., CB Emmanuel, Uniland Development
- \$15,000 from M&T Bank
- \$10,000 in soft commitments from various entities
- In-kind donations for various ad hoc panel expenses

The Buffalo Urban League has agreed to serve as the independent fiduciary of the funds prior to disbursement to ULI.



The ECIDA will also serve as the applicant and administering agency for a reimbursable grant from National Grid, which if approved will provide an additional \$25,000 in grant funds from National Grid toward the cost of the panel.

**Requested Action:**

Seeking approval to allocate \$25,000 in ECIDA UDAG funds and to enter into any and all agreements needed to provide funding for the convening of the Urban Land Institute Advisory Panel for the Jefferson Avenue Business Corridor. ECIDA intends to utilize its HUD UDAG reflow fund to provide the funding for this initiative. The UDAG reflow funds are restricted for specific economic development activities in accordance with Title 1 of the Housing & Urban Development Act of 1974, as amended, however, expenditures necessary to develop a comprehensive community development plan and to develop policy-planning management capacity are permissible expenditures under 42 U.S.C.A. §5305 (a)(12), and as such, the expenditures as contemplated herein are permissible expenditures.

Supporting the redevelopment and revitalization of distressed neighborhoods and encouraging economic growth for minority business districts is consistent with the ECIDA's strategic objectives and Mission Statement.

Seeking approval to serve as the applicant and administering agency for a \$25,000 grant from National Grid and to take all actions necessary to contract and implement the grant in support of the Urban Land Institute Advisory Panel for the Jefferson Avenue Business Corridor.



Dear Reverend Mark Blue,

Thank you for your letter expressing interest in the Urban Land Institute Advisory Services Program (ASP) focused on the Jefferson Avenue Corridor. We appreciate your recognition of ULI's role in leveraging this program to further our mission and impact communities at a local level. We are excited about the potential collaboration and the positive change it can bring to the Jefferson Avenue Corridor.

As you know, ASP has a strong history in Buffalo, with local projects including Buffalo's Central Terminal, the Richardson Complex, Gates Circle, Seneca Tower/Buffalo One HSBC, and Rainbow Center. Given this history of partnership with the Urban Land Institute and ASP, we're excited to support and collaborate with the NAACP Buffalo Chapter's Economic Development Committee and the soon-to-be-formed Local Organizing Committee to lead the charge of reinvestment of the Jefferson Avenue Corridor through this process.

To underscore the Urban Land Institute's commitment to this effort and its potential impact on the East Side community, we are pleased to announce that, with generous contributions from both the ULI Foundation and ULI Western New York, we can provide a substantial amount of \$25,000. This funding will be used to convene a ULI Advisory Services panel focused on the revitalization of the Jefferson Avenue corridor in Buffalo.

We look forward to this new chapter in our ongoing partnership with the Buffalo community and are excited to begin working on this important initiative.

Sincerely,

Kelsey Steffen  
Executive Director, ULI Advisory Services





# Advisory Services Program

## About ULI Advisory Services

ULI is the world's oldest and largest network of cross-disciplinary real estate experts. Its mission inspires and guides it every day: to shape the future of the built environment for transformative impact in communities worldwide. Perhaps the most direct manifestation of ULI's mission-driven focus is its Advisory Services Program (ASP), which, for 75 years, has solved land use and real estate issues for more than 700 communities in partnership with its members.

Through this program, ULI connects its members with communities worldwide and pairs the brightest minds in real estate with the most challenging problems facing our cities. Convening cross-disciplinary real estate leaders for immersive, onsite panels, ASP panels produce a set of impactful recommendations to address topics such as economic development and revitalization, housing attainability, and community resilience. Each panel includes a presentation of recommendations made immediately available to the community so that critical conversations and implementation can begin immediately. In the months following the on-site panel, the ASP team and local ULI District Council are available to connect with key regional stakeholders to further implementation efforts, and a final report of recommendations is produced.

One of ASP's unique attributes is that its participants are unbiased and are leaders in their fields who volunteer their skills, time, and energy to create an authentic blueprint for change. This independent perspective means that the participants are not beholden to what local leaders want to hear so much as what local leaders need to hear. Therefore, an essential element of ASP panels includes connecting with the local community through on-site events and stakeholder interviews. The input of local stakeholders with on-the-ground knowledge and the panel participants' expertise produces the most vital recommendations.

To learn more, visit: <https://americas.uli.org/programs/advisory-services/>

# National Association for the Advancement of Colored People

Rev. Mark Blue, President  
Buffalo NAACP Branch

Chartered 1915

May 17, 2024

To: Ms. Brenda McDuffie  
Chair  
ECIDA Board of Directors  
c/o Erie County Industrial Development Agency  
95 Perry Street, Suite 403  
Buffalo, NY 14203

RE: Urban Land Institute Advisory Panel Special Projects Request

Dear Chair McDuffie:

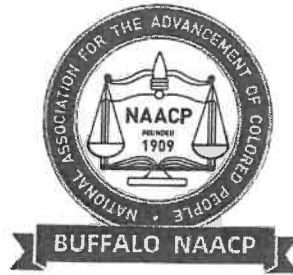
As President of the NAACP Buffalo Chapter and a dedicated advocate of the Jefferson Avenue community, I am requesting a \$25,000 Special Projects allocation from the ECIDA to help bring an Urban Land Institute Advisory panel to the Jefferson Avenue Business Corridor.

Our city recently commemorated the two-year anniversary of the devastating racially motivated mass murder of ten innocent people in our Jefferson neighborhood. As I work with my community to help create a meaningful memorial and attempt to foster an atmosphere of healing wherever possible, I have also recognized the urgency of improving the economic health of this district and its people.

Jefferson Avenue was once a thriving black business corridor and I believe it can be so again; however, to move forward with the long-overdue rebuilding of this community, we need a cohesive vision and an executable plan. In 2023, I convened the NAACP Economic Development Committee to explore solutions, and a common issue raised was the lack of a unified and comprehensive vision for the future of Jefferson Avenue.

Improving Jefferson Avenue businesses and neighborhoods will require effort from all, including the City of Buffalo, Erie County, New York State, public and private community advocacy organizations, and the community itself; but clearly defining the path forward is a critical first step.

The Urban Land Institute (ULI) has met with the Committee and agreed to help us define the possibilities for the Jefferson Avenue Corridor by convening an advisory panel of experts here in September. The panel will interview hundreds of stakeholders and review decades of studies and reports to thoroughly assess the needs of the Jefferson Avenue district.



163 Broadway Street  
Buffalo, New York 14204

Phone (716) 884-7242  
Fax (716) 884-724

*"The greatness of nations is shown by their strict regard for human rights, rigid enforcement of the law without bias, and just administration of the affairs of life."*

*~ Mary Burnett Talbert, Co-Founder  
1915*

The ULI Advisory Panel will then provide a comprehensive, unbiased, expert assessment of the challenges facing the Jefferson Avenue Corridor, and present meaningful, practical recommendations for all stakeholders to consider.

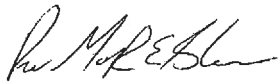
The Urban Land Institute has generously agreed to underwrite \$25,000 of the \$135,000 cost of the panel through its ULI Foundation, and our local ULI chapter has pledged \$5,000 as well. People Inc., Uniland Development and CB Emmanuel have offered pledges totaling \$20,000, and various organizations and individuals have pledged an additional \$10,000.

The Buffalo Urban League is the 501(c)3 designated as the independent steward of the funds we raise.

The \$25,000 in Special Projects allocation from the ECIDA will help support the revitalization of Jefferson Avenue, and in turn serve a critical mission of the ECIDA—creating economic growth in our underserved minority communities.

Thank you for your consideration.

Sincerely,



Rev. Mark Blue, President  
Buffalo NAACP Branch

cc: ECIDA Board of Directors  
NAACP Economic Development Committee  
John Cappellino  
ULI -



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, June 26, 2024, at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”) TO (i) AUTHORIZE THE ALLOCATION OF \$25,000 FROM THE AGENCY’S U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT URBAN DEVELOPMENT ACTION GRANT (“UDAG”) REFLOW FUND TO BE UTILIZED IN FURTHERENCE OF AN URBAN LAND INSTITUTE (“ULI”) ADVISORY SERVICES PANEL TO CONDUCT A REVIEW AND ANALYSIS OF THE JEFFERSON AVENUE CORRIDOR LOCATED IN THE CITY OF BUFFALO, AND (ii) TO ENTER INTO A GRANT AGREEMENT IN FURTHERENCE OF SAME

WHEREAS, the NAACP Economic Development Committee (the “Committee”) has explored ways the community could encourage economic growth for the businesses and legacy African American families located within the Jefferson Avenue Corridor in the City of Buffalo (the “Corridor”); and

WHEREAS, the Committee desires to convene an Urban Land Institute (“ULI”) Advisory Services panel, composed of real estate and land use experts from around the world, to conduct a thorough review and analysis of the Corridor, offer a comprehensive vision, and recommend an executable, strategic economic growth plan for the implementation by stakeholders (the “Panel”); and

WHEREAS, the Panel will consist of eight (8) to ten (10) qualified experts who will spend five (5) days studying the Corridor, and will include a tour of the neighborhood, interviews with stakeholders, informational meetings and a review of historically significant prior studies and development plans, in an effort to generate a final report produced by ULI staff summarizing an executable series of strategic action items and detailed account of the recommendations presented during the Panel (the “Report”); and

WHEREAS, the total cost associated with the Panel and the Report will be \$135,000, which includes conducting the Panel, design, drafting and production of the Panel’s final presentation, the Report, and any other steps required to complete the Panel objectives; and

WHEREAS, the NAACP has solicited and secured funding commitments from various stakeholders to underwrite the Panel and Report costs, and has secured the assistance of the Buffalo Urban League (the “BUL”) to accept and disburse funds related to the Panel and the Report on behalf of the NAACP; and

WHEREAS, to facilitate the undertaking of the Panel, the NAACP has requested the Agency to provide funding in the amount of \$25,000 (the “Funding Request”); and

WHEREAS, the Agency desires to facilitate the Panel's efforts and production of the Report to encourage new investment and job creation for the benefit of the residents of the Corridor and Erie County, and desires to approve the Funding Request; and

WHEREAS, the Agency maintains an Urban Development Action Grant Reflow Fund (the "UDAG Fund"), and pursuant to the Housing and Community Development Act of 1974, the Funding Request as described herein is an eligible UDAG expenditure under 42 U.S.C.A Section 5305 (a)(12).

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

Section 1. The Agency authorizes and approves the utilization of the Agency's UDAG Fund in the amount of \$25,000 for the purpose of facilitating the Funding Request.

Section 2. The Agency authorizes the President/Chief Executive Officer to negotiate and execute a grant agreement (the "Grant Agreement"), as appropriate, by and between the Agency, ULI, BUL and the NAACP in consultation with the Agency's general counsel, that shall include such other terms and conditions as the President/Chief Executive Officer determines to be appropriate and in the best interest of the Agency for purposes of the funding the Panel, the Report, and fulfilling the Funding Request.

Section 3. In accordance with the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations promulgated thereto at 6 NYCRR Part 617 (collectively referred to as "SEQRA"), based upon a review of the Panel activities and Funding Request the Agency hereby determines that no further SEQRA compliance is required pursuant to 6 N.Y.C.R.R. Section 617.15.(c)(27) because the Panel and associated Funding Request are Type II actions constituting "studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action."

Section 4. The Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any documents and agreements as may be related hereto and the officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of this resolution.

Section 5. Any and all actions heretofore taken or authorized by the Agency and/or its officers, employees and agents with respect to this resolution are hereby ratified, approved and confirmed in all aspects.

Section 6. This resolution shall take effect immediately.

Dated: June 26, 2024

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

**DATE AND PLACE:** June 6, 2024 at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203

**PRESENT:** Denise Abbott, Rev. Mark Blue, Zachary Evans, Richard Lipsitz, Dr. Susan McCartney, Brenda W. McDuffie<sup>1</sup>, Hon. Glenn Nellis, Laura Smith, David J. State and Lavon Stephens

**EXCUSED:** Hon. April Baskin, A.J. Baynes, Hon. Byron W. Brown, and Paul Vukelic

**OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Beth O’Keefe, Vice President of Operations; Soma Hawramee, Compliance Portfolio Manager, Grant Lesswing, Director of Business Development; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant/ Assistant Secretary; Andrew Pawenski, Esq./Harris Beach PLLC and Robert G. Murray, Esq., as General Counsel/Harris Beach PLLC

**GUESTS:** Yessica Vasquez on behalf of the City of Buffalo

There being a quorum present at 9:03 a.m., the Meeting of the Policy Committee was called to order by Chair McDuffie.

**MINUTES**

The minutes of the May 2, 2024 Policy Committee meeting were presented. Upon motion made by Ms. Abbott to approve of the minutes, and seconded by Ms. Smith, the Policy Committee meeting minutes were unanimously approved.

**PROJECT MATRIX**

Mr. Cappellino presented the project matrix to the Committee. Mr. Lipsitz directed that the report be received and filed.

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<sup>1</sup> Ms. McDuffie participated via video conference pursuant to Section 103-A of the New York State Public Officer’s Law and the Agency’s Videoconferencing Participation Policy.

## **ADAPTIVE REUSE DISCUSSION**

Mr. Cappellino reviewed the status of the evolution of the Policy Committee's consideration of Addendum #1 to the Adaptive Reuse Policy requiring income eligibility limits with respect to rent restricted units as so required by the draft policy addendum.

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

Mr. Cappellino presented the revised Addendum #1 as presented to Committee members.

Mr. State queried as to the typical number of residential units the Agency has seen within its Adaptive Reuse projects. Mr. Cappellino reported the typical number of housing units is between 15-45, with a few outliers.

General discussion ensued regarding the revisions and the waiver language.

Ms. McDuffie spoke in support of the revised addendum.

Mr. Evans also spoke in support of the revised addendum.

Mr. Blue moved and Mr. Evans seconded to approve of the Adaptive Reuse addendum as proposed and to forward to the ECIDA Board for ultimate approval. Ms. McDuffie called for the vote and the Adaptive Reuse Policy Addendum #1 was then unanimously approved.

## **COMPLIANCE MATTER**

Mr. Cappellino provided general background on the Agency's monitoring and compliance actions and procedures.

Ms. Hawramee provided additional details regarding the staff procedures to obtain and confirm required reporting metrics. She reviewed the Agency's recapture action items for 2023, including recapture of financial assistance in the total amount of approximately \$30,000 and two early PILOT terminations resulting from the requests of the company to terminate their respective PILOT Agreements.

Ms. Hawramee confirmed that the Agency is monitoring over 100 active projects for job commitment requirements. Mr. Murray noted that the 100 or so projects are cumulatively committed to retaining and creating over 1000 jobs, cumulatively represent tens of millions of dollars of new investment into Erie County, and cumulatively make millions of dollars of real property tax payments and related sales tax payments for operations. Mr. Murray then commented that it is extraordinary that there is only approximately \$30,000 of financial assistance being recaptured, being a very, very small dollar figure indicating that companies are, in-fact, keeping their employment commitments.

Mr. Lipsitz commented on the Agency's outstanding commitment to transparency and accountability, and the excellent job that staff undertake with respect to monitoring companies for compliance with conditions of granting financial assistance and efforts to recapture financial assistance when a company does not meet its required obligations, all as evidenced by the compliance matter report as presented today.

There being no further business to discuss, the meeting was adjourned at 9:53 a.m.

Dated: June 6, 2024

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Elizabeth A. O'Keefe, Secretary



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RESOLUTION**

*Adoption of Addendum No. 1 for inclusion within the  
Agency's Adaptive Reuse Policy*

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, June 26, 2024, 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") APPROVING AND ADOPTING AN  
ADDENDUM TO THE AGENCY'S ADOPTIVE REUSE POLICY

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended ("GML"), and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively with the GML, the "Act"), the Erie County Industrial Development Agency (the "Agency") was created as a public benefit corporation of the State of New York; and

WHEREAS, on or about December 8, 2008, the Agency adopted that certain Adaptive Reuse Policy (the "Policy"), which in relevant part was approved for the purpose of establishing policies and procedures with respect to the Agency's evaluation of adaptive reuse projects; and

WHEREAS, the Agency has proposed an amendment to the Policy to include a new Addendum No.1 thereto (the "Addendum"), a draft of which is attached hereto as Exhibit A, to promote, encourage, and maximize opportunities for the inclusion a certain number of, and potentially a mix of configurations of, workforce/affordable housing units leased to tenants meeting certain income eligibility limits; and

WHEREAS, on June 6, 2024, the Agency's Policy Committee approved the draft Addendum and recommended that the members of the Agency adopt the Addendum as an addendum to the Policy; and

WHEREAS, the Agency, having considered the Agency Policy Committee recommendation, now desires to adopt the Addendum as an addendum to the Policy, as enclosed within Exhibit A.

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

Section 1. The Agency hereby determines that the adoption of the proposed Addendum constitutes a Type II Action within the meaning of the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA") and therefore no further actions or proceedings under SEQRA need be undertaken by the Agency in connection therewith.

Section 2. The Agency hereby determines that the adoption of the Addendum will facilitate economic development, job creation/retention, and provide an overall benefit for the economy and people of Erie County.

Section 3. The Agency hereby approves and adopts the Addendum to be contained within the Policy as Addendum No. 1, in the form attached hereto as Exhibit A.

Section 4. The Agency, acting by and through its Chair, Vice Chair, President and Chief Executive Officer, or any other designated officer or director, is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Agency with respect to the Addendum are hereby approved, ratified and confirmed.

Section 5. The Addendum shall be effective and made applicable to all Adaptive Reuse Housing Project applications for Financial Assistance submitted to the Agency on or after August 1, 2024.

Dated: June 26, 2024

**EXHIBIT A**

ADDENDUM NO. 1

[Attached]

## ADAPTIVE REUSE POLICY

### Addendum #1

Applicability of the Adaptive Reuse Policy to an Adaptive Reuse Project consisting of or containing an element of, for rent residential housing

#### Objective

Adaptive Reuse Projects consisting entirely of, or containing an element of, for-rent residential housing (hereinafter, collectively, an “Adaptive Reuse Housing Project”) continue to seek financial assistance from the Erie County Industrial Development Agency (the “Agency”). These project have successfully enabled the Agency to encourage the adaptive reuse of old and often abandoned and blighted structures, being one of the primary purposes of the Agency’s Adaptive Reuse Policy. To help address the growing housing affordability and accessibility challenges faced by many Erie County residents, the Agency will now require Adaptive Reuse Housing Projects to include a certain number of, and potentially a mix of configurations of, workforce/affordable housing units that must be leased to a tenant(s) meeting certain income eligibility limits, subject to the criteria described herein.

#### Key Definitions/Concepts

Adaptive Reuse Housing Project. An Adaptive Reuse Project consisting entirely of, or containing an element of, for-rent residential housing.

Area Median Income (“AMI”). AMI is the median household income for a particular geographic area. The New York State Affordable Housing Corporation (“AHC”) publishes annually the Statewide and regional AMI figures. AMI serves as the benchmark for setting income thresholds that govern eligibility for housing assistance programs in New York. These programs often define their income limits as specific percentages of AMI, such as 50% or 80%, to determine if an individual or household qualifies for aid in covering housing expenses.

Workforce/Affordable Housing Rental Rate. For the purposes of this Addendum #1, the Agency defines a housing unit as “affordable” if the total housing costs do not exceed 30% of a household’s gross monthly income. The Workforce/Affordable Housing Rental Rate for a Workforce/Affordable Unit shall equal the product of (i) 30% and (ii) the 80% AMI figure for the year of initial occupancy for each such lease agreement lessee based on the number of occupants of a unit, where it is assumed a studio unit houses one person, a 1BR unit houses one person, a 2BR unit houses two people, and a 3 BR unit houses three people, and then dividing the product by 12.

Workforce/Affordable Unit. A residential unit within an Adaptive Reuse Housing Project that is subject to the terms and conditions of this Addendum #1.

**Adaptive Reuse Housing Project Requirements**

To qualify for Agency financial assistance, in addition to meeting the existing Adaptive Reuse Policy criteria, an Adaptive Reuse Housing Project must:

- (i) contain a certain number of Workforce/Affordable Unit(s) having rental rates affordable to individuals and families at the Workforce/Affordable Housing Rental Rate; and
- (ii) contain, if possible, a mix of configurations (studio, 1BR, 2BR, 3BR) of Workforce/Affordable Unit(s) to meet housing needs for households of varying size based on a building’s internal infrastructure and related financing considerations; and
- (iii) require and restrict, via income verification, the occupancy of the Workforce/Affordable Unit(s) to the leasehold agreement lessee whose annual income is at or below the 80% AMI figure as identified in the AHC table for the initial year of occupancy of each such lease agreement lessee of a Workforce/Affordable Unit.

The required number of Workforce/Affordable Unit(s) for a project to qualify as an Adaptive Reuse Housing Project is as follows:

Total Number of Units	Number/Percentage of required Workforce/Affordable Units
1-10	At least one workforce/affordable unit
11 - 50	10%, with the required number to be determined by multiplying 10% by the total number of units and rounding the product up if the product contains a decimal of 0.5 or higher, and rounding the product down if the product contains a decimal of 0.4 or lower
51-100	15%, with the required number to be determined by multiplying 15% by the total number of units and rounding the product up if the product contains a decimal of 0.5 or higher, and rounding the product down if the product contains a decimal of 0.4 or lower
101 or more	20%, with the required number to be determined by multiplying 20% by the total number of units and rounding the product up if the product contains a decimal of 0.5 or higher, and rounding the product down if the product contains a decimal of 0.4 of lower

Applicants will be required to certify and confirm, at the time of application and on an annual basis during the term of the Agency's monitoring and compliance period (not to exceed the applicable time period being two years following project completion (certificate of occupancy issuance) or the term of the PILOT Agreement benefit period, or such other term as required by the Agency) that the project will meet and continues to meet the Addendum #1 Adaptive Reuse Housing Project Requirements.

The goal of the Agency's Adaptive Reuse Policy is, ultimately, to encourage the adaptive reuse of existing but abandoned/blighted buildings. Notwithstanding anything contained within this Addendum #1 to the contrary, the Agency reserves the right to waive any or all the terms and conditions of this addendum on a case-by-case basis. This waiver can be granted if the Agency determines that strict adherence to Addendum #1 requirements would jeopardize the adaptive reuse of a building in alignment with the Agency's Adaptive Reuse Policy goals.

**Effective Date**

This Addendum #1 shall be effective and made applicable to all Adaptive Reuse Housing Project applications for Financial Assistance submitted to the Agency on or after August 1, 2024.