



Erie County Industrial Development Agency
Meeting of the Membership
February 24, 2021
at 12:00 p.m.

Via Conference Call and Meeting is being Livestreamed

1.0 Call to Order

1.1 Call to Order Meeting of the Membership

2.0 Approval of Minutes:

2.1 Approval of Minutes of January 27, 2021 Meeting of the Membership (Action Item) (Pages 2-12)

3.0 Reports / Action Items / Information Items:

- 3.1 Financial Report (Informational) (Pages 13-16)
- 3.2 2021 Tax Incentive Induced/Closing Schedule/ Estimated Real Property Tax Impact (Informational) (Pages 17-19)
- 3.3 Approval of COVID-19 Disaster Emergency Grant Applications (Action Item) (Separate Attachment)
- 3.4 Policy Committee Update (Informational)

4.0 Inducement Resolution:

4.1 Eastman Machine (Pages 20-52)

ECIDA Incentives	Private Investment	Municipality
\$124,588	\$1,665,000	Buffalo

5.0 Amendatory Inducement Resolution:

5.1 Time Release Properties (Action Item) (Pages 53-87)

6.0 Management Team Reports:

6.1 COVID-19 Response Update (Informational)

7.0 Adjournment - Next Meeting March 24, 2021 @ 12:00 p.m.

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

DATE AND PLACE: January 27, 2021, held via telephone conference. Governor Cuomo's Executive Order 202.1, as amended from time to time, issued in response to the Coronavirus (COVID-19) crisis, suspended Article 7 of the Public Officers Law to the extent necessary to permit any public body to take actions without permitting in public in-person access to such meetings and authorized such meetings to be held remotely by conference call or other similar service, provided the public has the ability to view or listen to such proceedings and that the meeting is recorded and transcribed.

LIVE STREAMED: This meeting is being live-streamed and made accessible on the ECIDA's website at www.ecidany.com.

PRESENT: Hon. Diane Benczkowski, Rev. Mark E. Blue, Hon. Howard Johnson, Tyra Johnson, Hon. Brian Kulpa, Richard Lipsitz, Brenda McDuffie, Hon. Glenn R. Nellis, Hon. Mark C. Poloncarz, Hon. Darius G. Pridgen, Sister Denise Roche, Kenneth A. Schoetz and Paul Vukelic

EXCUSED: Denise Abbott, Hon. Bryon W. Brown, James Doherty, Hon. Joseph Emminger, Dottie Gallagher and Renee Wilson

OTHERS PRESENT: John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Jerry Manhard, CFO; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Beth O'Keefe, Business Development Officer; Atiqa Abidi, Assistant Treasurer; Lori Szewczyk, Director of Grants; Robbie Ann McPherson, Director of Marketing and Communications; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC

GUESTS: Andrew Federick, Erie County Senior Economic Development Specialist; Lisa Hicks on behalf of the City of Buffalo; Alex Carducci on behalf of the City of Buffalo; Seth Piccirillo, on behalf of BNP; Sara Sperrazza on behalf of Thermo Fisher; Scott VeRost on behalf of Thermo Fisher; Steve Schrader on behalf of Thermo Fisher; Peter Bordonaro on behalf of Calspan; Peter Sauer on behalf of Calspan; Morgan Morreale on behalf of Pine Pharmaceutical; Alfonse J. Muto, Jr. on behalf of Pine Pharmaceutical; David Pawlik on behalf of 72 East Niagara, LLC; Jonathan Taylor, on behalf of Sucro Real

Estate; Jose Guillermo Rodriguez on behalf of Sucro Real Estate and Richard Stanton on behalf of the City of Lackawanna

There being a quorum present at 12:04 p.m., the Meeting of the Board of Directors of the Erie County Industrial Development Agency was called to order by Chair McDuffie.

MINUTES

The minutes of the December 16, 2020 meeting of the members were presented. Mr. Lipsitz moved and Mr. Nellis seconded, to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

REPORTS/ACTION ITEMS/INFORMATION ITEMS

2020 Tax Incentive Induced/Closing Schedule/Estimated Real Property Tax Impact. Ms. Fiala presented this report. Ms. McDuffie directed that the report be received and filed.

Approval of COVID-19 Disaster Emergency Grant Application. Ms. O'Keefe reviewed the 8 various grant applications presented to the members.

Ms. McDuffie confirmed no conflicts of interest or potential conflict of interests exist with respect to any members of the Agency.

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

Mr. Johnson moved and Mr. Blue seconded to approve the eight (8) grant applications. Mr. Lipsitz called for the vote and the following eight (8) grant applications were unanimously approved for COVID-19 Disaster Emergency Grants.

1. A&B Heritage Inc. d/b/a ASI Signage Innovations.
2. A-Kleen Windows Inc.
3. Cold Narly Generation
4. Le Nails
5. Local Honey Beauty Hive
6. Mental Health Association of Erie County
7. Parent Network of NYS 1
8. Thin Man Brewery

Approval of Additional Funding Request for COVID-19 Disaster Emergency Grant Loan Fund. Mr. Cappellino provided the status of existing funding and grant dollar amounts issued to date and described the proposal to increase funding by \$500,000 for additional grant making purposes consistent with New York law. General discussion ensued.

Mr. Poloncarz moved and Mr. Pridgen seconded to approve the additional grant funds 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 AGENCY TO PROVIDE ADDITIONAL FUNDING TO THE ERIE COUNTY COVID-19 DISASTER EMERGENCY GRANT PROGRAM IN THE AMOUNT OF \$500,000

Policy Committee Update. Mr. Lipsitz noted the Policy Committee's prior review and approval of all the projects being considered by the members at today's meeting. Ms. Whyte updated members on status of the MWBE Policy working group. Ms. McDuffie directed that the report be received and filed.

INDUCEMENT RESOLUTIONS

72 E. Niagara Street, LLC, 72 East Niagara Street, Tonawanda, New York

Mr. Cappellino reviewed this proposed real property tax abatement benefit adaptive re-use project consisting of a former church and school building in the City of Tonawanda. Once construction is complete, the complex will house fourteen, 1 and 2 bedroom apartments along with 4,000 sq. ft. of commercial space. The apartments will all be available to residents at or below 80% of the average median income (AMI).

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$2,411,225 (which represents the product of 85% multiplied by \$2,836,736, being the total Project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 17 existing full time equivalent ("FTE") employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the "Baseline FTE"); and
 - the number of current FTE employees in the then current year at the Facility: and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 19 FTE employees [representing the sum of (x) 17 Baseline FTE and (y) 2 FTE employees, being the product of 85% multiplied by 3 (being the 3 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the

Agency on a quarterly basis, said information to be provided on the Agency's "Quarterly Employment Survey" form to be made available to the Company by the Agency.

- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Mr. Blue moved and Mr. Lipsitz seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF 72 E. NIAGARA STREET, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

Calspan Corporation, 40 Sonwil Drive, Cheektowaga, New York

Ms. Fiala reviewed this proposed sales tax exemption, mortgage recording tax exemption, and real property tax abatement benefit project which consists of the acquisition of a 65,000 sq. ft. existing facility which will house two highly precise and powerful test stands related to the Company's transportation safety business. The test stands will be utilized to evaluate automotive restraints, seating and interior equipment according to domestic and international safety standards.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and

thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$11,475,000 (which represents the product of 85% multiplied by \$13,500,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 144 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility: and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 161 FTE employees [representing the sum of (x) 144 Baseline FTE and (y) 17 FTE employees, being the product of 85% multiplied by 20 (being the 20 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Sister Denise moved and Mr. Nellis seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF CALSPAN CORPORATION, GENESEE HOLDINGS III, LLC, 4455 GENESEE STREET, LLC AND CALSPAN DEVELOPMENT AND CONSTRUCTION, LLC AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN

CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iv) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

Life Technologies Corporation-North Expansion (subsidiary of Thermo Fisher Scientific, Inc.), 3175 Staley Road, Grand Island, New York

Ms. Fiala reviewed the proposed sales tax exemption and real property tax abatement benefits project noting that the current facility is approximately 300,000 sq. ft. and the proposed expansion would increase the company's footprint by 69,000 sq. ft. The new facility will be utilized for the production of liquid animal origin free (AOF) liquid media products. The company will also be adding approximately \$36M in manufacturing equipment in order to increase production capacity.

Mr. Poloncarz spoke in favor of the project and thanked the company for its investments and projects.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$72,250,000.00 (which represents the product of 85% multiplied by \$85,000,000.00, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 807 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and

- the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 858 FTE employees [representing the sum of (x) 807 Baseline FTE and (y) 51 FTE employees, being the product of 85% and 60 (representing the 60 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company’s employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency’s “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency’s Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency’s Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

Mr. Johnson moved and Mr. Lipsitz seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF LIFE TECHNOLOGIES CORPORATION, THERMO FISHER SCIENTIFIC INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, AND (B) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-

TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

Pine Pharmaceuticals, LLC, 355 Riverwalk Parkway, Tonawanda, New York

Ms. Fiala reviewed this proposed sales tax exemption, mortgage recording tax exemption, and real property tax abatement benefits project consisting of the expansion of Pine Pharmaceutical's current facility in the Riverview Solar Technology Park from 25,000 sq. ft. to an additional 50,000 sq. ft. The company is a sterile compounder and will make significant purchases to equip new cleanrooms.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$7,322,750 (which represents the product of 85% multiplied by \$8,615,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 80 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - the number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project Completion, the Company has maintained and created FTE employment at the Facility equal to 114 FTE employees [representing the sum of (x) 80 Baseline FTE and (y) 34 FTE employees, being the product of 85% and 40 (representing the 40 new FTE employee positions proposed to be created by the Company as stated in its Application)].
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Mr. Lipsitz moved and Mr. Poloncarz seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF PINE PHARMACEUTICALS LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

Sucro Real Estate NY, LLC, 2303 Hamburg Turnpike, Lackawanna, New York

Mr. Cappellino reviewed this proposed sales tax exemption, mortgage recording tax exemption, and real property tax abatement benefits project consisting of the renovation of two existing buildings on the former Bethlehem Steel site. The existing buildings encompass approximately 174,600 sq. ft. In addition, the company will construct a new 33,600 sq. ft. facility and purchase approximately \$6M of production equipment. The buildings will accommodate new bulk and finished product storage, logistical operations as well as sugar refining operations.

Mr. Poloncarz spoke in favor of the project and noted this is another example of the revitalization of the former Bethlehem Steel site.

Mr. Lipsitz spoke in favor of the project.

Mr. Blue spoke in favor of the Project and the re-use of the Bethlehem Steel site.

As a condition precedent of receiving Financial Assistance, and as a material term or condition as approved by the Agency in connection with the Project, the Company covenants and

agrees and understands that it must, subject to potential modification, termination and/or recapture of Financial Assistance for failure to meet and maintain the commitments and thresholds as described below, submit, on an annual basis or as otherwise indicated below through the termination of the PILOT Agreement, a certification, as so required by the Agency, confirming:

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$16,150,000 (which represents the product of 85% multiplied by \$19,000,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 5 existing full time equivalent (“FTE”) employees located at, or to be located at, the Facility as stated in the Company's application for Financial Assistance (the “Baseline FTE”); and
 - The number of current FTE employees in the then current year at the Facility; and
 - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 43 FTE employees [representing the sum of (x) 5 Baseline FTE and (y) 38 FTE employees, being the product of 85% multiplied by 45 (representing the 45 new FTE employee positions as proposed to be created by the Company as stated in the Company's application for Financial Assistance)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

Mr. Blue moved and Mr. Poloncarz seconded to approve the Project. Ms. McDuffie then called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF SUCRO REAL ESTATE NY, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF

(INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

MANAGEMENT TEAM REPORT

Mr. Cappellino congratulated Ms. Johnson-Hux on her new position with LISC.

Mr. Cappellino informed members that the ECIDA has hired a new compliance officer, Jamee Lanthier.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 12:50 p.m.

Dated: January 27, 2021

Karen M. Fiala, Secretary

Erie County Industrial Development Agency
Financial Statements
As of January 31, 2021

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Balance Sheet

January 31, 2021

	January 2021	December 2020
ASSETS:		
Cash *	\$ 7,328,846	\$ 7,617,692
Restricted Cash & Investments *	17,752,214	17,341,353
Due from Affiliates	611,873	577,111
Due from Buffalo Urban Development Corp.	131,786	120,375
Other Receivables	81,041	51,916
Total Current Assets	<u>25,905,760</u>	<u>25,708,448</u>
Grants Receivable	831,498	831,498
Venture Capital Investments, net of reserves	506,886	506,886
Capital Assets	1,239,227	1,249,227
Total Long-Term Assets	<u>2,577,611</u>	<u>2,587,611</u>
TOTAL ASSETS	<u><u>\$ 28,483,371</u></u>	<u><u>\$ 28,296,059</u></u>
LIABILITIES & NET ASSETS		
Accounts Payable & Accrued Exp.	\$ 199,601	\$ 239,094
Deferred Revenues	825,000	825,000
Other Payables	-	-
Funds Held on Behalf of Others	6,634,433	6,134,120
Total Liabilities	<u>7,659,034</u>	<u>7,198,214</u>
Net Assets	<u>20,824,337</u>	<u>21,097,845</u>
TOTAL LIABILITIES & NET ASSETS	<u><u>\$ 28,483,371</u></u>	<u><u>\$ 28,296,059</u></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 January 2021

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Administrative Fees	\$ 6,843	\$ 150,000	\$ (143,157)
Affiliate Management Fees	43,083	43,583	(500)
Interest Income - Cash & Investments	1,217	3,333	(2,116)
Rental Income	19,894	115,375	(95,481)
Other Income	-	1,333	(1,333)
Total Revenues	<u>71,038</u>	<u>313,625</u>	<u>(242,587)</u>
EXPENSES:			
Salaries & Benefits	\$ 144,332	\$ 157,140	\$ (12,808)
General Office Expenses	19,802	21,283	(1,482)
Building Operating Costs	16,198	20,358	(4,160)
Professional Services	9,120	9,775	(655)
Public Hearings & Marketing	9,342	4,583	4,759
Travel, Mileage & Meeting Expenses	71	2,750	(2,679)
Other Expenses	649	833	(184)
Total Expenses	<u>199,515</u>	<u>216,724</u>	<u>(17,208)</u>
SPECIAL PROJECT GRANTS:			
Revenues	\$ 120	\$ 13,350	\$ (13,230)
Expenses	(44,827)	(7,917)	(36,910)
	<u>(44,707)</u>	<u>5,433</u>	<u>(50,140)</u>
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:			
	<u>(173,184)</u>	<u>102,335</u>	<u>(275,519)</u>
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:			
Zero Net Energy costs (Z7+)	-	(52,160)	52,160
Bethlehem Steel Industrial Park Grant	(78,581)	(16,667)	(61,914)
Angola Ag Park Grant	(11,743)	(8,333)	(3,409)
	<u>(90,324)</u>	<u>(77,160)</u>	<u>(13,164)</u>
NET INCOME/(LOSS) BEFORE DEPRECIATION:			
	<u>(263,508)</u>	<u>25,175</u>	<u>(288,683)</u>
Depreciation	(10,000)	(10,000)	-
NET INCOME/(LOSS):	<u>\$ (273,508)</u>	<u>\$ 15,175</u>	<u>\$ (288,683)</u>

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Year to Date: January 31, 2021

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Administrative Fees	\$ 6,843	\$ 150,000	\$ (143,157)	\$ 6,843	\$ 3,000	\$ 3,843
Affiliate Management Fees	43,083	43,583	(500)	43,083	43,250	(167)
Interest Income - Cash & Investments	1,217	3,333	(2,116)	1,217	9,670	(8,453)
Rental Income	19,894	19,875	19	19,894	19,877	17
Other Income	-	1,333	(1,333)	-	-	-
Total Revenues	71,038	218,125	(147,087)	71,038	75,798	(4,760)
EXPENSES:						
Salaries & Benefits	144,332	157,140	(12,808)	144,332	174,935	(30,602)
General Office Expenses	19,802	21,283	(1,482)	19,802	23,459	(3,658)
Building Operating Costs	16,198	20,358	(4,160)	16,198	16,287	(89)
Professional Services	9,120	7,500	1,620	9,120	-	9,120
Public Hearings & Marketing	9,342	4,583	4,759	9,342	1,334	8,008
Travel, Mileage & Meeting Expenses	71	2,750	(2,679)	71	3,953	(3,881)
Other Expenses	649	833	(184)	649	100	549
Total Expenses	199,515	214,449	(14,933)	199,515	220,067	(20,552)
SPECIAL PROJECT GRANTS:						
Revenues	120	13,350	(13,230)	120	120	-
Expenses	(44,827)	(7,917)	(36,910)	(44,827)	-	(44,827)
	(44,707)	5,433	(50,140)	(44,707)	120	(44,827)
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:						
	\$ (173,184)	\$ 9,110	\$ (182,294)	\$ (173,184)	\$ (144,150)	\$ (29,035)
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:						
Zero Net Energy costs (Z7+)	\$ -	\$ (625,917)	\$ 625,917	\$ -	\$ -	\$ -
Bethlehem Steel Industrial Park Grant	(78,581)	(200,000)	121,419	(78,581)	-	(78,581)
Angola Ag Park Grant	(11,743)	(100,000)	88,257	(11,743)	-	(11,743)
	(90,324)	(925,917)	835,593	(90,324)	-	(90,324)
NET INCOME/(LOSS) BEFORE DEPREC:						
	(263,508)	(916,807)	653,299	(263,508)	(144,150)	(119,358)
Depreciation	(10,000)	(10,000)	-	(10,000)	(10,833)	833
NET INCOME/(LOSS):	\$ (273,508)	\$ (926,807)	\$ 653,299	\$ (273,508)	\$ (154,983)	\$ (118,525)

Tax Incentives Induced 2021

Project Name	Project City	Inducement Amount	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projectd Jobs Year 2 PT
Thermo Fisher North Expansion	Grand Island	\$ 85,000,000	807	867	0	0
Sucro Real Estate NY, LLC	Lackawanna	\$ 19,000,000	5	50	0	0
Calspan Corporation	Cheektowaga	\$ 12,500,000	143	163	3	3
Pine Pharmaceuticals, LLC	Tonawanda	\$ 8,615,000	76	116	7	7
72 East Niagara Street, LLC	Tonawanda	\$ 2,836,736	17	20	0	0

\$ 127,951,736 1,048 1,216 10 10

5 Projects

168 Projected FTE New Jobs

0 Projected PT New Jobs

Tax Incentives Closings - 2021

Project Name	Project Amount at Closing	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projected Year 2 PT Jobs	Project City	Induced Date	Est. Project Completion Date
Derby Warehousing, LLC/KPM	\$ 1,332,000	6	7	1	1	Derby	7/24/2019	7/31/2020
	\$ 1,332,000	6	7	1	1			
Projects Closed =1								
FT Projected New Jobs = 1								
PT Projected New Jobs = 0								

**ESTIMATED TAX IMPACT (SUBJECT TO RESTRICTIONS OF NYS TAX CAP)
2021 CLOSINGS**

PROJECT NAME	EST. OR ACTUAL INCREASE IN ASSESSED VALUE DUE TO PROJECT	COUNTY TAX RATE	LOCAL TAX RATE	PROJECTED INCREASE IN COUNTY TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD	PROJECTED INCREASE IN LOCAL TAXES AS A RESULT OF THE PROJECT OVER ABATEMENT PERIOD
Derby Warehouse	\$539,900	\$6.01	\$28.80	\$4,800	\$23,300
*denotes company has or intends to file for City 485-a exemption	*The final assesment on each project is determined by the assessor of the respective municipality		Total	\$4,800	\$23,300

Eastman Machine
\$1,665,000
INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section - 333249

COMPANY INCENTIVES

- Approximately \$91,088 in sales tax savings
- Approximately \$26,000 in real property tax savings
- Approximately \$7,500 in mortgage tax savings

EMPLOYMENT

- Retained Jobs - 126
- Projected New Jobs - 3
- Total Jobs After Project Completion - 129
- Annual payroll: \$8,500,000
- Estimated salary of jobs to be created: \$45,000
- Estimated salary of jobs to be retained: \$65,000

PROJECT HISTORY

- 12/30/2020 - Public hearing held.
- 02/24/2021 - Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA.
- 02/24/2021 Lease/Leaseback Inducement Resolution presented to the Board of Directors

COMPANY HISTORY

- 1982 - \$2,067,000 Tax Incentive
- 2013 - \$485,000 Tax Incentive

Project Title: Eastman Machine
 Project Address: 775 & 779 Washington Street
 Buffalo, New York 14203
 (Buffalo City School District)

Agency Request

A sales tax, real property tax and mortgage tax exemption in connection with the construction of a 7,400 sq. ft. addition to the company's existing facility.

Building Addition	\$1,435,000
Non-Manufacturing Equipment	\$ 180,000
Soft Costs	\$ 50,000

Total Project Cost	\$1,665,000
85%	\$1,415,250

Company Description

Eastman Machine Company is a cutting machine manufacturer, providing custom engineered solutions and innovative technologies for a variety of industries. Eastman offers the industry's widest range of classic, hand-held and manually-operated fabric cutting machines as well as a comprehensive line of fully automated, computerized cutting and plotting systems. Almost all of the company's sales are to customers located outside New York State with 32% to international customers.

Project Description

The project consists of the construction of an approximately 7,400 sq. ft. expansion to the company's existing 130,000 sq. ft. facility. The planned uses for the space include storage for purchased items that are to be used in the assembly process.

Eastman contracted with Insyte Consulting to develop a plan to determine the best solution for this expansion which is required due to the projected growth of automatic machines, feeders, spreaders and accessories.

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over 7-year abatement period	Additional Local Revenue Over 7-year abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$0	\$200,000	\$2,200	\$5,000	\$4,800
Combined Tax Rate: \$24.08				

Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$1,665,000 85% = \$1,415,250
Employment	Coincides with 7-year PILOT	Maintain base: 126 Create 85% of Projected Projected = 3 85% = 2 Recapture Employment = 128
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 7-year PILOT	Adherence to Policy
Recapture Period	Coincides with 7-year PILOT	Recapture of Mortgage recording tax, state and local sales taxes

Recapture applies to:
 State and Local Sales Taxes
 Real Property Tax
 Mortgage Recording Tax

Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 126 jobs and created 3 FT jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

ADDENDUM TO PROJECT LOG
EASTMAN MACHINE

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County median worker income: \$33,350 Company estimated average salary of jobs to be retained: \$65,000 Company estimated average salary of jobs to be created: \$45,000
Regional Wealth Creation (% sales/customers outside area)	Sales: Outside NYS and within U.S.: 63% International: 32%
In Region Purchases (% of overall purchases)	Approximately 54%
Research & Development Activities	20%
Investment in Energy Efficiency	Energy efficiency is planned with radiant heating and high efficiency lighting and air compressors
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The project will meet all local zoning and land use requirements.
LEED/Renewable Resources	Not applicable.
Retention/Flight Risk	Recapture criteria currently in place requires a company this size to retain 95% of its base FTE jobs.
MBE/WBE Utilization	The general contractor, Lamparelli Construction, will solicit to MBE subcontractors and strive to reach a 20% goal and solicit WBE subcontractors and strive to reach a 10% goal. They are currently under contract on several ongoing projects which require these same goals.
Workforce Access – Proximity to Public Transportation	The facility is accessible by Metro Rail as well as the 3 and 5 bus routes.



LAMPARELLI CONSTRUCTION CO., INC.

Commercial • Industrial • Construction Management

January 4, 2021

ECIDA
95 Perry Street, Suite 403
Buffalo, NY 14203

Attn: Grant Lesswing

Please be advised that Lamparelli Construction Company has completed many projects in the Buffalo and surrounding areas that have received IDA and state funding. Lamparelli Construction will bid to WBE & MBE contractors on upcoming IDA projects and try to reach the MBE goal of 20% and the WBE goal of 10%.

Currently we have several projects ongoing with state funding that require these goals, including Polly Jean Suites, GDZ Homes, Cigar Factory Apartments and Main & Utica Apartments. Some of the subcontractors we are using are Heatwave Mechanical (WBE), Call Associates (MBE), Rand & Jones (WBE), Ready WNY(Section 3), Innovative Mechanical (WBE), Lazarus Construction (MBE) and JDS Electrical (SVBOD). Please call with any questions.

Sincerely,

Paul Lamparelli
President

PILOT Worksheet: Estimate of Real Property Tax Abatement Benefits* and Percentage of Project Costs financed from Public Sector sources**

**** The PILOT Worksheet will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.**

PILOT Estimate Table Worksheet-Eastman Machine -2021

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$1,435,00	\$200,000	\$7.33	\$16.75	N/A

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$147	\$335	\$482	\$4,816	\$4,334
2	10%	\$147	\$335	\$482	\$4,816	\$4,334
3	20%	\$293	\$670	\$963	\$4,816	\$3,853
4	20%	\$293	\$670	\$963	\$4,816	\$3,853
5	30%	\$440	\$1,005	\$1,445	\$4,816	\$3,371
6	30%	\$440	\$1,005	\$1,445	\$4,816	\$3,371
7	30%	\$440	\$1,005	\$1,445	\$4,816	\$3,371
TOTAL		\$2,199	\$5,125	\$7,224	\$33,712	\$26,488

***** Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff**

Percentage of Project Costs financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$1,665,000	\$26,488	\$91,088	\$7,500	\$0

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 7.5 %

Cost-Benefit Analysis for Eastman Machine

Prepared by Erie County IDA using InformAnalytics

Executive Summary

INVESTOR
Eastman Machine

TOTAL INVESTED
\$1.7 Million

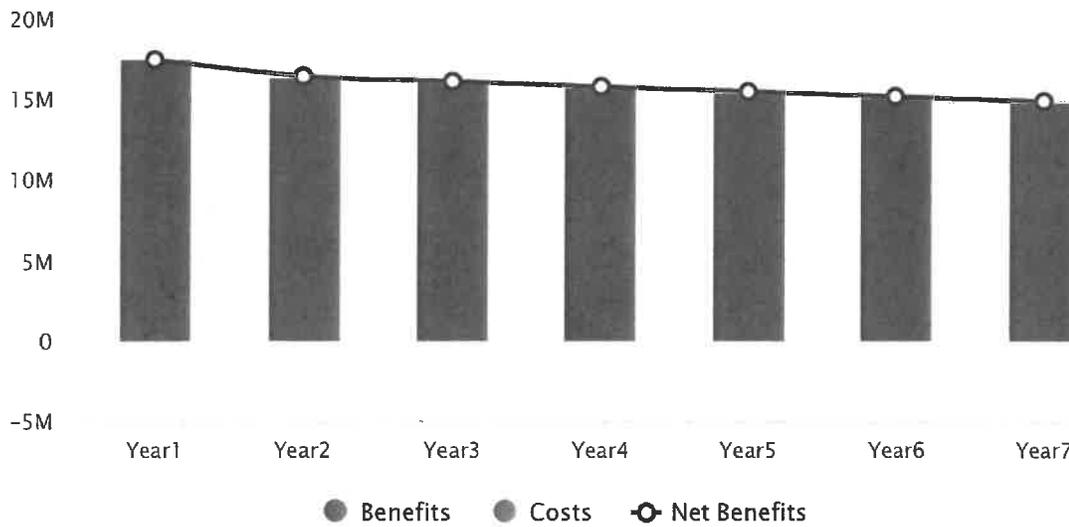
LOCATION
**775 & 779 Washington
St, Buffalo, NY 14203**

TIMELINE
7 Years

F1 FIGURE 1

Discounted* Net Benefits for Eastman Machine by Year

Total Net Benefits: \$111,787,000



Discounted at 2%

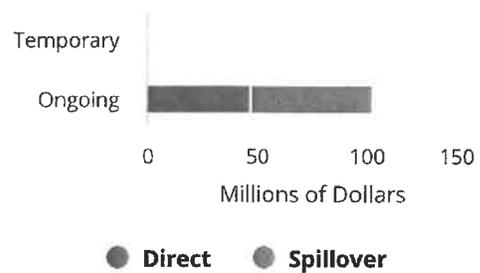
F2 FIGURE 2

Total Jobs



F3 FIGURE 3

Total Payroll



Proposed Investment

Eastman Machine proposes to invest \$1.7 million at 775 & 779 Washington St, Buffalo, NY 14203 over 7 years.

T1 TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$1,435,000
OTHER SPENDING	
Non-Manufacturing Equipment	\$180,000
Soft Costs	\$50,000
Total Investments	\$1,665,000
Discounted Total (2%)	\$1,665,000

May not sum to total due to rounding.

F4 FIGURE 4

Location of Investment



Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 7 years, with future returns discounted at a 2% rate.

T2 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Eastman Machine.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$26,000	\$25,000
Sales Tax Exemption	\$91,000	\$91,000
Mortgage Recording Tax Exemption	\$8,000	\$8,000
Total Costs	\$124,000	\$123,000

May not sum to total due to rounding.

* Discounted at 2%

T3 TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$51,042,000	\$60,866,000	\$111,908,000
To Private Individuals	\$50,217,000	\$59,889,000	\$110,106,000
Temporary Payroll	\$552,000	\$191,000	\$743,000
Ongoing Payroll	\$49,665,000	\$59,698,000	\$109,363,000
To the Public	\$826,000	\$976,000	\$1,802,000
Property Tax Revenue	\$7,000	N/A	\$7,000
Temporary Sales Tax Revenue	\$9,000	\$3,000	\$12,000
Ongoing Sales Tax Revenue	\$810,000	\$973,000	\$1,783,000
STATE BENEFITS	\$3,163,000	\$3,546,000	\$6,710,000
To the Public	\$3,163,000	\$3,546,000	\$6,710,000
Temporary Income Tax Revenue	\$27,000	\$9,000	\$36,000
Ongoing Income Tax Revenue	\$2,428,000	\$2,692,000	\$5,119,000
Temporary Sales Tax Revenue	\$8,000	\$3,000	\$10,000
Ongoing Sales Tax Revenue	\$701,000	\$843,000	\$1,544,000
Total Benefits to State & Region	\$54,206,000	\$64,412,000	\$118,618,000
Discounted Total Benefits (2%)	\$51,154,000	\$60,756,000	\$111,910,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$105,580,000	\$78,000	1347:1
State	\$6,330,000	\$45,000	142:1
Grand Total	\$111,910,000	\$123,000	909:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

VIRTUAL PUBLIC HEARING SCRIPT

**Eastman Machine Company and/or
Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or
to be formed on its behalf Project**

Public Hearing to be held on December 30, 2020 at 10:30 a.m.
via Virtual Conference Software

ATTENDANCE:

Steve Calzi – Eastman Machine Company
Karen Fiala – ECIDA
Carrie Hocienec – ECIDA
Brian Krygier – ECIDA

☒ 1. WELCOME: Call to Order and Identity of Hearing Officer.

Hearing Officer: Welcome. This public hearing is now open; it is 10:30 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this virtual public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com. Pre-registration for anyone wishing to speak at today's public hearing was required through our website. Today I am joined by Brian Krygier, ECIDA Systems Analyst who will be the Hearing Moderator and he will be managing the public comment portion of this hearing.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Eastman Machine Company and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on December 18, 2020.

☒ 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: The proposed project (the "Project") consists of: (i) the construction of an additional 7,400+/- SF expansion to the Company's existing 130,000+/- SF of an existing manufacturing building located at 775 and 779 Washington Street, Buffalo, New York (the "Improvements") and (ii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property to be utilized for Company operations (the "Equipment," and collectively with the Improvements, the "Facility"), all to be used by the Company. The Facility will be initially operated and/or managed by the Company.

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording tax

exemption benefits, and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

☒ 4. FORMAT OF HEARING: Review rules and manner in which the hearing will proceed.

Hearing Officer: All those who have joined this conference call were required to pre-register through our website (www.ecidany.com). Everyone who has pre-registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, please submit it on the Agency's website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on January 26, 2021. There are no limitations on written statements or comments.

☒ 5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: Those interested in making a statement or comment will be called upon by Brian in the order that they registered for this meeting. Please begin by stating your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

The Hearing Moderator introduces each participant in the order they registered for this meeting.

Steven Calzi – Executive Vice President & CFO of Eastman Machine Company. Grant thanks for the introduction to our project and I appreciate the opportunity to speak with the ECIDA about our opportunity that we have been considering for the last year or so. As Grant said we are planning on adding to our current facility about 7,400 sq. ft. which we have deemed necessary to store many of the purchased items that we bring into the building that currently are stored throughout the manufacturing floor which right now really impedes the efficiency of our operation. By adding this additional warehouse space and a second loading dock it will make our operation much more efficient and allow us to hit some of the shortened lead times that customers are now expecting, and our competitors are providing right now. As Grant said we are looking at an additional 7,400 sq. ft. that is just to the west side towards Washington Street to our existing facility. We are also going to enhance our entrance way. Many times, we have customers come to our site for demonstrations on our existing equipment to show that we can meet their expectations. Right now, our entranceway is very outdated, and it does not portray the modern look that we want to give our customers when they come to Eastman Machine. Part of this project also includes enhancing our entranceway to make it more inviting and give it an appearance to show our customers that we are progressing and are a modern type of company.

The total project cost is \$1.6M and of which \$1.4M is the actual construction of the building. What we are looking to do over the next two years is to add 3 positions to the operation because of this addition. A lot of that is going to come through our growth that I think we are going to be able to achieve. Again, by offering these quick lead times that our customers are looking for because it is becoming more demanding that people or manufacturers want their equipment delivered more quickly. Over the next 5 years or so in addition to the 3 jobs we are looking at adding an additional 3 jobs on top of that. So, it is a minimum of 6 individuals over the next 5 years that we are looking to add to the business and again its attributed to the addition.

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:37 a.m.

**SIGN IN SHEET
VIRTUAL PUBLIC HEARING**

Public Hearing to be held on December 30, 2020 at 10:30 a.m.
via Virtual Conference Software

**Eastman Machine Company and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 775 and 779 Washington Street, Buffalo, New York 14203

Name	Company and/or Address	X box to speak/ comment
Steve Calzi	Eastman Machine Company 779 Washington Street Buffalo, New York 14203	X
Karen Fiala	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	



Eastman Machine Company

Instructions and Insurance Requirements Document

Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

Applicant Information - Company Receiving Benefit

Project Name	Plant Expansion
Project Summary	Expansion of facility for loading docks, storage, and automated assembly
Applicant Name	Eastman Machine Company
Applicant Address	779 Washington Street
Applicant Address 2	
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14203
Phone	(716) 566-7210
Fax	(716) 846-2802
E-mail	scalzi@eastmancuts.com
Website	www.eastmancuts.com
NAICS Code	33329

Business Organization

Type of Business	Corporation
Year Established	1888
State in which Organization is established	New York

Individual Completing Application

Name	Steven F. Calzi
Title	Executive VP/CFO
Address	779 Washington Street
Address 2	
City	Buffalo
State	New York
Zip	14203
Phone	(716) 566-7210

Fax (716) 846-2802
E-Mail scalzi@eastmancuts.com

Company Contact (if different from individual completing application)

Name
Title
Address
Address 2
City
State New York
Zip
Phone
Fax
E-Mail

Company Counsel

Name of Attorney Timothy A. McCarthy, Esq.
Firm Name
Address 779 Washington Street
Address 2
City Buffalo
State New York
Zip 14203
Phone (716) 883-7800
Fax
E-Mail tmccarthy@eastmancuts.com

Benefits Requested (select all that apply)

Exemption from Sales Tax	Yes
Exemption from Mortgage Tax	Yes
Exemption from Real Property Tax	Yes
Tax Exempt Financing*	No

* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

Describe in detail company background, history, products and customers. Description is critical in determining eligibility.

Manufacturer of cutting and material handling equipment. Established in 1888 and selling to customers worldwide. One of the oldest manufacturers (continuous) operating in Buffalo, NY.

Estimated % of sales within Erie County	1 %
Estimated % of sales outside Erie County but within New York State	4 %
Estimated % of sales outside New York State but within the U.S.	63 %
Estimated % of sales outside the U.S.	32 %

(*Percentage to equal 100%)

For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?

54

Describe vendors within Erie County for major purchases

Voss Manufacturing, Pooley Inc, SoPark, SMG, Erb, Buffalo Metal Finishing, Forest Materials, Alternative Information Systems, Stanley Steel, Thruway Fasteners, Metal Cladding, Others

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

775 and 779 Washington Street

Town/City/Village of Project Site

Buffalo

School District of Project Site

Buffalo

Current Address (if different)

Current Town/City/Village of Project Site (if different)

SBL Number(s) for proposed Project

111.31-7-6.1, 111.31-12-1.11

What are the current real estate taxes on the proposed Project Site

\$19,469 and \$16,814, respectively.

If amount of current taxes is not available, provide assessed value for each.

Land

\$

Building(s)

\$

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?

Yes

If No, indicate name of present owner of the Project Site

Does Applicant or related entity have an option/contract to purchase the Project site?

Yes

Describe the present use of the proposed Project site (vacant land, existing building, etc.)

Vacant land and parking lot area.

Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

Eastman's current operations consist of 130,000 sq. ft. of manufacturing space on Washington Street in the City of Buffalo. The planned expansion includes the construction of a 7,400 sq. ft. addition to the existing plant to be located on the West side of the building. The expansion is necessary to store purchased items that are to be used in the assembly process which are currently stored throughout the assembly floor. Removing these items from the floor will allow for rearrangement of the current assembly area and will create more capacity and efficiency.

Municipality or Municipalities of current operations

Buffalo

Will the Proposed Project be located within a Municipality identified above?

Yes

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?

No

If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?

No

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?

Yes

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available

State of South Carolina, Georgia, Texas and Michigan have contacted Eastman Machine Company to explain incentives and programs to attract manufacturers to their states.

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

No

If yes, please indicate the Agency and nature of inquiry below

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

Eastman Machine Company competes in a highly competitive industry with US and foreign competition. Eastman operates in an older 2 story building which presents constraints for a manufacturing operation. Our goal is to make the physical layout more conducive to a manufacturing operation. Recent sales penetration and growth in our automated CNC cutting equipment has necessitated the additional space to keep pace with the demand. To fall behind and not capitalize on our growth potential in this market is not an option.

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency

Yes

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?

Eastman would not be able to expand and grow the operation.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

Other small manufacturing equipment, 7 year capital lease.

Site Characteristics

Is your project located near public transportation?

Yes

If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)

Ellicott and Main Street route.

Has a project related site plan approval application been submitted to the appropriate planning department?

Yes

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

No Retail

No Senior Housing No Manufacturing

No Other

For proposed facility please include the square footage for each of the uses outlined below

If applicant is paying for FFE for tenants, include in cost breakdown.

			Cost	% of Total Cost
Manufacturing/Processing	0 square feet	\$	0	0%
Warehouse	7,400 square feet	\$	1,615,000	100%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	square feet	\$	0	0%

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building Council?

No

If you answered yes to question above, what level of LEED certification do you anticipate receiving? (Check applicable box)

<BLANK>

Provide estimate of additional construction cost as a result of LEED certification you are seeking < BLANK >

Will project result in significant utility infrastructure cost or uses No

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

4/1/2021

End date : Estimated completion date of project

12/31/2021

Project occupancy : estimated starting date of occupancy

1/1/2022

Project Information

Estimated costs in connection with Project

Land and/or Building Acquisition

\$ 0 square feet acres

New Building Construction

\$ 0 square feet

New Building addition(s)

\$ 1,435,000 7,400 square feet

Reconstruction/Renovation

\$ 0 square feet

Manufacturing Equipment

\$ 0

Infrastructure Work

\$ 0

Non-Manufacturing Equipment: (furniture, fixtures, etc.)

\$ 180,000

Soft Costs: (Legal, architect, engineering, etc.)

\$ 50,000

Other Cost

\$ 0

Explain Other Costs

Total Cost 1,665,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 1,435,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 0
% sourced in Erie County	100%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 1,041,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 91,087

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only) \$ 0

Have any of the above costs been paid or incurred as of the date of this Application? No

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 415,000
Bank Financing:	\$ 1,000,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 200,000
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	0
Total Sources of Funds for Project Costs:	\$1,615,000

Have you secured financing for the project? No

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing). 1,000,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$7,500

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other): None.

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization

We will work with local contractors and provide preference to MBE/WBE operators for a certain percentage of the project.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms. Other small manufacturing equipment, 7 year capital lease.

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2
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				years) after project completion **
Full time	126	126	3	3
Part time	0	0	0	0
Total	126	126	3	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	7	\$ 150,000	\$ 38,000	\$ 0	\$ 0
Professional	52	\$ 90,000	\$ 27,500	\$ 0	\$ 0
Administrative	17	\$ 50,000	\$ 15,000	\$ 0	\$ 0
Production	50	\$ 45,000	\$ 15,000	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

** Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

Employment at other locations in Erie County: (provide address and number of employees at each location):

Address	None.		
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

8,830,000

Estimated average annual salary of jobs to be retained (Full Time)

70,000

Estimated average annual salary of jobs to be retained (Part Time)

0

Estimated average annual salary of jobs to be created (Full Time)

45,000

Estimated average annual salary of jobs to be created (Part Time)

0

Estimated salary range of jobs to be created

From (Full Time)	45,000	To (Full Time)	50,000
From (Part Time)	0	To (Part Time)	0

Section III: Environmental Questionnaire

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

General Background Information

Address of Premises

779 Washington St. Buffalo, NY 14203

Name and Address of Owner of Premises

Nosnevets, LLC 779 Washington St Buffalo, NY 14203

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)

Currently a parking lot and vacant land area adjacent to an existing building.

Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises

Storage of materials, shipping and loading docks, assembly area for equipment.

Describe all known former uses of the Premises

Parking lot.

Does any person, firm or corporation other than the owner occupy the Premises or any part of it?

No

If yes, please identify them and describe their use of the property

Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?

No

If yes, describe and attach any incident reports and the results of any investigations

Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?

No

If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances

Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises?

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?

No

If yes, provide the Premises' applicable EPA (or State) identification number

Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes?

No

If yes, please provide copies of the permits.

Identify the transporter of any hazardous and/or solid wastes to or from the Premises

Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years

Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?

No

If yes, please identify the substance, the quantity and describe how it is stored

Discharge Into Waterbodies

Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges

None.

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site

None.

Is any waste discharged into or near surface water or groundwaters?

No

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?

No

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source

Are any of the air emission sources permitted?

No

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks

None.

Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?

No

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved

Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos

Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.

Have there been any PCB spills, discharges or other accidents at the Premises?

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

No

If yes, please identify the materials

Section IV: Facility Type - Single or Multi Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

Single Use Facility

For Single Use Facility.

Occupant Name Eastman Machine Company
Address 779 Washington Street
Contact Person Eastman Machine Company
Phone (716) 566-7210
Fax (716) 846-2802
E-Mail scalzi@eastmancuts.com
Federal ID # 16-0417160
SIC/NAICS Code 33329

SS

Section VI: Retail Determination

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

No

If yes, complete the Retail Questionnaire Supplement below.

Section VII: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

Are you applying for tax incentives under the Adaptive Reuse Program?

No

Section VIII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address

779 Washington Street

City/Town

Buffalo

State

New York

Zip Code

14203

Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?

No

Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

No

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does this project involve relocation or consolidation of a project occupant from another municipality?

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

Will the project result in a relocation of an existing business operation from the City of Buffalo?

No

If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)

What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)

Storage capability of raw materials and finished goods. Addition of a second loading dock.

If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?

No

What factors have lead the project occupant to consider remaining or locating in Erie County?

Existing skilled workforce, long time presence in the City of Buffalo since 1888, access to critical suppliers

If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?

Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large

enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.

None considered.

Section IX: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

Are you applying for tax incentives under the Senior Rental Housing policy?

No

Time Release Properties, LLC / Time Release Sciences, Inc.
\$30,500,000
AMENDATORY INDUCEMENT RESOLUTION

ELIGIBILITY

- NAIICS Section - 326150

COMPANY INCENTIVES

- Original -Approximately \$463,167 in sales tax savings
- Amended - Approximately \$869,400 in sales tax savings
- Approximately \$105,000 in mortgage tax savings
- Approximately \$3,617,000 in real property tax savings

EMPLOYMENT

- Retained Jobs: 103
- Projected New Jobs: 20
- Total Jobs 2 Years After Project Completion: 123
- Annual payroll: \$5,400,000
- Estimated salary of jobs to be created: \$40,000
- Estimated salary of jobs to be retained: \$53,000

PROJECT HISTORY

- 7/23/2019– Public hearing held
- City of Lackawanna as lead agency adopts negative declaration in accordance with SEQRA.
- 8/28/2019- Lease/Leaseback Inducement Resolution presented to the Board of Directors
- 02/16/2021 - Public hearing held
- 02/24/2021 - Lease/Leaseback Amendatory Inducement Resolution presented to the Board of Directors

COMPANY HISTORY

- 2019 - \$22,700,000 tax incentive

Project Title: Time Release Properties, LLC / Time Release Sciences, Inc.

Project Address: 2303 Hamburg Turnpike
 Lackawanna, New York 14218
 (Lackawanna City School District)

Amended Agency Request

To increase the sales tax benefit from \$463,167 to \$869,400 and overall project investment from \$22,700,000 to \$30,500,000

Agency Request

A sales tax, mortgage tax and a custom real property tax abatement in connection with the construction of 290,000 sq. ft. manufacturing facility.

	Prior	Current
Land Acquisition	\$ 1,060,000	\$ 1,060,000
New Building Construction	\$10,100,130	\$14,310,130
Infrastructure	\$ 3,529,870	\$ 3,529,870
Manufacturing Equipment	\$ 6,000,000	\$ 6,000,000
Non-Manufacturing Equipment	\$ 750,000	\$ 2,800,000
Soft Costs	\$ 1,260,000	\$ 2,800,000
TOTAL PROJECT COST	\$22,700,000	\$30,500,000
85%	\$19,295,000	\$25,925,000

Company Description

Time Release Sciences, Inc. ("TRS") is a manufacturing and packaging company established in 2003. The company provides die cutting, debossing and various other manufacturing and packaging capabilities. Its sole product line is a consumer cleaning product produced for a Fortune 500 company. Ninety-four percent of company sales are outside New York State including 10% of sales outside of the United States.

Project Description

Erie County has spent and appropriated for future expenditures, millions of dollars to improve rail and road access and utility infrastructure at the project site with the goal of creating one of the largest commercial/ industrial parks, with tri-modal access and with pre-certified New York State tax incentives.

The proposed project consists of the construction of an approximately 290,000 sq. ft. manufacturing facility at the former Bethlehem Steel site in the City of Lackawanna. The company currently operates out of a 120,000 sq. ft. facility located in the City of Buffalo at 205 Dingens Street and due to space constraints is unable to expand at its current location.

Since the project involves movement of a company from the City of Buffalo to the City of Lackawanna, the ECIDA will follow its Inter-Municipal Move Policy. The City of Buffalo has been notified of the relocation.

In addition to the construction of the facility, TRS will also be investing \$6 million in new production equipment.

Custom PILOT

Due to the ability of the Company to obtain Brownfield Cleanup Property Tax Credits for payments made under the PILOT on Parcel II-10, the ECIDA will be deviating from its Uniform Tax Exemption Policy and provide the company with a custom PILOT for the project.

Notice letters detailing the deviation from the UTEP were mailed to the chief executive officers of each affected tax jurisdiction on August 15, 2019.

The custom PILOT is defined below:

Parcel II-9	Parcel II-10 (PCP Parcel)
No PILOT Deviation: Property will be under ECIDA's standard 10-year PILOT schedule	PILOT Deviation: Years 1-5, company will pay a PILOT payment equal to full taxes. Years 6-10, company will pay 50% of full taxes

Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$30,500,000 85% = \$25,925,000
Employment	Coincides with 10 Year PILOT term	Maintain Base: 103 Create 85% of Projected Projected: 20 85% : 17 Recapture Employment: 120
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10 Year PILOT term	Adherence to Policy
Unpaid Tax	Coincides with 10 Year PILOT term	Adherence to Policy
Recapture Period	PILOT term	Real Property Taxes State and Local Sales Taxes Mortgage Tax

Recapture applies to:
Real Property Taxes
State and Local Sales Taxes
Mortgage Recording Tax

Recapture

Pursuant to New York State General Municipal Law, the agency shall modify, recover, recapture or terminate any financial assistance taken by the company that is in violation of the GML.

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) Company has maintained 103 FTE and created 20 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

Cost-Benefit Analysis for Time Release Properties, LLC

Prepared by Erie County IDA using InformAnalytics

Executive Summary

INVESTOR
Time Release Sciences, Inc.

TOTAL INVESTED
\$30.5 Million

LOCATION
2303 Hamburg Turnpike, Lackawanna, NY 14218

TIMELINE
10 Years

FIGURE 1

Discounted* Net Benefits for Time Release Properties, LLC by Year

Total Net Benefits: \$112,648,000

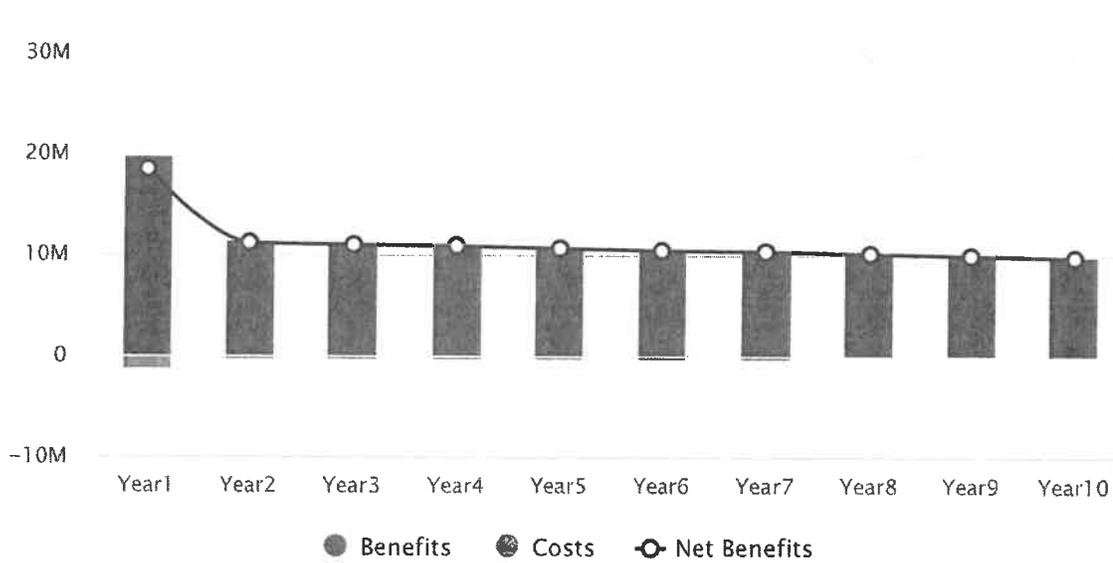


FIGURE 2

Total Jobs

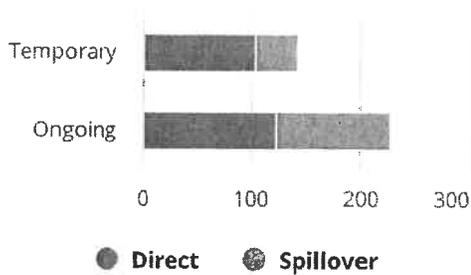
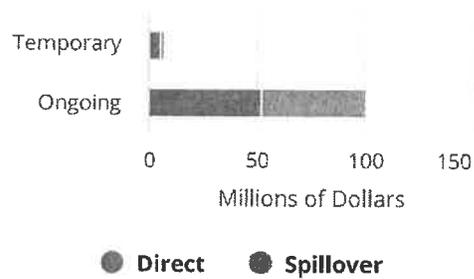


FIGURE 3

Total Payroll



Proposed Investment

Time Release Sciences, Inc. proposes to invest \$30.5 million at 2303 Hamburg Turnpike, Lackawanna, NY 14218 over 10 years.

TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$14,310,000
OTHER SPENDING	
Land Acquisition	\$1,060,000
Infrastructure	\$3,530,000
Manufacturing Equipment	\$6,000,000
Non-Manufacturing Equipment	\$2,800,000
Soft Costs	\$2,800,000
Total Investments	\$30,500,000
Discounted Total (2%)	\$30,500,000

May not sum to total due to rounding.

FIGURE 4

Location of Investment



Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Erie County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 10 years, with future returns discounted at a 2% rate.

T2 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Time Release Sciences, Inc..

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$3,617,000	\$3,333,000
Sales Tax Exemption	\$866,000	\$866,000
Mortgage Recording Tax Exemption	\$105,000	\$105,000
Total Costs	\$4,588,000	\$4,304,000

May not sum to total due to rounding.

* Discounted at 2%

TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$64,678,000	\$55,094,000	\$119,772,000
To Private Individuals	\$62,695,000	\$54,210,000	\$116,905,000
Temporary Payroll	\$5,500,000	\$1,909,000	\$7,409,000
Ongoing Payroll	\$57,195,000	\$52,301,000	\$109,496,000
To the Public	\$1,984,000	\$884,000	\$2,868,000
Property Tax Revenue	\$961,000	N/A	\$961,000
Temporary Sales Tax Revenue	\$90,000	\$31,000	\$121,000
Ongoing Sales Tax Revenue	\$933,000	\$853,000	\$1,785,000
STATE BENEFITS	\$3,804,000	\$3,250,000	\$7,054,000
To the Public	\$3,804,000	\$3,250,000	\$7,054,000
Temporary Income Tax Revenue	\$269,000	\$93,000	\$362,000
Ongoing Income Tax Revenue	\$2,650,000	\$2,392,000	\$5,042,000
Temporary Sales Tax Revenue	\$78,000	\$27,000	\$105,000
Ongoing Sales Tax Revenue	\$807,000	\$738,000	\$1,546,000
Total Benefits to State & Region	\$68,482,000	\$58,344,000	\$126,827,000
Discounted Total Benefits (2%)	\$63,323,000	\$53,629,000	\$116,952,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$110,449,000	\$3,867,000	29:1
State	\$6,502,000	\$437,000	15:1
Grand Total	\$116,952,000	\$4,304,000	27:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.

SECOND PUBLIC HEARING SCRIPT

**Time Release Properties, LLC and/or
Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or
to be formed on its behalf Project**

Public Hearing to be held on February 16, 2021 at 9:00 a.m.
via Virtual Conference Software

ATTENDANCE:

Robert Laughlin – Time Release Properties
Kirk Dorn – Time Release Properties
Karen Fiala – ECIDA
Carrie Hocieniec – ECIDA
Brian Krygier – ECIDA

☒ 1. WELCOME: Call to Order and Identity of Hearing Officer.

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is Grant Lesswing. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this virtual public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com. Pre-registration for anyone wishing to speak at today's public hearing was required through our website. Today I am joined by Brian Krygier, ECIDA Systems Analyst who will be the Hearing Moderator and he will be managing the public comment portion of this hearing.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Time Release Properties, LLC and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Friday, February 5, 2021.

☒ 3. PROJECT SUMMARY: Description of Project and Contemplated Agency Benefits.

Hearing Officer: The proposed project (the "Project") consists of: (i) a 26+/- acre portion of land located at 2303 Hamburg Turnpike, City of Lackawanna, Erie County, New York (the "Land") known as Parcels II-9 and II-10 in the Bethlehem Redevelopment Area Light Industrial District; (ii) the

construction of a 290,000+/- SF light industrial building comprised of 190,000+/- SF of manufacturing/processing space, 90,000+/- SF of warehouse space, and 8,000+/- SF of office space, and the installation of certain infrastructure improvements on the Land (collectively, the "Improvements") to be utilized by Time Release Sciences, Inc. (the "Tenant"), and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, collectively with the Land and the Improvements, the "Facility").

The proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording tax exemption benefits, and real property tax abatement benefits (in compliance with Agency's uniform tax exemption policy).

☒ 4. FORMAT OF HEARING: Review rules and manner in which the hearing will proceed.

Hearing Officer: All those who have joined this conference call were required to pre-register through our website (www.ecidany.com). Everyone who has pre-registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, please submit it on the Agency's website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on February 23, 2021. There are no limitations on written statements or comments.

☒ 5. PUBLIC COMMENT: Hearing Officer gives the Public an opportunity to speak.

Hearing Officer: Those interested in making a statement or comment will be called upon by Brian in the order that they registered for this meeting. Please begin by stating your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

The Hearing Moderator introduces each participate in the order they registered for this meeting.

Robert Laughlin, President Time Release Properties. We're in the process of building our 290,000 sq. ft. facility at the Bethlehem site and the project has exceeded the original projection we had in the application and at this time we're seeking additional sales tax benefit.

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:05 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

February 16, 2021 at 9:00 a.m.
via Virtual Conference Software

**Time Release Properties, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 2303 Hamburg Turnpike, City of Lackawanna, New York 14218

Name	Company and/or Address	X box to speak/ comment
Robert Laughlin	Time Release Properties 205 Dingens Street Buffalo, New York 14206	X
Kirk Dorn	Time Release Properties 205 Dingens Street Buffalo, New York 14206	
Karen Fiala	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
AMENDATORY INDUCEMENT RESOLUTION**

**TIME RELEASE PROPERTIES, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS
BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, February 24, 2021 at 12:00 p.m.

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

AMENDATORY INDUCEMENT RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE EXECUTION AND DELIVERY OF A REVISED SALES TAX EXEMPTION PACKAGE AND RELATED DOCUMENTS WITH RESPECT TO THE TIME RELEASE PROPERTIES, LLC PROJECT (AS MORE FULLY DESCRIBED BELOW)

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 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; and

WHEREAS, TIME RELEASE PROPERTIES, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATES, SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (the “Company”) has submitted an application to the Agency (the “Original Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) a 26+/- acre portion of land located at 2303 Hamburg Turnpike, City of Lackawanna, Erie County, New York (the “Land”) known as Parcels II-9 and II-10 in the Bethlehem Redevelopment Area Light Industrial District; (ii) the construction of a 290,000+/- SF light industrial building comprised of 190,000+/- SF of manufacturing/processing space, 90,000+/- SF of warehouse space, and 8,000+/- SF of office space, and the installation of certain infrastructure improvements on the Land (collectively, the “Improvements”) to be utilized by Time Release Sciences, Inc. (the “Tenant”), and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, collectively with the Land and the Improvements, the “Facility”); and; and

WHEREAS, pursuant to General Municipal Law Section 859-a, on July 23, 2019 at 10:00 a.m. at the City of Lackawanna City Hall, 714 Ridge Road (Council Chambers), Lackawanna, New York 14218, the Agency held a public hearing with respect to the Original Project and the proposed financial assistance, as described below, being contemplated by the

Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, by resolution adopted on August 28, 2019 (the "Initial Resolution"), the Agency issued a Negative Declaration, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act and regulations promulgated thereunder (“SEQR”), and authorized financial assistance to the Company with respect to the Original Application in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the construction and equipping of the Facility, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit through a ten (10) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, based upon representations and warranties made by the Company in the Original Application, the Agency, within the terms of the Initial Resolution, authorized and approved the Company, as its agent, to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an amount up to \$5,293,333, which results in New York State and local sales and use tax exemption benefits not to exceed \$463,167.00, and required the Company to evidence that the total investment actually made with respect to the Project, at the time of Project completion, equals or exceeds \$22,700,000.00 (which represented the product of 85% multiplied by \$19,295,000.00 (being the total project cost as stated in the Original Application for financial assistance at that point in time); and

WHEREAS, on January 26, 2021, the Agency received an amended application (the “Amended Application”) from the Company requesting additional Financial Assistance, due to extraordinary costs and delays resulting from and associated with the COVID-19 global pandemic related to the construction and equipping of the Project, to make purchases of goods and services relating to the Project, in a new total amount, that would otherwise be subject to New York State and local sales and use tax in an amount up to \$9,936,000.00, which results in New York State and local sales and use tax exemption benefits in an amount not to exceed \$869,400.00 for the Project (the “Amended Sales Tax Exemption Benefit”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on February 16, 2021 at 9:00 a.m. at the Erie County Industrial Development Agency, 95 Perry Street, Suite 403, Buffalo, New York 14203, the Agency held a public hearing with respect to Amended Sales Tax Exemption Benefit and the proposed financial assistance, as described below, being contemplated by the Agency (the “Second Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views.

WHEREAS, the Agency desires to amend the Initial Resolution and approve this Amending Resolution with respect to the Project to permit the Amended Sales Tax Exemption Benefit.

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

Section 1. Pursuant to SEQR, the Agency hereby finds and determines that pursuant to Sections 617.5(c)(29) and (31), of the SEQR Regulations, the Project, as amended by said increased expenditures and related increased sales and use tax exemption benefits, is as “Type II action” as said quoted term is defined in the SEQR Regulations, and therefore, the Agency hereby determines that no environmental impact statement or any other determination or procedure is required under the SEQR Regulations with respect to the Project related approvals to render Financial Assistance as described herein.

Section 2. All recitals, findings and determinations of the Agency contained in the Initial Resolution are hereby reaffirmed, ratified, restated and incorporated herein by reference as if set forth herein in their entirety, except as modified by this Resolution.

Section 3. Based upon the representations and warranties made by the Company in its application with respect to the Amended Project, subject to the terms and conditions as described herein, and Agency board member review, discussion and consideration of same, the Agency hereby finds, determines and hereby amends the second full paragraph in Section 3 of the Initial Resolution in its entirety to read as follows:

With respect to the foregoing, and based upon the representations and warranties made by the Company in its Amended Application for Financial Assistance, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an estimated amount up to \$9,936,000.00, which may result in New York State and local sales and use tax exemption benefits not to exceed \$869,400.00. The Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services.

Section 4. Section 3(i) of the Initial Resolution is hereby replaced in its entirety to read as follows:

- (i) Investment Commitment - the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$25,925,000, which represents the product of 85% multiplied by \$30,500,000 (representing the total project cost as stated in the Company’s Amended Application for financial assistance).

Section 5. The Chair, the Vice Chair, the President/Chief Executive Officer, the Executive Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate and execute an amended Agent and Financial Assistance Agreement by and between the Agency and the Company, an amended NYS Form ST-60, "IDA Appointment of Project Operator or Agent", a bill of sale (the "Bill of Sale") and any and all other related documents.

Section 6. 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 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 acting, desirable and proper to effect the purposes of the foregoing resolutions 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 7. All actions heretofore undertaken by the Agency and the Company as agent of the Agency are ratified and approved and the Agency and the Company, as agent of the Agency, are hereby authorized to continue to undertake the Project.

Section 8. These Resolutions shall take effect immediately.

Dated: February 24, 2021



Time Release Properties, LLC/Time Release Sciences, Inc.

Instructions and Insurance Requirements Document

Section I: Applicant Background Information

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law.

Applicant Information - Company Receiving Benefit

Project Name	TRS New Building Construction
Project Summary	Request for an amendment to original project approval to increase sales tax benefit from \$463,167 to \$869,400. Construction of an approximately 290,000 sq. ft. manufacturing facility
Applicant Name	Time Release Properties, LLC/Time Release Sciences, Inc.
Applicant Address	205 Dingens Street
Applicant Address 2	
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14206
Phone	(716) 895-6100
Fax	(716) 895-6396
E-mail	rlaughlin@tmpotech.com
Website	www.tmpotech.com
NAICS Code	32615000

Business Organization

Type of Business	Limited Liability Company
Year Established	2019
State in which Organization is established	New York

Individual Completing Application

Name	Robert J. Laughlin
Title	President
Address	1200 Northland Avenue
Address 2	
City	Buffalo
State	New York
Zip	14215
Phone	(716) 895-6100

Fax (716) 895-6396
E-Mail rlaughlin@tmpotech.com

Company Contact (if different from individual completing application)

Name
Title
Address
Address 2
City
State
Zip
Phone
Fax
E-Mail

Company Counsel

Name of Attorney Richard DiGiacomo
Firm Name Nesper, Ferber, DiGiacomo, Johnson & Grimm, LLP
Address 200 John James Audubon Parkway
Address 2 Suite 302
City Amherst
State New York
Zip 14228
Phone (716) 688-3800
Fax (716) 688-3891
E-Mail rfd@nfdlaw.com

Benefits Requested (select all that apply)

Exemption from Sales Tax Yes
Exemption from Mortgage Tax Yes
Exemption from Real Property Tax Yes
Tax Exempt Financing* No

* (typically for not-for-profits & small qualified manufacturers)

Applicant Business Description

Describe in detail company background, history, products and customers. Description is critical in determining eligibility.

Time Release Sciences, Inc. (TRS) is a manufacturing and packaging company that was started in May 2003. This company has die cutting, debossing and various other manufacturing and packaging capabilities. The sole product line produced at this facility is a consumer cleaning product, produced for a Fortune 100 company.

Estimated % of sales within Erie County 1 %
Estimated % of sales outside Erie County but within New York State 6 %
Estimated % of sales outside New York State but within the U.S. 83 %
Estimated % of sales outside the U.S. 10 %

(*Percentage to equal 100%)

For your operations, company and proposed project what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County?

8

Describe vendors within Erie County for major purchases

See supporting schedule for list of Vendors as well as percentages for each vendor.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

2303 Hamburg Turnpike

Town/City/Village of Project Site

Lackawanna

School District of Project Site

Lackawanna

Current Address (If different)

205 Dingens Street

Current Town/City/Village of Project Site (if different)

Buffalo

SBL Number(s) for proposed Project

141.11-1-48.13

What are the current real estate taxes on the proposed Project Site

0

If amount of current taxes is not available, provide assessed value for each.

Land

\$ 568,750.00

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

*The ECIDA has an unpaid tax policy and you will be required to certify all taxes and PILOTS are current.

Does the Applicant or any related entity currently hold fee title or have an option/contract to purchase the Project site?

Yes

If No, indicate name of present owner of the Project Site

Parcel 11-9 & 11-10 - Buffalo & Erie County Industrial Development Corporation

Does Applicant or related entity have an option/contract to purchase the Project site?

Yes

Describe the present use of the proposed Project site (vacant land, existing building, etc.)

Land that is earmarked for industrial use.

Provide narrative and purpose of the proposed project (new build, renovations) square footage of existing and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility)

Request increased sales tax benefit due to higher project costs. The project is a new build of approximately 290,000 sq. ft. that will house the entire Time Release Sciences, Inc. (TRS) operations. The current operation is located at 205 Dingens St., Buffalo, NY in a 120,000 sq. ft. facility, which will be moved into the new facility upon completion. The current facility at 205 Dingens St. will be sold. In addition to the construction of this building TRS will purchase approximately \$6 million of production equipment. A significant amount of this equipment may be completed prior to TRS moving into the new building and therefore will need to be stored and moved subsequently when the new building is complete. The TRS operations manufactures a consumer cleaning line of products in 5 variations, for a fortune 100 company.

Municipality or Municipalities of current operations

City of Buffalo

Will the Proposed Project be located within a Municipality Identified above?

No

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?

Yes

If the Proposed Project is located in a different Municipality within New York State than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?

Yes

(If yes, you will need to complete the Intermunicipal Move Determination section of this application)

Is the project reasonably necessary to prevent the project occupant from moving out of New York State?

Yes

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation available

Our only customer wants us to move close to either their major distribution centers or their corporate headquarters, especially now that are sales volumes with them have increased considerably. We are resisting that pressure and need to put before them a financial reason to stay in Western New York. A significant part of our presentation to them is to outline the cost efficient move within the Buffalo area, the low cost of the actual move, that we are not requesting any increase in their prices to accommodate this move. A significant part of maintaining a low cost move is the incentives this application is applying for. In addition we will espouse the talented, experienced workforce that we have developed at our current location which would continue on in the new location.

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

No

If yes, please indicate the Agency and nature of inquiry below

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency:

The key focus behind this project is maintaining our customer's confidence that TRS will continue to meet its needs in a very cost competitive way. If we can not deliver and manufacture their products in a extremely cost effective manner we may lose the contract for the manufacture of this product line. Without every possible cost savings we risk this result and therefore this project could not proceed without the Financial Assistance provided by the agency.

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

TRS has only one customer, a fortune 100 company. Our contract with this customer needs to be renewed by September 1, 2019. Our sole customer has indicated to us that since we are moving anyway it might make sense to move the operation closer to their distribution centers or corporate headquarters located in the mid west. To avoid this scenario TRS needs to offer them financial reasons why maintaining the TRS operation in Western NY is the best financial decision based on our expertise, skilled work force, low operational costs, and a very competitive expansion scenario of constructing and moving the entire operation into this new building. The cost of constructing and operating this new building has to be extremely competitive with any other options our customer is looking at. And key to that competitiveness is the Financial Assistance provided by the agency. Without putting our best "financial" foot forward we may lose the entire contract.

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency

Yes

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and Erie County?

Without the Financial Assistance the worst case scenario would be the loss of the contract to manufacture this line of products due this September 2019 and therefore the complete shutdown of the entire TRS operations and the permanent loss of the current workforce of 100 jobs as well as the 60 additional jobs that are anticipated to be created over the next 10 years. In addition the current expenditures of \$2.6 million with local vendors would be lost.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

If yes describe if site is accessible by either metro or bus line (provide route number for bus lines)

Bus Route #42

Has a project related site plan approval application been submitted to the appropriate planning department?

Yes

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the ECIDA as an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval.

Will the Project meet zoning/land use requirements at the proposed location?

Yes

Describe the present zoning/land use

City of Lackawanna Bethlehem Redevelopment area Light Industrial District (BRA-LI).

Describe required zoning/land use, if different

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements

Is the proposed Project located on a site where the known or potential presence of contaminants is complicating the development/use of the property?

Yes

If yes, please explain

The land is located in a Brownfield which has been subject to extensive investigation and remediation as well as extensive DEC involvement and professional services to follow the guidelines and requirements as they relate to Brownfield cleanup and post-remedial monitoring. Accordingly a Phase I ESA has not been prepared.

Has a Phase I Environmental Assessment been prepared, or will one be prepared with respect to the proposed Project Site?

No

If yes, please provide a copy.

Have any other studies, or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?

Yes

If yes, please provide copies of the study.

If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?

Yes

If yes, describe the efficiencies achieved

Yes all equipment purchases are of the most energy efficient, utilizing variable speed motors. In addition the new equipment will be highly automated reducing the amount of equipment necessary to produce the same amount of product.

You may also attach additional information about the machinery and equipment at the end of the application.

Does or will the company or project occupant perform research and development activities on new products/services at the project location?

Yes

If yes, include percentage of operating expenses attributed to R&D activities and provide details.

End date : Estimated completion date of project

12/31/2021

Project occupancy : estimated starting date of occupancy

12/31/2021

Project Information

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 1,060,000 square feet 26 acres

2.) New Building Construction

\$ 14,310,130 288,000 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0 square feet

5.) Manufacturing Equipment

\$ 6,000,000

6.) Infrastructure Work

\$ 3,529,870

7.) Non-Manufacturing Equipment: (furniture, fixtures, etc.)

\$ 2,800,000

8.) Soft Costs: (Legal, architect, engineering, etc.)

\$ 1,800,000

9.) Other Cost

\$ 1,000,000

Explain Other Costs Moving expenses from existing location at 205 Dingens Street, Buffalo, New York to new building.

Total Cost \$ 30,500,000

Construction Cost Breakdown:

Total Cost of Construction \$ 17,840,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials \$ 7,135,999.00
% sourced in Erie County 100%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit \$ 9,936,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 869,400

** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as

proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only) \$ 0

Have any of the above costs been paid or incurred as of the date of this Application? No

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 6,000,000
Bank Financing:	\$ 18,397,600
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (include sum total of all state and federal grants and tax credits):	\$ 6,102,400
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	0
Total Sources of Funds for Project Costs:	\$30,500,000
Have you secured financing for the project?	Yes

Mortgage Recording Tax Exemption Benefit:

Amount of mortgage, if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing). 12,000,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$90,000

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other): No other exemption is anticipated

IDA PILOT Benefit: Agency staff will indicate the estimated amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in the PILOT worksheet in the additional document section.

Percentage of Project Costs financed from Public Sector sources: Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon the Sources of Funds for Project Costs as depicted above. The percentage of Project Costs financed from public sector sources will be depicted in the PILOT worksheet in the additional document section.

ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Describe your company's internal practices that promote MBE/WBE hiring and utilization

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

You must include a copy of the most recent NYS-45 Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return. The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the TWO Year time period following Project completion. Agency staff converts PT jobs into FTE jobs by dividing the number of PT jobs by two (2).

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	103	103	20	20
Part time	0	0	0	0
Total	103	103	20	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	5	\$ 98,000	\$ 14,700	\$ 0	\$ 0
Professional	23	\$ 86,000	\$ 14,400	\$ 0	\$ 0
Administrative	6	\$ 57,000	\$ 12,700	\$ 0	\$ 0
Production	89	\$ 38,000	\$ 12,000	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

** Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

Employment at other locations in Erie County: (provide address and number of employees at each location):

Address	1200 Northland Avenue Buffalo, New York 14213		
Full time	23	0	0
Part time	0	0	0
Total	23	0	0

Payroll Information**Annual Payroll at Proposed Project Site upon completion**

5,400,000

Estimated average annual salary of jobs to be retained (Full Time)

53,000

Estimated average annual salary of jobs to be retained (Part Time)

0

Estimated average annual salary of jobs to be created (Full Time)

40,000

Estimated average annual salary of jobs to be created (Part Time)

0

Estimated salary range of jobs to be created

From (Full Time) 34,000 **To (Full Time)** 80,000

From (Part Time) 0 **To (Part Time)** 0

Section III: Environmental Questionnaire

INSTRUCTIONS: Please complete the following questionnaire as completely as possible. If you need additional space to fully answer any question, please attach additional page(s).

General Background Information

Address of Premises

2303 Hamburg Turnpike Lackawanna, Erie County, New York Tax Parcel 141.11-1-48.1

Name and Address of Owner of Premises

Time Release Properties, LLC 1200 Northland Ave. Buffalo, NY 14215

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)

The project is to purchase land within the old Bethlehem Steel site. It has been designated as a Brownfield. For the most part the land has been remediated and is ready for commercial or industrial construction

Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises

A new building of approximately 290,000 sq.ft. will be constructed on what is now vacant land. the building will be used for light manufacturing.

Describe all known former uses of the Premises

The site has been vacant for many years but was previously used by the old Bethlehem Steel company as part of their extensive steel making operations

Does any person, firm or corporation other than the owner occupy the Premises or any part of it?

No

If yes, please identify them and describe their use of the property

Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises?

No

If yes, describe and attach any incident reports and the results of any investigations

Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?

No

If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances

Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises?

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances?

Yes

If yes, provide the Premises' applicable EPA (or State) identification number

NYD002134880

Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes?

No

If yes, please provide copies of the permits.

Identify the transporter of any hazardous and/or solid wastes to or from the Premises

Disposal Connections, Inc. , 6569 Heather Drive, Lockport, NY 14094 (One 55-gallon drum of oil sent to EQ Detroit, Inc.)

Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years

EQ Detroit, Inc. - EPA ID MID980991566 1923 Frederick Street Detroit, MI 48211

Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days?

No

If yes, please identify the substance, the quantity and describe how it is stored

Discharge Into Waterbodies

Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges

Wet scrubber discharge: Maximum 2500 gallons per day will discharge to sanitary sewer on Dona Street leading to ECSD#6. Current BSA permit attached - ECSD permit will be secured.

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and stormwater. Attach all permits relating to the same. Also identify any septic tanks on site

Wastewater: Sanitary estimated at 7500GPD, wet scrubber estimated at 2500 GPD (max), storm water to be infiltrated and detained with over flow to onsite drainage channel. No septic.

Is any waste discharged into or near surface water or groundwaters?

No

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?

Yes

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source

Three process source emission points contemplated per current operation: 1.) Lamination process emission 2.)Fragrance hood emission 3.) Foam compressing process emission with wet scrubber control.

Are any of the air emission sources permitted?

Yes

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and under ground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks

None

Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?

No

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved

Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos

Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.

Have there been any PCB spills, discharges or other accidents at the Premises?

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

No

If yes, please identify the materials

Section IV: Facility Type - Single or Multi Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

Single Use Facility

For Single Use Facility

Occupant Name Time Release Sciences, Inc.
Address 205 Dingens Street, Buffalo, New York 14206
Contact Person Robert Laughlin
Phone (716) 895-6100
Fax (716) 895-6396
E-Mail rlaughlin@tmptech.com
Federal ID # 01-0812715
SIC/NAICS Code 32615000

SS

Section VI: Retail Determination

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Please answer the following:

Will any portion of the project (including that portion of the costs to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

No

If yes, complete the Retail Questionnaire Supplement below.

Section VII: Adaptive Reuse Projects

Adaptive Reuse is the process of adapting old structures or sites for new purposes.

Are you applying for tax incentives under the Adaptive Reuse Program?

No

Section VIII: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address

205 Dingens Street

City/Town

Buffalo

State

New York

Zip Code

14206

Will the project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state?

Yes

Will the project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?

Yes

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Our only customer wants us to move closer to either their major distribution centers or their corporate headquarters which are centrally located in the mid west, especially now that our sales volumes with them have increased considerably. We are resisting that pressure and need to put before them a financial reason to stay in Western New York. A significant part of our presentation to them is to outline the cost efficient move within the Buffalo area, the low cost of the actual move, that we are not requesting any increase in their prices to accommodate this move. A significant part of maintaining a low cost move is the incentives this application is applying for.

Does this project involve relocation or consolidation of a project occupant from another municipality?

Within New York State

Yes

Within Erie County

Yes

If Yes to either question, please, explain

TRS is currently located in a 120,000 sq. ft. facility at 205 Dingens St., Buffalo, NY 14206 and will be moving into a much larger facility at the old Bethlehem Steel site.

Will the project result in a relocation of an existing business operation from the City of Buffalo?

Yes

If yes, please explain the factors which require the project occupant to relocate out of the City of Buffalo (For example, present site is not large enough, or owner will not renew leases etc.)

TRS is currently in a 120,000 sq. ft. facility and we need to move into a much larger facility of approximately 290,000 sq. ft.

What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docs etc.)

TRS needs at a minimum 290,000 sq. ft., 26 foot high ceilings to accommodate our storage needs and 10-14 docks.

If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?

Yes

What factors have lead the project occupant to consider remaining or locating in Erie County?

TRS has to find a cost competitive solution to our need for a larger facility to assure our only customer that we will not only be able to continue to satisfy their current needs but also their future needs in a very cost competitive manner. The financial assistance incentives as well as the Brownfield credits associated with the site we have selected provide such a cost efficient answer to our customer. We need to offset their analysis of freight savings and travel expense savings that they will have if we locate the facility next to their major distribution centers or their headquarters with the reduced cost of TRS's move into a larger facility.

If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?

TRS's current facility will be put on the market and sold. It is excellent industrial space that has been will maintained

Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.) Please include full address for locations.

Initially, Time Release Sciences sought to expand their operations at 205 Dingens St. through acquisition of an adjacent property (271 Dingens St) that was currently being leased by a trucking operation. The trucking operation was planning to move to an industrial park - North America Center in West Seneca. The trucking operation's move to W. Seneca was continually delayed and cast doubt on the timing of the move, and whether or not the move to West Seneca would ever happen. This uncertainty and the imminent need for additional manufacturing space resulted in Time Release Sciences having to explore other options. Time Release Sciences expanded their search with assistance from Invest Buffalo Niagara. Invest Buffalo Niagara provided a listing of possible sites - 6 existing buildings and 7 land options per criteria supplied by Time Release Sciences. Of the 6 existing buildings, none were located in the City of Buffalo. Of the 7 land options - 2 were in the City of Buffalo: 132 Dingens St (13 acres) and Buffalo Lakeside Commerce Park (10 acres). Both were eliminated due to insufficient size and/or price. Although not on the Invest BN listing, Time Release Sciences did look at 1001 E. Delevan Ave, Buffalo. They felt this site did not meet the high-quality space expectations of their one and only client that seeks to protect its image and brand. After exhausting their options, Time Release Sciences has chosen to pursue 2 parcels totaling approx. 28 acres to build a 290,000 sq. ft. manufacturing facility in Lackawanna. Attracted by the location (commutable by current workforce), brownfield tax credits and being within an Opportunity Zone - Time Release Sciences believes this facility will meet the needs of its business, client and workforce.

Section IX: Senior Housing

IDA tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

Are you applying for tax incentives under the Senior Rental Housing policy?

No