

2019 ECIDA Progress Assessment Report

Agenda

- Compliance Monitoring - Material Terms
- Compliance Summary
- Local Labor Results
- Sales Tax Compliance
- Compliance Meetings

Compliance Monitoring - Material Terms

- Investment
 - Requires a private investment equal to at least 85% of the project cost
 - Clients submit an investment certification and a copy of their project budget after construction is complete
- Job Retention
 - Clients are required to maintain 90 or 95% of their jobs at application (150 or less retain 90%; 150+ retain 95%)
 - Monitored by quarterly employment surveys and NYS-45 form (or other supporting documentation)
- Job Creation
 - Clients are required to create 85% of their job projections
 - Monitored by quarterly employment surveys and NYS-45 form (or other supporting documentation)
- Local Labor Policy
 - Requires that 90% of all contractors/sub-contractors to reside within the 8 counties of WNY (Erie, Niagara, Cattaragus, Chautaugua, Allegany, Wyoming, Genesee, Orleans)
 - Monitored by quarterly local labor reports
- Pay Equity Policy
 - Requires clients to pay male and female employees the same wages for similar work
 - Monitored by random pay equity audits; audits are performed by the Erie County Division of Equal Employment Opportunity
 - 3 audits in 2019 - Column Development, 570 Associates, Iroquois Bar; no issues
- Unpaid Real Property Tax Policy
 - Requires individuals who hold at least a 25% ownership interest in the applicant (entity receiving benefits) to pay all taxes on all properties located within Erie County
 - ECIDA staff monitors by requesting a list of all properties in which the applicant has a 25% or more ownership interest. The property list is forwarded to the Erie County Commissioner of Real Property Services for confirmation that all real property taxes, special district charges and/or PILOT payments are current.

Compliance Summary

- In 2019, 76 projects were obligated under the recapture policy
- These companies fulfilled their agreements with the ECIDA in 2019 and are no longer active:
 - 432 Abbott Road/PAMS Properties
 - 4455 Genesee Street/Calspan Corp.
 - Curtiss Buffalo
 - Fisher-Price
 - Latina Boulevard Foods
 - Lazarus Properties
 - Rosina Food Products
 - Sodexo
- 100% compliance with the Local Labor Policy
- 100% compliance with the Pay Equity Policy
- 100% compliance with the Unpaid Tax Policy
- 92.1% compliance with job retention/job creation requirements
 - 5 clients are subject to benefit adjustments in 2019
 - Custom Sheet Metal repaid \$1,956.02 in benefits & terminated its PILOT
- 98.7% compliance with investment requirement documentation requests
 - ECIDA staff is in the process of obtaining the outstanding investment verification

2019 Local Labor Results

➤ 1st Quarter

- 1,116 total construction workers
- 98.75% resided within the 8 counties of WNY
- 1.25% resided outside the 8 counties of WNY
- 74.4% resided in Erie County

➤ 2nd Quarter

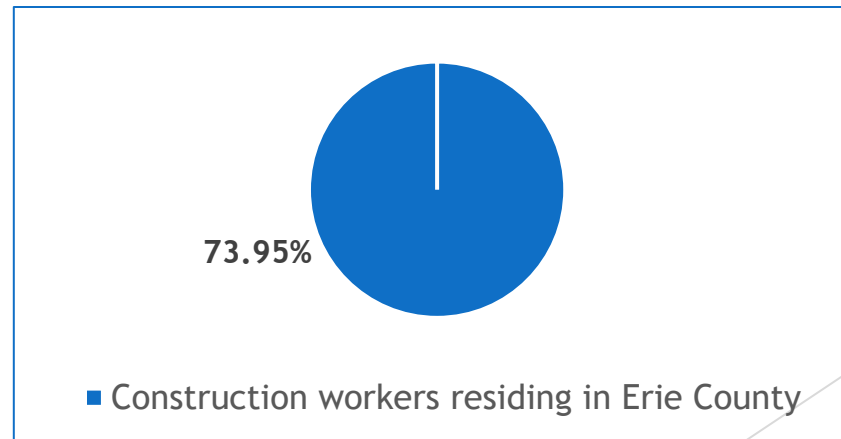
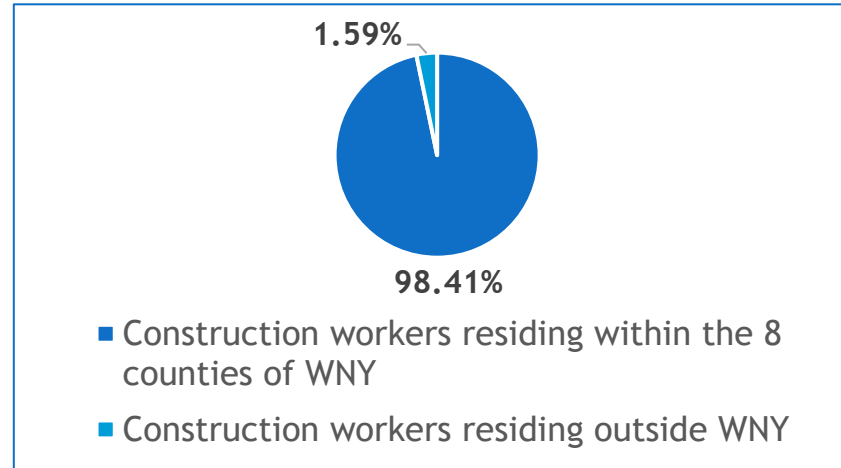
- 1,053 total construction workers on-site
- 99.05% resided within the 8 counties of WNY
- .95% resided outside the 8 counties of WNY
- 71.6% resided in Erie County

➤ 3rd Quarter

- 1,430 total construction workers on-site
- 98.32% resided within the 8 counties of WNY
- 1.68% resided outside the 8 counties of WNY
- 76.3% resided in Erie County

➤ 4th Quarter

- 1,289 total construction workers on-site
- 97.52% resided within the 8 counties of WNY
- 2.48% resided outside the 8 counties of WNY
- 73.5% resided within Erie County



Sales Tax Compliance

- ▶ The Board approves the amount that a company can receive in sales tax savings
- ▶ When a company reports more than the approved amount, it must repay the overage
- ▶ Sales tax savings are monitored through the ST-340 forms that companies submit to the NYS Tax Dept.; ECIDA requests a copy of the form
- ▶ Staff compares the sales tax savings amount approved by the Board with the ST-340 forms that clients submit; if a client exceeds the approved amount, staff informs the client that they must pay the overage
- ▶ Client sends a check to the ECIDA; ECIDA staff completes the ST-65 form and forwards the check to the NYS Tax Dept.
 - ▶ In 2019, one company repaid the NYS Tax Dept. for sales tax overages (Group V Real Estate, Inc./Athenex)
 - ▶ Total amount repaid \$13,991.28 (paid in March 2020 for the 2019 year)

Compliance Meetings

- ▶ ECIDA Client Meeting
 - ▶ Overview of all compliance requirements, material terms & recapture policy
 - ▶ Meeting held on September 18, 2019
 - ▶ 8 attendees from 6 companies
- ▶ Individual compliance meeting
 - ▶ 467 Richmond/REVPAC project on April 16, 2019

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Project Code	Project Name	Investment Required	Investment Confirmed	Compliant with Local Labor Policy	Compliant with Pay Equity Policy	Compliant with Unpaid Tax Policy	Jobs at Application Required	Jobs to be created	2019 Full-Time	2019 Part-Time	2019 Total Jobs	2019 Job Status (see notes for formulas)	Jobs Creation Due Date	Recapture End Date	Notes
10358	128 Pearl Street, LLC/St. Paul's Apartments	\$1,564,362	Y	N/A	Y	Y	0	1	0	3	1.5	1.5	3/31/20	3/31/20	
10273	1391 Hertel, LLC	\$4,599,881	Y	N/A	N/A	N/A	0	3	5	3	6.5	6.5	2/28/20	2/28/20	
10377	166 Chandler Holdings, LLC	\$3,990,750	Y	N/A	Y	Y	0	5.5	34	14	41	41	5/31/21	5/31/21	
10230	337 Ellicott Street, LLC/Big Ditch Brewing Company	\$2,176,000	Y	N/A	N/A	N/A	0	11	52	42	73	62	12/31/18	12/31/23	
10231A	500 Seneca Street, LLC	\$26,976,980	Y	N/A	N/A	N/A	18	10	739	54	766	738	6/30/19	12/31/25	
10203	555 Riverwalk Parkway, LLC	\$10,628,000	Y	N/A	N/A	N/A	732	70	941	10	946	144	8/31/16	12/31/24	
10355	570 Associates VI, LLC	\$17,633,250	N/A	Y	Y*	Y	0	105	0	0	0	0	12/31/22	12/31/27	
10372	683 Northland Avenue/Workforce Training Center	\$49,357,729	N/A	Y	Y	Y	0	7	75	17	83.5	83.5	6/30/22	12/31/27	
10315	722 Group	\$4,896,000	Y	N/A	Y	N/A	0	2	1	1	1.5	1.5	3/31/21	3/31/21	
10283	9271 Group, LLC/960 Busti	\$5,916,000	Y	Y	N/A	N/A	0	1	1	1	1.5	1.5	12/31/21	12/31/21	
10285A	93 NYRPT, LLC/Randall Benderson 1993-I Trust	\$5,508,000	N/A	Y	N/A	N/A	0	30	13	0	13	13	12/31/21	12/31/24	
10298	95 Pirson Parkway, LLC	\$2,808,825	Y	N/A	N/A	N/A	128	26	188	2	189	35	12/31/18	12/31/27	
10359	Aakron Rule Corporation	\$2,269,500	Y	N/A	Y	Y	131	11	147	9	151.5	20.5	9/11/21	12/31/28	
10208	Automated Machine Technologies, Inc.	\$786,250	Y	N/A	N/A	N/A	3	1	5	0	5	1	7/31/16	12/31/24	
10373	Barker Street Apartments/Glendale	\$4,243,200	Y	N/A	N/A	Y	0	1	1	1	1.5	1.5	9/30/20	9/30/20	
10340	Calspan Corporation/Genesee Holdings	\$6,009,500	Y	Y	Y	Y	102	9	121	8	125	23	6/30/21	12/31/28	
10394	Column Development	\$2,550,000	Y	Y	Y*	Y	27	6	26	0	26	-1	9/30/21	12/31/26	
2123	Curtis Niagara, LLC	N/A	N/A	N/A	N/A	N/A	157	0	162	0	162	5	N/A	12/31/20	In 2014, MacLean Curtis LLC purchased the assets of Curtis Screw. Recapture applies to employment only.
10227	Custom Sheet Metal Fabricating, LLC	\$935,000	Y	N/A	N/A	N/A	10	2	10	0	10	-2	8/31/16	N/A	PILOT terminated; Custom Sheet repaid 2019 benefits & terminated PILOT due to employment shortages which they could not overcome
10286A	David Gordon/Gordon Companies, Inc./Colvin Oakdale, LLC	\$1,551,250	Y	N/A	N/A	N/A	74	5	89	0	89	10	7/31/19	12/31/24	
10363	Delaware Lodge Apartments	\$1,059,100	N	Y	Y	Y	0	0	0	0	0	0	N/A	5/31/21	No employment obligations
10225	DNC 250, Inc.	\$44,017,851	Y	N/A	N/A	N/A	332	55	534	49	558.5	171.5	3/31/19	12/31/27	
10395	Ebenezer Railcar Services, Inc.	\$5,100,000	N/A	Y	Y	Y	76	11	89	3	90.5	14.5	12/31/22	End of PILOT	
10385	Emerson Huron, LLC	\$32,231,525	N/A	Y	Y	Y	54	0	60	0	60	6	9/30/22	9/30/22	
10352	Flexo-Transparent, Inc.	\$5,227,500	Y	N/A	Y	Y	104	5	122	0	122	18	12/31/20	12/31/25	
10317A	Flexovit USA, Inc.	\$6,817,753	Y	N/A	Y	N/A	41	30	67	0	67	-4	12/31/18	12/31/27	
10254A	Flying Bison Brewing Co.	\$2,125,000	Y	N/A	N/A	N/A	5	3	7	5	9.5	1.5	7/7/17	12/31/23	

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10330	Great Lakes Orthodontics, Ltd.	\$4,254,446	Y	N/A	Y	Y	210	8	260	15	267.5	49.5	12/31/19	12/31/28	
10389	Group V Real Estate, Inc.	\$1,289,875	N/A	Y	Y	Y	50	21	67	0	67	17	12/31/21	12/31/29	
10350	Iroquois Bar Corporation	\$782,000	Y	N/A	Y*	Y	59	2	73	0	73	12	9/30/19	12/31/25	
10380	ITT Enidine, Inc.	\$1,020,000	Y	N/A	Y	Y	248	8	288	0	288	40	12/31/20	12/31/20	
10331	Kohler Awning, Inc.	\$722,500	Y	N/A	Y	Y	45	1	71	16	79	33	7/31/19	12/31/24	
10209A	McGard, LLC	\$7,012,500	Y	N/A	N/A	N/A	434	19	725	0	725	272	6/30/17	12/31/22	
10356	Moog, Inc.	\$27,710,000	N/A	Y	Y	Y	274	36	401	0	401	127	12/31/22	12/31/30	
10390	Niagara Label/12715 Lewis Road, LLC	\$1,627,750	N/A	Y	Y	Y	44	4	59	4	61	17	12/31/21	12/31/30	
10234	North American Salt Company	\$6,205,000	Y	N/A	N/A	N/A	0	6	9	0	9	3	6/30/17	12/31/22	
10256	Orchard Heights, Inc.	\$24,310,000	Y	N/A	N/A	N/A	65	11	84	47	107.5	31.5	6/30/19	12/31/24	
10378	Pearl Group, LLC	\$6,158,250	Y	Y	Y	Y	0	29	8	14	15	15	12/31/21	12/31/21	
10366	Pierce Arrow Kanaka LLC	\$29,354,750	Y	Y	Y	Y	0	2	0	0	0	0	12/31/22	12/31/22	
10354	Pine Pharmaceuticals	\$4,760,000	Y	N/A	Y	Y	14	10	60	13	66.5	52.5	6/30/20	12/31/28	
10212	Pollock Research & Design d/b/a Simmers Crane Design & Services	\$1,453,500	Y	N/A	N/A	N/A	27	4	41	7	44.5	13.5	5/31/17	12/31/26	
10357	R&M Leasing, LLC/Pierce Arrow Business Park	\$9,002,350	Y	N/A	Y	Y	45	17	128	7	131.5	86.5	7/31/20	7/31/20	
10211	Richardson Center Corporation/Richardson Olmsted Complex	\$46,880,714	Y	N/A	N/A	N/A	0	47	48	149	122.5	75.5	9/30/19	12/31/28	
10269	SelectOne RE Holdings	\$1,445,000	Y	N/A	N/A	N/A	13.5	5	14	0	14	-4.5	5/3/19	12/31/25	Recapture due to employment shortfall in 2018
10365	Shea's Seneca Street, LLC	\$7,685,470	Y	Y	Y	Y	0	14	15	47	38.5	38.5	3/31/21	3/31/21	
10341	Shell Fab	\$2,324,750	Y	N/A	Y	Y	41	8	55	5	57.5	16.5	7/31/20	12/31/25	
10292A	Shevlin Land & Cattle Company	\$1,445,000	Y	N/A	Y	N/A	63	8	58	0	58	-13	6/30/18	12/31/24	Employment of Upstate Pharmacy. Recapture due to employment shortfall in 2018
10374	Silos at Elk Street	\$1,746,750	Y	N/A	Y	Y	29	3	46	0	46	17	12/31/20	12/31/20	
10384	St. Paul Group, LLC	\$3,217,250	N/A	Y	Y	Y	0	15	0	0	0	0	12/31/23	12/31/23	
10360	Sumitomo Rubber USA, Inc.	\$8,252,650	Y	Y	Y	Y	1179	0	1402	0	1402	223	N/A	12/31/29	No job creation
10351	The Alexandre Apartments, LLC	\$3,629,165	Y	N/A	Y	Y	0	4	1	0	1	1	1/31/20	1/31/20	
10295A	The Uniland Partnership of Delaware, LP	\$17,899,380	Y	N/A	N/A	N/A	485	0	507	0	507	22	11/30/19	12/31/27	Connected to Sodexo #10297
10388	Tomric Systems Expansion	\$1,338,750	Y	N/A	Y	Y	23	2	28	1	28.5	5.5	12/31/20	12/31/20	
10221	Tonawanda Pirson, LLC/Wythe Will Tzetzto	\$15,895,000	Y	N/A	N/A	N/A	206	29	312	1	312.5	77.5	8/31/18	12/31/26	
10328A	Trahwen-G, LLC	\$4,573,000	Y	N/A	Y	Y	0	30	0	0	0	0	12/31/21	12/31/24	
10326	Triad Recycling and Energy Corp.	\$2,544,050	Y	Y	Y	N/A	0	2	23	1	23.5	23.5	3/31/21	3/31/21	
10260A	Unifrax 1, LLC	\$28,050,000	Y	N/A	N/A	N/A	255	21	262	0	262	-14	6/30/18	12/31/26	Recapture due to employment shortfall in 2018

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10362	Unifrax 1, LLC	\$20,400,000	Y	N/A	Y	Y	0	21	33	0	33	33	3/31/20	12/31/25	
10379	WNY Foreign Trade Zone Operations/Punto Franco Ltd.	\$1,496,000	Y	Y	Y	Y	5	2	10	0	10	5	3/31/21	12/31/27	
10339	791 Washington Street/Trico	\$76,916,960	N/A	Y	Y	Y	0	110	0	0	0	0	7/31/24	7/31/24	New 2019
10376	467 Richmond/REVPAC	\$9,159,290	N/A	Y	Y	Y	3	1	3	0	3	0	9/30/22	9/30/22	New 2019
10393	ROAR Logistics, Inc.	\$2,218,500	N/A	Y	Y	Y	39	12	59	2	60	21	11/1/22	End of PILOT	New 2019
10397	1485 Niagara, LLC	\$4,760,000	N/A	Y	Y	Y	48	1	60	2	61	13	12/31/22	12/31/22	New 2019
10407	Unifrax Line 7/55 Pirson	\$30,600,000	N/A	Y	Y	Y	24	8	27	0	27	3	7/31/22	End of PILOT	New 2019
10408	CPI Process Systems, Inc.	\$2,365,000	N/A	Y	Y	Y	12	2	14	0	14	2	7/31/22	End of PILOT	New 2019
10409	McKesson Corporation	\$15,470,000	N/A	Y	Y	Y	56	11	68	11	73.5	17.5	6/30/22	6/30/22	New 2019
10410	Steuben Foods, Inc.	\$14,326,055	N/A	Y	Y	Y	527	23	568	22	579	52	3/31/22	12/31/30	New 2019
10411	201 Ellicott, LLC/Braymiller	\$5,866,615	N/A	Y	Y	Y	0	38	0	0	0	0	12/31/23	End of PILOT	New 2019
10412	Michigan-Seneca Group	\$4,855,220	N/A	Y	Y	Y	1	29	1	0	1	0	12/31/23	12/31/23	New 2019
10413	Buffalo Material Handling/125 Taylor Holdings LLC	\$1,117,750	N/A	Y	Y	Y	27	2	49	0	49	22	12/31/22	12/31/27	New 2019
10415	Derby Warehousing LLC	\$1,132,200	N/A	Y	Y	Y	5	1	6	1	6.5	1.5	7/31/22	End of PILOT	New 2019
10417	Fisher-Price, Inc.	\$3,421,299	N/A	Y	Y	Y	260	4	300	0	300	40	2/28/23	2/28/23	New 2019
10418	Time Release Properties/TMP Technologies	\$19,295,000	N/A	Y	Y	Y	93	17	106	0	106	13	12/31/24	End of PILOT	New 2019
10419	Hertel Pacific/Cypress North	\$794,886	N/A	Y	Y	Y	14	2	17	0	17	3	12/31/22	12/31/28	New 2019
10420	Rosina Food Products, Inc.	\$49,300,000	N/A	Y	Y	Y	90	34	100	0	100	10	6/30/23	End of PILOT	New 2019
10397	Marina Vista Preservation, LP	\$20,059,671	N/A	N/A	Y	Y	5	0	5	0	5	0	N/A	6/30/23	New 2019; no job creation

NOTE: **Investment Confirmed:** "N/A" means the project was still in the construction phase in 2019 so the investment could not be confirmed in 2019; "N" means ECIDA staff is in the process of obtaining the investment confirmation.

Compliant With Local Labor: N/A means the project was not under construction during 2019, therefore, the company was not obligated under the Local Labor Policy.

Pay Equity: N/A means the project was approved by the Board prior to the Pay Equity Policy approval date. Accordingly, these companies are not subject to the Pay Equity Policy. The companies listed with a Y asterisk (Y*) were chosen to undergo a pay equity audit by the Erie County Division of Equal Employment Opportunity in 2019. Per the DEEO, none of these companies violated the ECIDA Pay Equity Policy.

Unpaid Tax Policy - N/A means the project was approved by the Board prior to the Unpaid Tax Policy approval date. Accordingly, these companies are not subject to the Unpaid Tax Policy. "Y" means the ECIDA is currently unaware of any violations relating to this Policy. ECIDA staff monitors this Policy by requesting a listing from the applicant of all properties in which he/she has a 25% or more ownership interest. The list of properties is forwarded to the Erie County Commissioner of Real Property Services for confirmation that all real property taxes, special district charges and/or PILOT payments are current.

Jobs At Application Required: This column takes into account the 90/95% jobs at application adjustment that the Board approved in 2018.

2019 Job Status: Formula for companies whose job creation is not due: 2019 total jobs - jobs at application required. Formula for companies whose job creation was due during or before 2019: 2019 total jobs - (jobs at application required + jobs to be created).

Recapture Expiration: The recapture period for the following companies expired in 2019: (1) 432 Abbott Road/PAMS Properties; (2) 4455 Genesee Street/Calspan; (3) Curtiss Buffalo; (4) Fisher-Price; (5) Latina Boulevard Foods; (6) Lazarus Properties; (7) Rosina Food Products; and (8) Sodexo, Inc.