NEW YORK STATE OF OPPORTUNITY. | Erie Canal Harbor Development Corporation

A Subsidiary of Empire State Development

ERIE CANAL HARBOR DEVELOPMENT CORPORATION

at the offices of
Empire State Development – Buffalo Regional Office
95 Perry Street - Suite 500
Buffalo, NY 14203

Meeting of the Directors

Monday

July 13, 2026 – 10:30 AM

AGENDA

CORPORATE ACTIONS

1. Approval of the Minutes of the March 25, 2026 Directors' Meeting

2. First Buffalo River Marina Operations – Authorization to Enter into a Contract Amendment with Dale's Marine Services, LLC for Marina Operations of First Buffalo River Marina; and Authorization to Take Related Actions

3. Buffalo Cruise Terminal Improvements Phase 1 Construction – Authorization to Enter into a Contract for Construction Services; and Authorization to Take Related Actions

4. Buffalo Cruise Terminal – Authorization to Enter into a Revocable License for the Buffalo Cruise Terminal; and Authorization to Take Related Actions

Item 1

Erie Canal Harbor Development Corporation
95 Perry Street
5th Floor Conference Room
Buffalo, New York 14203

With video conferencing to:

Empire State Development – NYC Office
5 Grand Central East (655 Third Avenue)
4th Floor Conference Room D
New York, New York 10017

March 25, 2026

MINUTES

In Attendance	
Directors:	Joan A. Kesner – Chair Sam Capitano Constance Lydon Eric Reich
ECHDC Staff:	Mark Wendel, President Debbie Royce, Corporate Secretary
ESD Staff:	Anthony Dalessio, Deputy Chief Financial Officer and Controller Stephen Gawlik, VP, Poly and Capital Projects and Senior Counsel – Strategic Initiatives Courtney Heed, Deputy Corporate Secretary Eugene Kwiatkowski, Senior Director of Budgeting Laura Magee, Deputy Director - Public Affairs Florence Moses, Director - Subsidiary Finance

The meeting of the Erie Canal Harbor Development Corporation (the "Corporation"), was called to order at approximately 10:30 a.m. Chair Kesner then introduced the members of the Board who were present for the meeting. It was noted for the record that the meeting was being webcast.

Chair Kesner then noted that the public had been given an opportunity to provide comments on the Agenda items by submitting their written comments by 9:00 a.m. today and stated that no comments were received by the public and also noted that there were no members of the public in attendance to provide comments.

Chair Kesner further noted that the Directors had received the relevant written materials in advance of today's meeting and were free to ask questions at any time.

The Chair then asked the Directors if anyone had any potential conflict of interest with regard to any of the items on the Agenda and no conflicts were noted at this time.

Proceeding with the Agenda, the Chair called for a motion to approve the Minutes of the October 14, 2025 Directors' Meeting. Hearing no questions, comments, additions, or deletions, upon motion duly made and seconded, the following Resolution was unanimously adopted:

APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS TAKEN AT THE OCTOBER 14, 2025 MEETING OF THE ERIE CANAL HARBOR DEVELOPMENT CORPORATION

RESOLVED, that the Minutes of the meeting of the Corporation held on October 14, 2025 as presented to this meeting, are hereby approved and all actions taken by the Directors present at such meeting as set forth in such Minutes, are hereby in all respects ratified and approved as actions of the Corporation.

* * *

Chair Kesner then called on Mark Wendel, President of the Corporation, to present the next, and final, item on the Agenda related to the approval of Fiscal Year 2026-2027 Operating and Capital Budgets for the Directors' consideration.

Mr. Wendel presented an overview of the corporation's proposed operating budget, noting that while there was a slight increase in the overall budget, the majority of the line items had been successfully maintained at parity with the figures from Fiscal Year 2025–2026. He specifically identified and detailed the primary drivers behind the marginal budgetary increase, explaining that they were concentrated within the categories of salaries and benefits, as well as insurance costs. He further clarified that the escalation in insurance expenditure was a direct and anticipated consequence of the Corporation's recent development activities, noting that as the project continued to expand, a corresponding adjustment in coverage was necessary to safeguard the growing asset base.

Mr. Wendel then presented the formal financial figures, stating that the proposed total Operating Budget for the Corporation stood at $1,521,799. He provided a detailed breakdown of this expenditure, noting that $1,257,316 was allocated to personnel costs, specifically covering the salaries and benefits for nine full-time employees, while the remaining $264,483 was allocated to non-personal services. He clarified that these non-personal services encompassed the Corporation's recurring contractual and operational obligations incurred throughout the Fiscal Year, including commercial rent, the previously discussed insurance premiums, professional fees, and general administrative expenses.

Turning to the Capital Budget summary, Mr. Wendel reported a contraction in available capital funds, noting that the capital allocation had decreased from $45,000,000 down to approximately $39,000,000 as a direct result of capital drawdowns utilized to successfully complete ongoing projects. Consequently, he formally presented the Capital Budget for the 2026–2027 fiscal year at a total of $39,711,278.

Mr. Wendel further elaborated on the allocation of the Capital Budget, clarifying that these funds were utilized not only to finance physical construction activities but also to secure the professional services of the design team and various specialized consultants necessary to ensure all project requirements were satisfied prior to advancement. Additionally, he noted that this budget encompassed ongoing operations and maintenance expenditures, specifically identifying allocations dedicated to groundskeeping and lawn care, public safety initiatives, and facilities maintenance across the Corporation's properties. In conclusion, Mr. Wendel stated that the current Capital Budget balance of approximately $39,000,000 reflected both the successful progression of active development projects and the continuous, high-standard maintenance of the Corporation's existing sites.

Chair Kesner thanked Mr. Wendel for the presentation and called for any questions or comments from the Directors. Director Lydon expressed her satisfaction with the management team's sustained focus on the maintenance budget, commending the fact that these allocations remained stable over an extended period. Mr. Wendel concurred, explaining that proactive, long-term maintenance serves as a strategic measure to avoid the substantial capital expenditures typically associated with deferred maintenance or deferred operational

remediation. Director Lydon expressed her agreement, noting that such a consistent focus has been highly beneficial to the Corporation's asset management strategy.

Hearing no further questions or comments from the Directors, and noting no comments or questions from the public, upon motion duly made and seconded, the following Resolution was unanimously adopted:

ERIE CANAL HARBOR DEVELOPMENT CORPORATION - FY 2026-27 Operating and Capital Budgets – Approval of the Corporation's FY 2025-26 Operating and Capital Budgets (April 1, 2026 – March 31, 2027)

BE IT RESOLVED, based on the materials at this meeting and ordered filed with the Corporation (the "Materials"), the Corporation's proposed FY 2026-27 Operating and Capital Budgets are hereby approved, and adopted in all respects, substantially in the form set forth in the materials and subject to the availability of funds; and be it further

RESOLVED, that the Officers of the Corporation and/or appropriate designees, and each of them, are hereby authorized and directed to take all actions and execute all documents in connection with the establishment and implementation of the Corporation's Budget; and be it further

RESOLVED, that the President of the Corporation or his designee be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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Hearing no further business, the meeting adjourned at approximately 10:38 a.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary

Item 2

NEW YORK STATE OF OPPORTUNITY. | Erie Canal Harbor Development Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
July 13, 2026

TO:	The Directors
FROM:	Mark J. Wendel
SUBJECT:	First Buffalo River Marina Operations
REQUEST FOR:	Authorization to Enter into a Contract Amendment with Dale's Marine Service, LLC for Marina Operations of First Buffalo River Marina; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Marina Operator:	Dale's Marine Service, LLC P.O. Box 1421 Buffalo, NY 14231
Scope of Services:	First Buffalo River Marina Operator Services
Contract Term:	April 1, 2023 – March 31, 2033, with option to exercise up to two (2) additional 5-year extensions
Total Contract Amount:	Not Applicable
Funding Source:	Not Applicable

II. Background

Since 2016, Erie Canal Harbor Development Corporation ("ECHDC") has owned the First Buffalo River Marina, approximately 13 acres of property at 10 & 32 Fuhrmann Blvd. on Buffalo's Outer Harbor. The property includes a 115-slip boat marina with outdoor storage for approximately 300 boats, a boat launch pad, administration building, approximately 150 spaces for trailer parking and/or public patrons, as well as a boat repair building.

ECHDC has worked with Dale's Marine Service staff to ensure continuity in management of the space as a private marina. All parties associated with the property understand that operations are necessary to ensure that the First Buffalo River Marina, as well as surrounding ECHDC properties, are given appropriate attention for the purposes of security, service and maintenance.

III. Consultant Selection Process and Responsibility Recommendation

On August 10, 2022, ECHDC issued an RFP through the NYS Contract Reporter seeking proposals from qualified operators (or teams of companies) to manage the marina for the exclusive right to offer private services to the boating community. The RFP garnered significant interest with 56 companies viewing it on the NYS Contract Reporter. On August 31, 2022, ECHDC received one (1) proposal from the current operator, Dale's Marine Services.

Dale's Marine Service, LLC, has over 25 years of experience in marine service management, most of which has taken place on Buffalo's Outer Harbor. The team has proven to understand ECHDC's current and future visions for the First Buffalo River property, as well as the rest of ECHDC property on the Outer Harbor. Dale's Marine Service ensured ECHDC that they will continue to maintain current slip-holder services, as well as continued enhancement with the organization and cleanliness of the site. Dale's Marine Service displayed a thoughtful, balanced and economically viable approach for marina operations with an emphasis on service needs of the patrons. Additionally, they've provided a capital commitment that aligns with the vision of ECHDC for improvements with grounds and services at the site.

Pursuant to State Finance Law Section 139-j and 139-k and the Corporation's policy related thereto, staff has: a) considered proposed contractor's ability to perform the services provided for in the proposed contract; and b) consulted the list of offerers determined to be non-responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers the proposed contractor to be responsible.

IV. Scope of Work

As part of the original contract approved by the Board in 2022, Dale's Marine Service, LLC is responsible for a number of items related to the Marina, including but not limited to: ***Marina Operations Management; Maintenance and Repair of Facilities and Equipment; Environmental Operational Requirements; Vessel Monitoring/Inspection; Security; and Utilities, Trash and Debris***.

The Marina Operator and ECHDC have jointly determined that it would be advantageous and in the best interest of operations at the Marina if the vendor could act as ECHDC's agent to acquire equipment and materials to better service the waterways at the Marina. The proposed contract amendment would permit the Marina Operator, at ECHDC's request, to utilize a portion of the amounts paid to ECHDC pursuant to the original contract to acquire equipment and materials for this purpose, which would become the property of ECHDC but be utilized by the Marina Operator to fulfill its obligations pursuant to the original contract.

V. Contract Term, Price and Funding

The current operator agreement outlines rental and a share of gross revenue that is to be paid to ECHDC. As discussed in Section IV above, the amendment will allow the operator to act as an agent for ECHDC to acquire equipment and material to better service the waterways owned by ECHDC, and to utilize the funds that would otherwise be paid to ECHDC to acquire the same. No additional ECHDC funds would be required to make the aforementioned acquisitions, and the Marina's Operator will still be obligated to make any required payments to ECHDC that exceed the cost of the acquired equipment and material.

VI. Non-Discrimination & Contractor and Supplier Diversity

Pursuant to New York State Executive Law Articles 15-A and Article 3 of New York State Veterans' Services Law, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of New York State certified minority-and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects. The Office of Contractor and Supplier Diversity has reviewed the project and has determined that MWBE and SDVOB participation goals will not apply to this project.

VII. Environmental Review

Empire State Development staff on behalf of ECHDC has determined that the requested action, which involves entering into a contract amendment for marina operations management and related services, constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with the requested action.

VIII. Requested Action

The Directors are requested to: (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to enter into a Contract Amendment with Dale's Marine Service to allow the Marina Operator to acquire equipment and materials with the permission of and on behalf of ECHDC utilizing the rental fees and revenue shares; and (3) authorize the Corporation to take all related actions.

IX. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

X. Attachment
Resolution

July 13, 2026

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – First Buffalo River Marina Operations – Authorization to Enter into a Contract Amendment with Dale's Marine Service, LLC for Marina Operations of First Buffalo River Marina; and Authorization to Take Related Actions

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BE IT RESOLVED, that upon the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Corporation, the Corporation hereby finds Dale's Marine Service, LLC to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract amendment with Dale's Marine Service for the purpose of allowing the operator to purchase equipment on behalf of ECHDC utilizing the rental fees and revenue shares, for the purposes and services, and substantially on the terms and conditions, set forth in the Materials; and be it further

RESOLVED, that the President of the Corporation or his designee(s) be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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Item 3

NEW YORK STATE OF OPPORTUNITY. | Erie Canal Harbor Development Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
July 13, 2026

TO:	The Directors
FROM:	Mark J. Wendel
SUBJECT:	Buffalo Cruise Terminal Improvements Phase 1 Construction (the "Project")
REQUEST FOR:	Authorization to Enter into a Contract for Construction Services; and Authorization to Take Related Actions

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CONTRACT NEEDS AND JUSTIFICATION

I. Contract Summary

Contractor:	Union Concrete and Construction Corp. 435 Meyer Road West Seneca, NY 14224
Scope of Services:	Buffalo Cruise Terminal Improvements Phase 1
Contract Term:	July 14, 2026 through October 27, 2028.
Contract Amount:	Not to exceed $13,400,813.00 ($12,182,557.00 Base Bid with $1,218,256.00 contingency)
Funding Source(s):	New York Works EDF

II. Background

In 2024, ECHDC completed a Market Demand Study for the Cruise Industry in Buffalo, New York. The study focused on the potential and viability for Buffalo to become a destination for cruise lines already touring the Great Lakes. In 2025, ECHDC hired a design team led by LiRo Engineers to design a cruise terminal facility with upland improvements located at 275 Fuhrmann Boulevard that would be functional for the cruise lines and welcoming to their guests The cruise lines are very excited about Buffalo committing to become a future itinerary stop for their guests. This excitement was expedited by American Cruise Line including Buffalo in their 2026 itineraries at a temporary location.

III. Consultant Selection Process

On May 18, 2026, the ECHDC solicited bids for the Buffalo Cruise Terminal Improvements Phase 1 Project in the New York State Contract Reporter. A total of three (3) bids from the following entities were received on or before June 16, 2026 and the bid amounts were read aloud publicly via a conference call:

Union Concrete and Construction Corp.
Mark Cerrone, Inc.
Ojibway Construction Corp.

ECHDC and Buffalo Construction Consultants (BCC), the Construction Manager for the Buffalo Cruise Terminal Improvements Phase 1 project, met with all three contractors following their submission. BCC recommends awarding the Contract to Union Concrete and Construction Corp. who was found by ECHDC to be the lowest responsible bidder. The low bid is within the allocated project budget.

Union Concrete and Construction Corp. is a renowned family owned heavy highway and bridge contractor in Western New York, with a reputation for delivering complex and challenging infrastructure projects with the highest levels of quality. With over 70 years of experience in the construction industry, Union Concrete has developed extensive capabilities and a commitment to collaboration. Union Concrete and Construction Corp. has worked on ECHDC projects in the past, including the site renovations at Terminal B.

Pursuant to State Finance Law Section 139-j and 139-k and the Corporation's policy related thereto, staff has: a) considered proposed contractor's ability to perform the services provided for in the proposed contract; and b) consulted the list of offerers determined to be non-responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers the proposed contractor to be responsible.

IV. Scope of Work

Includes completion of all tasks set forth in the Project Manuals and Construction Documents, which shall include, but not be limited to the following:

- Prime Contractor:
  a. Rehabilitation of 950+/- feet of concrete seawall, installation of mooring bollards / cleats and installation of seawall fenders.
  b. Removal of spoils from excavation to adjacent site, followed by coverage in clay/dirt cap to encapsulate.
  c. Installation of new expansive concrete waterfront promenade.
  d. Installation of new metal sea-rail and gates at perimeter of site.
  e. Installation of various landscape/hardscape materials.
  f. Installation of new electric service and transformer pad.
  g. Installation of site lighting along waterfront promenade.
  h. Installation of empty conduit for future electric work around the site.
  i. Installation of new water service and hotbox/RPZ to site.
  j. Installation of new underground water lines to serve various areas of the site.

Prevailing wages are required to be paid for labor completed for this project.

V. Contract Term, Price and Funding

This contract is a lump sum contract in an amount not to exceed $13,400,813.00 ($12,182,557.00 Base Bid with $1,218,256.00 contingency) as delineated in the project plans and specifications dated May 18, 2026 along with thirteen (13) addenda that were provided during the bidding period.

The project is slated to begin in August 2026 and expected to be completed by October 27, 2028.

ECHDC intends to issue a Notice to Proceed to Union Concrete and Construction Corp. in the amount of $250,000 to begin to submit material information based on long lead items and establish the site perimeter.

The funding source shall be New York Works EDF.

VI. Non-Discrimination & Contractor and Supplier Diversity

ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to this Project. Pursuant to New York State Executive Law Article 15-A and Article 3 of New York State Veterans' Services Law, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects. The Contractor shall be required to solicit and utilize Minority and Women Business Enterprise (MWBEs) and Service-Disabled Veteran-owned Businesses (SDVOBs) for any contractual opportunities generated in connection with the Project and shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8 and 9 NYCRR § 252.2(n)) to achieve an overall MWBE Participation Goal of 30% and an SDVOB Participation Goal of 6%. The overall goal shall include a Minority Business Enterprise Participation Goal of 15% and a Women Business Enterprise Participation Goal of 15% related to the total value of ESD's funding.

VII. Environmental Review

Pursuant to the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law and its implementing regulations (6 NYCRR Part 617), ECHDC, as lead agency for the Buffalo Outer Harbor Civic and Land Use Improvement Project, issued a Negative Declaration on February 8, 2021, determining that the Project will not have any significant adverse impacts on the environment. The modifications associated with the Buffalo Cruise Terminal project were considered in a Technical Memorandum dated February 2026, which concluded that the Project would continue to not have any significant adverse impacts on the environment. The modifications were approved under a Modified General Project Plan for the Buffalo Outer Harbor Civic and Land Use Improvement Project adopted and affirmed by the Directors on February 9, 2026. The present request for authorization to enter into a contract for construction services for the Buffalo Cruise Terminal project does not constitute an action beyond those actions previously considered and does not require additional environmental review under SEQRA. Therefore, no further environmental review is required in connection with this action.

VIII. Requested Action

The Directors are requested to (1) make a determination of responsibility with respect to the proposed contractor; (2) authorize the Corporation to enter into a construction contract with Union Concrete and Construction Corp. for an amount not to exceed $12,182,557.00 plus a $1,218,256.00 contingency for a total contract amount of $13,400,813.00; and (3) to authorize the Corporation to take all related actions.

IX. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

X. Attachment
Resolution

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Buffalo Cruise Terminal Improvements Phase 1 Project - Authorization to Enter into a Contract for Construction Services; and Authorization to Take Related Actions

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BE IT RESOLVED, that upon the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Corporation, the Corporation hereby Union Concrete and Construction Corp. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter into a contract with Union Concrete and Construction Corp. for a base contract amount of TWELVE MILLION ONE HUNDRED EIGHTY TWO THOUSAND FIVE HUNDRED FIFTY SEVEN DOLLARS ($12,182,557.00), plus a contingency in the amount of ONE MILLION TWO HUNDRED EIGHTEEN THOUSAND TWO HUNDRED FIFTY SIX DOLLARS ($1,218,256.00) for a total contract amount not to exceed THIRTEEN MILLION FOUR HUNDRED THOUSAND EIGHT HUNDRED THIRTEEN DOLLARS ($13,400,813.00) for the purposes and services, and substantially on the terms and conditions, set forth in the Materials; and be it further

RESOLVED, that the President of the Corporation or his designee be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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Item 4

NEW YORK STATE OF OPPORTUNITY. | Erie Canal Harbor Development Corporation

A Subsidiary of Empire State Development

FOR CONSIDERATION
July 13, 2026

TO: The Directors

FROM: Mark J. Wendel

SUBJECT: Buffalo Cruise Terminal

REQUEST FOR: Authorization to Enter into a Revocable License for the Buffalo Cruise Terminal; and Authorization to Take Related Actions

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I. License Summary

Licensee:	American Cruise Lines, Inc. 741 Boston Post Road, Suite 200 Guilford, CT 06437
Premises:	275 Fuhrmann Blvd, Buffalo, NY
License Term:	April 1, 2027 – March 31, 2047
License Amount:	Revenue generating; Varies per year based on fees
Funding Source(s):	N/A

II. Background

In 2022, Governor Hochul announced an initiative to establish a Great Lakes Cruise terminal in Buffalo, NY. Cruise Lines have been touring the Great Lakes for years, but have been by-passing Buffalo as they travel between Toronto and Cleveland. In 2024, a Great Lakes Cruise study was completed for ECHDC which analyzed the marketability of Buffalo as a destination and possible terminal locations. Based on the results of this study which engaged a number of waterway stakeholders, Slip 2 at the Buffalo Outer Harbor was selected as the terminal location.

American Cruise Line (ACL) has shown great interest in adding Buffalo to their Great Lakes Cruise itinerary. Their eagerness has been displayed with Buffalo added to their 2026 itinerary, docking at a temporary location near Buffalo's Erie Basin Marine, while the permanent terminal location will be constructed. To date, ECHDC has received construction proposals for the first phase of the Buffalo Cruise Terminal. This scope of work will focus on the seawall repairs, guardrails, and mooring bollards. The second phase will focus on the upland improvements, including the Customs and Border Patrol facility. Construction will begin on the phase 1 in August 2026, with phase 2 starting in early 2027. As the seawall improvements progress, the cruise lines will be able to dock when scheduled.

Staff specifically negotiated this license agreement to be non-exclusive, so as to permit any and all interested cruise lines to dock in Buffalo when space is available. It is anticipated that other cruise line operators will be negotiating non-exclusive license agreements in the future. The terms of this first long-term license agreement represent a substantial benefit to Terminal construction and help ensure its operation for many years to come.

III. License Description

The License Agreement will allow ACL to dock commercial passenger vessels at the Premises, and access to the Premise for related activities required to operate a commercial vessel, including passenger ingress/egress and resupplying the vessels as needed. This license will permit use of both ACL vessels and affiliates, which shall include but not be limited to Pearl Seas, LLC. As the license is non-exclusive, it will allow ECHDC to enter into future agreements with other companies to access the Premises.

The License Agreement will require ACL to submit all docking reservations to ECHDC on or before November 30th for the subsequent year and permit modifications to the schedule based on unforeseen circumstances including weather, equipment failure, Force Majeure events or any other conditions that may impact the vessel's itinerary or docking at the Premises.

IV. Responsibility Determination

Pursuant to State Finance Law Section 139-j and 139-k and the Corporation's policy related thereto, staff has: a) considered ACL's ability to perform the services provided for in the proposed contract; and b) consulted the list of offerers determined to be non-responsible bidders and debarred offerers maintained by the New York State Office of General Services. Based on the foregoing, staff considers the proposed contractor to be responsible.

V. Contract Term, Price and Funding

The revocable, non-exclusive license initial term is twenty (20) years, April 1, 2027 to March 31, 2047, including a maximum of one (1) ten (10) year extension at ECHDC's sole discretion. ECHDC will be permitted to terminate the license at any time by providing 120 days notice. The fees paid by ACL shall include an initial one-time fee of $25,000 at the outset of the License and subsequent payments will be paid on a monthly basis based on the number of passengers and length of time docked at the Premises. The fees to be received by ECHDC per this license are:

Year	Passenger Fee	Docking Fee (per 24 hours)
Years 1-5	$7.25/ passenger	$500.00
Years 6-10	$7.50/ passenger	$525.00
Years 11-15	$7.76/ passenger	$551.00
Years 16-20	$8.07/ passenger	$578.55

VI. Non-Discrimination & Contractor and Supplier Diversity

Pursuant to New York State Executive Law Articles 15-A and Article 3 of New York State Veterans' Services Law, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of New York State certified minority-and women-owned business enterprises (MWBEs) and

service-disabled veteran-owned businesses (SDVOBs) in the performance of ESD projects. The Office of Contractor and Supplier Diversity has reviewed the project and has determined that MWBE and SDVOB participation goals need not be applied to this project.

VII. Environmental Review

Empire State Development staff on behalf of ECHDC has determined that the action, which involves entering into a contract for the license of the Premises with no substantial changes in any existing structure/facility thereof, constitutes a Type II action as defined by the New York State Environmental Quality Review Act and the implementing regulations for the New York State Department of Environmental Conservation. No further environmental review is required in connection with the requested action.

VIII. Requested Action

The Directors are requested to: (1) make a determination of responsibility with respect to the proposed consultant; (2) authorize the Corporation to enter into a non-exclusive Revocable License with American Cruise Line, Inc.; and (3) to take all related actions.

IX. Recommendation

Based on the foregoing, I recommend approval of the requested actions.

X. Attachments
Resolution

July 13, 2026

ERIE CANAL HARBOR DEVELOPMENT CORPORATION – Buffalo Cruise Terminal - Authorization to Enter into a Revocable License for the Buffalo Cruise Terminal; and Authorization to Take Related Actions

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BE IT RESOLVED, that upon the basis of the materials presented to this meeting (the "Materials"), a copy of which is hereby ordered filed with the records of the Corporation, the Corporation hereby finds American Cruise Line, Inc. to be responsible; and be it further

RESOLVED, that the Corporation is hereby authorized to enter a non-exclusive Revocable License with American Cruise Line, Inc. for the purposes and services, and substantially on the terms and conditions, set forth in the Materials; and be it further

RESOLVED, that the President of the Corporation or his designee(s) be, and each of them hereby is, authorized to take such action and execute such documents as may be necessary or appropriate to carry out the foregoing resolution.

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