

**Erie County Industrial Development Agency
ECIDA Board Meeting
March 22, 2023 @ 12:00 p.m.**

**701 Ellicott Street, Center of Excellence in Bioinformatics and Life Sciences (CBLS) - The Event Space/Conference
Room B2-205, located on the 2nd floor, Buffalo, New York 14203**

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 the February 22, 2023 Meeting of the Membership (Action Item) (Pages 2-9)

3.0 Reports / Action Items / Information Items:

- 3.1 Financial Report (Informational) (Pages 10-13)
- 3.2 Finance & Audit Committee Update (Informational) (Pages 14-15)
 - a) Committee Self-Evaluation (Informational) (Pages 16-20)
- 3.3 Audited Financial Statements (Action Item) (Pages 21-47)
- 3.4 2022 – Investment Report (Action Item) (Pages 48-50)
- 3.5 Governance Committee Report (Informational) (Pages 51-52)
 - a) Committee Self-Evaluation (Informational) (Pages 53-56)
 - b) Board of Directors Evaluation/Survey (Informational) (Page 57-59)
- 3.6 2023 Tax Incentives Induced/Closing Schedule/5-Year Report (Informational) (Page 60-62)
- 3.7 Approval of Board Certification of Loan Administration Plan-CARES ACT RLF (Pages 63-65)
- 3.8 PFRAP Grant Approval (Action Item) (Pages 66-75)
- 3.9 Policy Committee Update (Informational) (Pages 76-78)

4.0 Inducement Resolutions:

	ECIDA Incentives	Private Investment	Municipality
4.1 Moog, Inc. (Pages 79-151)	\$2,900,920	\$76,750,800	Elma

5.0 Review and Adoption of Policies, Reports and Committee Charters: (Separate Package)

- 1. 2022 - Mission Statement, Performance Measures and Results (Action Item) (Pages 2-17)
- 2. 2023 - Mission Statement and Performance Measures (Action Item) (Pages 18-26)
- 3. 2022 - Public Authorities Report (Action Item) (Pages 27-92)
- 4. Airborne Infectious Disease Policy (Action Item) (Pages 93-101)

Re-Adopt Policies & Charters (Action Item)

- 5. Board Member Compensation, Reimbursement & Attendance Policy (Page 102)
- 6. Code of Ethics & Conflict of Interest Policy (Pages 103-108)
- 7. Corporate Credit Card Policy (Pages 109-111)
- 8. Defense & Indemnification Policy (Page 112)
- 9. Employee Compensation Program (Pages 113-114)
- 10. Fee Structure Policy (For ECIDA & ILDC Only) (Page 115)
- 11. Finance & Audit Committee Charter (Pages 116-120)
- 12. Governance Committee Charter (Pages 121-123)
- 13. Investment & Deposit Polic (Pages 124-131)
- 14. Procurement Policy (Pages 132-136)
- 15. Professional Services RFP Process and Policy (Pages 137-139)
- 16. Property Disposition Guidelines (Pages 140-146)
- 17. Real Property Acquisition Policy (Pages 147-148)
- 18. Sexual Harassment Policy (Pages 149-157)
- 19. Statement of Duties & Responsibilities of the Board of Directors (Pages 158-160)
- 20. Statement of the Competencies & Personal Attributes Required of Board Members (Page 161)
- 21. Travel, Conferences, Meals & Entertainment Policy (Pages 167)
- 22. Whistleblower Policy and Procedures (Pages 168-170)

6.0 Management Team Reports:

6.1 2022 Year in Review

7.0 Adjournment- Next Meeting April 26, 2023 (Annual Meeting)

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

- DATE AND PLACE:** February 22, 2023, at the Center of Excellence in Bioinformatics and Life Sciences (CBLS), 701 Ellicott Street, The Event Space/Conference Room B2-205, located on the 2nd floor, Buffalo, New York 14203.
- PRESENT:** Denise Abbott, Hon. Diane Benczkowski, Hon. Bryon W. Brown, Dottie Gallagher, Tyra Johnson, Denise McCowan, Brenda W. McDuffie, Hon. Mark C. Poloncarz, Kenneth A. Schoetz and Paul Vukelic
- EXCUSED:** Rev. Mark E. Blue, James Doherty, Hon. Joseph Emminger, Michael P. Hughes, Hon. Howard Johnson, Hon. Brian Kulpa, Richard Lipsitz, Jr., Hon. Glenn R. Nellis and Hon. Darius G. Pridgen
- OTHERS PRESENT:** John Cappellino, President & CEO; Beth O’Keefe, Vice President of Operations/Secretary; Mollie Profic, Chief Financial Officer; Atiqa Abidi, Senior Accountant; Daryl Spulecki, Credit Analyst; Grant Lesswing, Director of Business Development; Andrew Federick, Business Development Officer; Soma Hawramee, Compliance Portfolio Manager, Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Laurie Hendrix, Administrative Coordinator; Robbie Ann McPherson, Director of Marketing & Communications; Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Zachary Evans and Daniel Castle on behalf of Erie County; Alex Carducci on behalf of the City of Buffalo; Ryan McCarthy, Fred LaFaso and Madeline LaFaso on behalf of 356 Hertel; Bryan Ehrhart on behalf of Commitment 2000/Father Sam’s; Sean Greenhouse on behalf of Linita; William Brady on behalf of Top Seedz Food Corp.; and Jonathan Epstein on behalf of the Buffalo News

There being a quorum present at 12:05 p.m., the meeting of the members of the Erie County Industrial Development Agency (the “ECIDA” or “Agency”), was called to order by Chair, Ms. McDuffie.

MINUTES

The minutes of the December 21, 2022 meeting of the members were presented. Mr. Brown moved and Ms. Gallagher seconded to approve of the minutes. Ms. McDuffie called for the vote and the minutes were unanimously approved.

REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Profic presented a brief update regarding the 2022 year-end audit process. Our independent auditors, Lumsden McCormick have wrapped up their fieldwork. We are awaiting drafts of financial statements. No internal control issues have been brought to our attention during the audit. There are a couple of adjustments related to implementation of the new GASB leasing standard. The financial statements and related reports will be reviewed in detail at the Finance & Audit Committee meeting on March 16th. As a reminder, all board members are welcome to attend the Committee meeting. The final reports will be presented to the Board for approval at the March 22nd meeting for submission to the ABO prior to the March 31st deadline.

Ms. Profic presented the January 2023 financial report. The balance sheet shows the year 2022 ended with total assets of \$30.8M and net assets of \$20.6M. These figures do not include what will be new balance sheets accounts for leases. To provide an update on how the IDA ended the 2022 financial year, in 2022 the Agency recognized operating revenues of \$2.6M, including \$1.6M of administrative fees. This was 84% of our total budget of \$1.85M. While we did not achieve our 2022 administrative fee budget, we did end the year with a strong pipeline of fees to be paid in 2023. The Agency had a net operating loss of approximately \$158,000 in 2022. Further information will be provided when the 2022 audited financial statements are presented to the Board on March 22nd.

The Agency finished the month of January with total assets of \$30.8M, which includes \$7.3M of unrestricted cash and \$19.8M of restricted cash (UDAG plus funds held on behalf of others). Liabilities totaled \$10.1M and net assets were \$20.7M at the end of January. The income statement shows net income of \$11,000 for January. Revenues of \$239,000 were over budget by \$10,000, mainly due to the rise in interest rates since the 2023 budget was prepared. We received \$131,000 in administrative fees during the month. Operating expenses of \$218,000 were about \$14,000 under budget. After Special Project grants and depreciation, there was net income of \$11,000. Ms. McDuffie directed that the report be received and filed.

Finance and Audit Committee Update. Ms. Profic presented a summary of the most recent Finance and Audit Committee meeting to the members. During the meeting there was a presentation by Lumsden McCormick discussing their 2022 audit plan and discussion with the Committee members.

Public Sector Banking Services RFP. Ms. Profic reviewed the RFP and evaluation process. While all the respondents were capable and suitable partners, M&T Bank was the staff committee's recommendation. We have been with M&T Bank since our last RFP in 2017 and have been pleased with their services and staff. The Finance & Audit Committee voted to recommend that the Boards approve the retention of M&T Bank as the prime bank of the ECIDA, RDC and ILDC.

Mr. Poloncarz moved and Mr. Brown seconded to approve of the Public Sector Banking Services to be provided by M&T Bank. Ms. McDuffie called for the vote and the Public Sector Banking Services to be provided by M&T Bank was unanimously approved.

Governance Committee Update: Ms. McDuffie provided the Committee with an update on the most recent Governance Committee meeting.

2022 Tax Incentive Induced/Closing Schedule. Mr. Cappellino presented this report to the members. Ms. McDuffie directed that the report be received and filed.

Start-Up NY Affiliation Agreement. Mr. Cappellino reviewed the Start-Up NY Affiliation Agreement request from SUNY Buffalo for Verivend, Inc. (the “Company”), a Buffalo-based company engaged in the business of fintech software development, which has been approved by SUNY to participate in the Start-Up NY Program through the Tax Benefit Period expiring on October 4, 2030. Mr. Cappellino noted that the Agency will not be providing any financial assistance, and will only be licensing the use of certain real property to the Company, and that this is a New York State real property tax abatement program, that abates all local real property taxes, amongst other taxes, for the duration of the tax benefit period.

Ms. Gallagher moved and Ms. Abbott seconded to approve of the Start-Up NY Affiliation Agreement. Ms. McDuffie called for the and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY CONSENTING TO AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT TO (i) THE TERMINATION OF CERTAIN AGREEMENTS WITH RESPECT TO THE EXISTING CIRCUIT START-UP NY PROJECT FACILITY; AND (ii) ESTABLISHING THE VERIVEND START-UP NY PROJECT FACILITY

Conference Room Expansion. Mr. Cappellino reviewed the proposed expansion and improvement of the Agency’s conference room on the 4th floor of the Agency’s 95 Perry Street facility, to accommodate public board meetings and hearings.

Mr. Poloncarz moved and Ms. Gallagher seconded to approve of the conference room expansion. Ms. McDuffie 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 IMPROVE AND EXPAND ITS 4TH FLOR CONFERENCE ROOM, INCLUDING THE PURCHASE OF CERTAIN EQUIPMENT AND FURNISHINGS, TO ACCOMMODATE ON-SITE AND IN-PERSON PUBLIC HEARINGS AND PUBLIC MEETINGS

Policy Committee Update. Mr. Cappellino updated members on the most recently held Policy Committee meeting noting the Policy Committee recommended that the ECIDA approve the two projects on today’s agenda.

INDUCEMENT RESOLUTIONS

356 Hertel Avenue, LLC, 356 Hertel Avenue/42 Foundry, Buffalo, New York. Ms. O’Keefe reviewed this proposed sales tax exemption benefit project which consists of the mixed-use redevelopment of an existing historic complex. The new development will consist of 82 apartments (72,000 sq. ft. of residential space), 30,000 sq. ft. self-storage facility and 14,000 sq. ft. of retail space. Ms. O’Keefe advised that benefits will only be provided on the residential space.

The Project’s cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project’s contemplated community benefits were discussed and considered.

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, through the conclusion of the later of two (2) years following either (i) the construction completion date, or (ii) the termination of the Agent 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 \$27,257,630 (which represents the product of 85% multiplied by \$32,067,800, being the total project cost as stated in the Company’s application for Financial Assistance).
- (ii) Employment Commitment –that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 35 FTE employees [being the product of 85% multiplied by 42 FTE employee positions proposed to be created by the Company as stated in its Application)]. 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. Brown 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 356 HERTEL AVE, 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) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iii) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AND (iv) AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

Commitment 2000, Inc./Father Sam's Bakery, 105 Monsignor Valente Drive, Buffalo, New York. Ms. O'Keefe reviewed this proposed sales tax exemption, mortgage recording tax exemption and real property tax benefit project which consists of the 16,975 sq. ft. building expansion at the Company's headquarters that will be used to manufacture and maintain a fully automated pressed tortilla line.

The Project's cost benefit ratio was presented to and reviewed by the members present and the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits were discussed and considered.

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 made with respect to the Project at the time of Project completion equals or exceeds \$7,330,230 (which represents the product of 85% multiplied by \$8,623,800, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 75 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 84 FTE employees [representing the sum of (x) 75 Baseline FTE and (y) 9 FTE employees, being the product of 85% multiplied by 11 (being the 11 new FTE employee positions proposed to be created by the Company as stated in its Application)]. 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

Ms. Abbott moved and Ms. Benczkowski 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 COMMITMENT 2000, 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, (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 REPORTS

Mr. Cappellino recognized Ms. Abidi as she starts her Leadership Buffalo work this year.

Ms. McDuffie expressed condolences and prayers for Johanna Coleman, a former six-year member of the ECIDA Policy Committee, who has recently passed away, and asked for a moment of silence in her remembrance.

There being no further business to discuss, Ms. McDuffie adjourned the meeting of the Agency at 12:33 p.m.

Dated: February 22, 2023

Elizabeth A. O'Keefe, Secretary

Erie County Industrial Development Agency
Financial Statements
As of February 28, 2023

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Balance Sheet

February 28, 2023

	February 2023	January 2023	December 2022
ASSETS:			
Cash *	\$ 7,256,690	\$ 7,307,746	\$ 7,475,718
Restricted Cash & Investments *	19,725,459	19,842,819	20,449,260
Due from Affiliates	1,365,581	1,139,997	471,011
Due from Buffalo Urban Development Corp.	22,294	111,465	106,016
Other Receivables	192,710	203,295	94,679
Total Current Assets	<u>28,562,733</u>	<u>28,605,322</u>	<u>28,596,683</u>
Grants Receivable	644,183	644,183	644,183
Lease Receivable	643,927	643,927	643,927
Venture Capital Investments, net of reserves	506,886	506,886	506,886
Capital Assets	1,146,361	1,156,361	1,166,361
Total Long-Term Assets	<u>2,941,357</u>	<u>2,951,357</u>	<u>2,961,357</u>
TOTAL ASSETS	<u><u>\$ 31,504,090</u></u>	<u><u>\$ 31,556,679</u></u>	<u><u>\$ 31,558,040</u></u>
LIABILITIES & NET ASSETS			
Accounts Payable & Accrued Exp.	\$ 167,077	\$ 169,701	\$ 188,859
Lease Payable	126,166	126,166	126,166
Deferred Revenues	624,785	647,147	643,647
Funds Held on Behalf of Others	9,366,234	9,320,707	9,317,525
Total Liabilities	<u>10,284,262</u>	<u>10,263,721</u>	<u>10,276,196</u>
Deferred Inflows of Resources Related to Leases	643,927	643,927	643,927
Net Assets	20,575,902	20,649,031	20,637,917
TOTAL LIABILITIES & NET ASSETS	<u><u>\$ 31,504,090</u></u>	<u><u>\$ 31,556,679</u></u>	<u><u>\$ 31,558,040</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 February 2023

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Administrative Fees, net of refunds	\$ 56,333	\$ 150,000	\$ (93,667)
Management Fees - Affiliates and Others	50,183	50,392	(208)
Interest Income - Cash & Investments	26,557	500	26,057
Rental Income	21,508	21,467	42
Other Income	-	250	(250)
Total Revenues	<u>154,582</u>	<u>222,608</u>	<u>(68,027)</u>
EXPENSES:			
Salaries & Benefits	\$ 153,882	\$ 169,800	\$ (15,918)
General Office Expenses	27,647	23,267	4,381
Building Operating Costs	23,157	21,170	1,986
Professional Services	4,615	9,833	(5,218)
Public Hearings & Marketing	7,386	5,417	1,969
Travel, Mileage & Meeting Expenses	567	3,083	(2,517)
Other Expenses	857	729	128
Total Expenses	<u>218,111</u>	<u>233,299</u>	<u>(15,188)</u>
SPECIAL PROJECT GRANTS:			
Revenues	\$ 26,282	\$ 48,209	\$ (21,927)
Expenses	(25,882)	(42,526)	16,644
	<u>400</u>	<u>5,683</u>	<u>(5,283)</u>
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:			
	<u>(63,129)</u>	<u>(5,008)</u>	<u>(58,122)</u>
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:			
Angola Ag Park Grant	-	(8,333)	8,333
	<u>-</u>	<u>(8,333)</u>	<u>8,333</u>
NET INCOME/(LOSS) BEFORE DEPRECIATION:			
	<u>(63,129)</u>	<u>(13,341)</u>	<u>(49,789)</u>
Depreciation and amortization	(10,000)	(10,000)	-
NET INCOME/(LOSS):	<u>\$ (73,129)</u>	<u>\$ (23,341)</u>	<u>\$ (49,789)</u>

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Year to Date: February 28, 2023

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Administrative Fees, net of refunds	\$ 187,785	\$ 300,000	\$ (112,215)	\$ 187,785	\$ 154,228	\$ 33,557
Affiliate Management Fees	100,367	100,783	(417)	100,367	89,700	10,667
Interest Income - Cash & Investments	56,436	1,000	55,436	56,436	584	55,852
Rental Income	43,017	42,933	83	43,017	39,578	3,439
Other Income	6,000	6,500	(500)	6,000	5,000	1,000
Total Revenues	393,604	451,217	(57,612)	393,604	289,090	104,514
EXPENSES:						
Salaries & Benefits	320,656	339,599	(18,943)	320,656	323,036	(2,380)
General Office Expenses	56,492	46,533	9,958	56,492	50,880	5,611
Building Operating Costs	39,391	42,341	(2,950)	39,391	39,365	26
Professional Services	8,115	15,167	(7,052)	8,115	23,512	(15,397)
Public Hearings & Marketing	7,445	10,833	(3,388)	7,445	511	6,934
Travel, Mileage & Meeting Expenses	2,523	6,167	(3,643)	2,523	1,400	1,123
Other Expenses	1,917	1,458	458	1,917	1,657	259
Total Expenses	436,539	462,099	(25,559)	436,539	440,362	(3,823)
SPECIAL PROJECT GRANTS:						
Revenues	26,802	96,418	(69,616)	26,802	125,120	(98,318)
Expenses	(25,882)	(85,051)	59,169	(25,882)	(9,087)	(16,795)
	920	11,367	(10,447)	920	116,033	(115,113)
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:						
	\$ (42,015)	\$ 485	\$ (42,500)	\$ (42,015)	\$ (35,239)	\$ (6,776)
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:						
Zero Net Energy costs (Z7+)	\$ -	\$ (104,319)	\$ 104,319	\$ -	\$ -	\$ -
Angola Ag Park Grant	-	(100,000)	100,000	-	-	-
Bethlehem Steel Industrial Park Grant Reimb	-	150,000	(150,000)	-	-	-
Buffalo Urban Development Corporation	-	(100,000)	100,000	-	-	-
Other Strategic Initiatives	-	(125,000)	125,000	-	-	-
	-	(279,319)	279,319	-	-	-
NET INCOME/(LOSS) BEFORE DEPRECIATION:						
	(42,015)	(278,835)	236,820	(42,015)	(35,239)	(6,776)
Depreciation and amortization	(20,000)	(20,000)	-	(20,000)	(20,000)	-
NET INCOME/(LOSS):	\$ (62,015)	\$ (298,835)	\$ 236,820	\$ (62,015)	\$ (55,239)	\$ (6,776)



To: ECIDA, RDC & ILDC Boards of Directors
From: Michael Szukala, Chair
Date: March 22, 2023
Re: Finance & Audit Committee Report

In accordance with its Committee Charter, the Finance & Audit Committee is required to “report its actions and recommendations to the Board at each regular meeting of the Board following a meeting of the Finance and Audit Committee and when otherwise requested by the Board”. This report is prepared to satisfy this requirement.

A joint meeting of the ECIDA, RDC & ILDC Finance & Audit Committee was held on March 16, 2023. Committee members present were: Michael Szukala, Chair, Penny Beckwith, Glenn Nellis, and William Witzleben. The following items were reviewed:

- 1) Lumsden McCormick CPAs Report including Draft 2022 Audited Financial Statements
The Agency’s auditors presented the Draft 2022 Audited Financial Statements for ECIDA, RDC, and ILDC (copies of which are included in respective Board packages).
 - The independent auditors expressed an unmodified (clean) opinion on the financial statements of all entities. This type of opinion indicates that the financial statements present fairly, in all material respects, the financial position of the entities as of December 31, 2022 and the changes in financial position and cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.
 - No uncorrected audit adjustments were noted.
 - No significant deficiencies or material weaknesses in internal controls noted.
- 2) Public Authorities Accountability Act (PAAA) 2022 Annual Report
The joint Finance & Audit Committee reviewed the PAAA 2022 Annual Report required under the Public Authorities Law and recommended that it be approved by their respective Boards.
- 3) 2022 Investment Reports
The joint Finance & Audit Committee reviewed the 2022 Investment Reports, which are required under the Public Authorities Law and recommended that they be approved by their respective Boards.
- 4) Investment and Deposit Policy (Re-adoption)
The joint Finance & Audit Committee reviewed the Investment and Deposit Policy and recommended that it be approved by the respective Boards.
- 5) Finance & Audit Committee Charter (Re-adoption)
The joint Finance & Audit Committee reviewed the joint Committee Charter and recommended that it be approved by the respective Boards.
- 6) Corporate Credit Card Policy (Re-adoption)
The joint Finance & Audit Committee reviewed the Corporate Credit Card policy and recommended that it be re-adopted by the respective Boards. The Committee also reviewed a report of the corporate credit card usage over the past year as required by the policy.



7) Finance & Audit Committee Self-Evaluation

The joint Finance & Audit Committee approved a report that documents the Committee's activities for 2022 as required under the Public Authorities Law.

- 8) The Committee reviewed Management's Assessment of the Effectiveness of Internal Controls, a document prepared by management based on internal control processes and procedures of the organization. The document will be posted on the website as required by the ABO.
- 9) The Committee reviewed a document entitled "2023: The Year of the Risk-Centric Agenda" by Deloitte's Center for Board Effectiveness to satisfy the educational requirements set forth in the Finance & Audit Committee Charter.

**Erie County Industrial Development Agency (ECIDA), Buffalo and Erie County
Regional Development Corporation (RDC), and Buffalo and Erie County
Industrial Land Development Corporation (ILDC)**

2022 Finance & Audit Committee Self-Evaluation

Responsibilities of the Finance & Audit Committee:

The core responsibilities of the Finance & Audit Committee, as mandated under Section 2825 of the New York Public Authorities Law, are set forth in the Bylaws and include: (i) providing assistance to members of the Agency in fulfilling their fiduciary responsibilities relating to accounting, reporting, and regulatory compliance practices; (ii) maintaining, through regular meetings, direct communication between the members of the Agency and the Agency’s independent accountants and auditors; (iii) maintaining direct communication between members of the Agency and the governmental authorities having audit authority or fiscal oversight of the Agency; (iv) approving the budget of the Agency for submission to the Board; (v) approving and/or directing the transfers of moneys under the budget; (vi) recommending to the Board the level of cash reserves and the level of fund balances of the Agency.

Finance & Audit Committee Self-Evaluation	Yes	No	Pen ding	Comments
1. Are the members of the Finance & Audit Committee appointed in accordance with the Bylaws and do individuals appointed to the Finance & Audit Committee possess the necessary skills to understand the duties and functions of the Finance & Audit Committee and are familiar with corporate financial and accounting practices?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is each member of the Finance & Audit Committee an “independent member” within the meaning of, and to the extent required by, Section 2825 of the New York Public Authorities Law, as amended from time to time? Did Finance & Audit Committee members, who are members of the Agency, comply with the conflict of interest provisions applicable to public officers under Article 18 of the New York General Municipal Law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Did the Finance & Audit Committee meet a minimum of twice each calendar year?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Finance & Audit Committee met on 3/16/22, 4/20/22, 8/19/22, 9/23/22 (no quorum), and 10/17/22.

Finance & Audit Committee Self-Evaluation	Yes	No	Pen ding	Comments
<p>4. Were meeting notices and agendas prepared for each meeting and provided to Finance & Audit Committee members by electronic or regular mail at least five (5) days in advance of the scheduled meeting? Were minutes of all meetings recorded by the Secretary or any Assistant Secretary of the Agency? Did all meetings comply with the requirements of the Open Meetings Law?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>5. Did the Finance & Audit Committee develop the Agency's audit practices, which should address independent auditors and financial statements; internal controls, compliance, and risk assessment; special investigations; and other responsibilities?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Questions #6-#10 below.
<p>6. Did the Finance & Audit Committee:</p> <p>(a) Recommend to the Board the appointment of independent auditors, establish the compensation to be paid to the auditors, and provide oversight of the audit services provided by the independent auditor?</p> <p>(b) Establish procedures for the engagement of the independent auditors to provide permitted audited services?</p> <p>(c) Review and approve the Agency's audited financial statements, associated management letter, and all other auditor communications?</p> <p>(d) Review significant accounting and reporting issues and understand their impact on the financial statements of the Agency?</p> <p>(e) Meet with the Agency's independent auditor at least annually to discuss the financial statements of the Agency and any issues that may have arisen during the audit?</p> <p>(f) Review and discuss any significant risks reported in the independent audit and assess the responsiveness of management's follow-up activities regarding same?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In March of 2022, Freed Maxick completed audits of the ECIDA, RDC, and ILDC for the year ended 12/31/21. The auditors issued unmodified (clean) opinions that the statements fairly presented the financial position of the above referenced corporations. The auditors also indicated that the audits did not uncover any material weaknesses in internal control and there were no instances of non-compliance in accordance with government auditing standards.</p>

Finance & Audit Committee Self-Evaluation	Yes	No	Pending	Comments
<p>7. Did the Finance & Audit Committee review management's assessment of the effectiveness of the Agency's internal controls and review the actions taken by management on the independent accountants' and auditors' suggestions for correcting weaknesses in the Agency's internal controls, regulatory compliance, and organizational structure and operations?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Management's assessment of the effectiveness of internal controls was reviewed with the Committee at the 3/16/22 meeting. The March 2022 audit reports did not identify any internal controls or material weaknesses.</p>
<p>8. Did the Finance & Audit Committee:</p> <p>(a) Ensure that the Agency has a confidential mechanism for individuals to report suspected fraudulent activities, allegations of corruption, fraud, criminal activity, conflicts of interest by directors, officers, or employees of the Agency or anyone having business dealings with the Agency?</p> <p>(b) Develop procedures for the receipt, retention, investigation, or referral of complaints concerning accounting, internal controls, and auditing?</p> <p>(c) Request and oversee special investigations as needed or refer specific issues to the Board or appropriate committee for further investigation?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The ECIDA adopted a Whistleblower Policy in March of 2012. The Policy describes the process for reporting suspected fraudulent activities and describes the protections afforded to individuals who report suspected fraudulent activities. The Policy was re-adopted by the Board of Directors on 3/23/22.</p>
<p>9. Did the Finance & Audit Committee obtain information and training needed to enhance the committee members' understanding of the role of the independent auditor, the risk management process, internal controls, and appropriate level of familiarity in financial reporting standards and processes?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>On 3/16/22, the Committee received an article entitled, "What's on the horizon for 2022?" published by the Deloitte Center for Board Effectiveness.</p>

Finance & Audit Committee Self-Evaluation	Yes	No	Pen ding	Comments
<p>10. Did the Finance & Audit Committee:</p> <p>(a) Report its actions and recommendations to the Board?</p> <p>(b) Report to the Board at least annually regarding any changes to the Finance & Audit Committee Charter?</p> <p>(c) Provide a self-evaluation to the Board on an annual basis?</p> <p>(d) Report to the Board at least annually on the findings of its independent auditors?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Committee reported its actions and recommendations to the Board following each meeting. On 3/23/22, the Audit & Finance Committee reported on its activities to the ECIDA Board of Directors. These activities included the: (1) Audit & Finance Committee self-evaluation; (2) Audit & Finance Committee Charter; (3) draft 2021 financial statements audited by Freed Maxick; (4) Corporate Credit Card Policy; (5) 2021 Public Authorities Annual Report; (6) Investment & Deposit Policy; and (7) 2021 Investment Report.</p>

Other Self-Evaluation Notes

In addition to the above:

- During its 3/16/22 meeting, the Committee reviewed drafts of the 2021 audited financial statements for the ECIDA, RDC, and ILDC. The Committee also reviewed the 2021 PAAA Annual Report, 2021 Investment Reports, Investment & Deposit Policy, Finance & Audit Committee Charter, Corporate Credit Card Policy, the 2021 Finance & Audit Self-Evaluation, 2021 Management's Assessment of Internal Controls, and Corporate Credit Card Usage Report.
- During its 4/20/22 meeting, the Committee approved the City of Buffalo Schools Refunding Bond Series 2022A and recommended that the ECIDA board approve of same. The Committee also received updates on the 2022 budget.
- During its 8/19/22 meeting, ECIDA staff discussed the ECIDA, RDC, and ILDC budget review process and the timelines for obtaining approval for those budgets. The Committee also reviewed drafts of the 2023 ECIDA, RDC, and ILDC operating and capital budgets and three-year forecasts. The ECIDA staff present the 2021 single audit report to the Committee. The draft reported resulted in a "clean" audit of ECIDA. The report was forwarded to the Board for approval.
- During the 10/17/22 meeting, the Committee approved a motion was made to forward the 2023 ECIDA, RDC and ILDC Budgets to the Boards of each entity for ultimate approval. The Committee approved tax-exempt bond issuances for Ellicott Park Townhomes Community Partners, LP and OAHS Tonawanda TC, LLC be forwarded to the ECIDA board for approval.

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COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

March 16, 2023

Members of the Finance & Audit Committees and Boards of Directors
Erie County Industrial Development Agency and related entities

We have audited the separate financial statements of Erie County Industrial Development Agency (ECIDA), Buffalo and Erie County Regional Development Corporation (RDC), and Buffalo and Erie County Industrial Land Development Corporation (ILDC), business-type activities (collectively, the Organizations) for the year ended December 31, 2022. Professional standards require that we advise you the following matters related to our audits.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated January 9, 2023, our responsibility, as described by professional standards, is to form and express an opinion about whether each entity's financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audits of each entity's financial statements do not relieve you or management of their respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audits to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of each entity's internal control over financial reporting. Accordingly, as part of our audits, we considered the internal control of each entity solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible to communicate significant matters related to the audits that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

Planned Scope and Timing of the Audit

We conducted our audits consistent with the planned scope and timing we previously communicated to you in the engagement letter.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, and our firm have complied with all relevant ethical requirements regarding independence.

Significant Risks Identified

Our audit planning and risk assessment identified management override of controls and improper revenue recognition as significant audit risks, both of which are presumptive risks in financial statement audits. Our audit procedures were designed to address these risks and no matters of concern were identified as a result of our procedures.

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Qualitative Aspects of the Organizations' Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Organizations are included in Note 1 to each entity's financial statements. The Organizations adopted Governmental Accounting Standards Board (GASB) Statement No. 87, *Leases*, during 2022. Other than the adoption of this standard, no other accounting policies were adopted and the application of existing policies was not changed during 2022. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. The most sensitive accounting estimates affecting each entity's financial statements are:

- Establishing allowances for uncollectible loans
- Depreciable lives and methods
- Valuation of other assets
- Valuation of leases receivable and payable

Management's estimates of the above are based on management's knowledge and experience about past and current events and assumptions about future events. We evaluated the key factors and assumptions used to develop the estimates above and determined that they are reasonable in relation to each entity's financial statements taken as a whole.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. We evaluated all disclosures in relation to each entity's financial statements as a whole and determined that they are reasonable.

Significant Difficulties Encountered During the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audits.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards also require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. We discovered no such misstatements during our audit.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. No audit adjustments were made for the year ended December 31, 2022.

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Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to each entity's financial statements or the auditors' report. No such disagreements arose during the course of the audits.

Circumstances that Affect the Form and Content of the Auditors' Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditors' reports. There were no modifications to the audit opinions.

Representations Requested from Management

We have requested certain written representations from management, which are included in the management representation letter dated consistent with the financial statement audit report date.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matter.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the Organizations, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, business conditions affecting the Organizations, and business plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our appointment as the Organizations' auditors.

Other Matters

We applied certain limited procedures to Management's Discussion and Analysis that supplements the basic financial statements for each entity. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the financial statements, and other knowledge we obtained during our audit of the financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

With respect to each of the supplementary information accompanying the financial statements of each entity, we made certain inquiries of management and evaluated the form, content, and methods of preparing the schedules to determine that the information complies with accounting principles generally accepted in the United States of America, the methods of preparing them has not changed from the prior period, and the schedules are appropriate and complete in relation to our audits of the Organizations' financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of the Finance & Audit Committees, Board of Directors, and management of the Organizations. It is not intended to be and should not be used by anyone other than these specified parties.

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MANAGEMENT LETTER

March 16, 2023

The Finance & Audit Committees, Boards of Directors, and Management
Erie County Industrial Development Agency and related entities

In planning and performing our audits of the financial statements of Erie County Industrial Development Agency (ECIDA), Buffalo and Erie County Regional Development Corporation, and Buffalo and Erie County Industrial Land Development Corporation (collectively, the Organizations), business-type activities, as of and for the year ended December 31, 2022, in accordance with auditing standards generally accepted in the United States of America, we considered the Organizations' internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the separate financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Organizations' internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

This communication is intended solely for the information and use of management, the Finance & Audit Committees, Boards of Directors, and others within the Organizations. It is not intended to be, and should not be, used by anyone other than these specified parties.

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**ERIE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

FINANCIAL STATEMENTS

DECEMBER 31, 2022

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ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

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INDEPENDENT AUDITORS' REPORT

The Board of Directors
Erie County Industrial Development Agency

Report on the Audit of the Financial Statements

Opinion

We have audited the financial statements of Erie County Industrial Development Agency (ECIDA), a business-type activity, as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise ECIDA's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of ECIDA as of December 31, 2022, and the changes in its financial position and cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America (GAAP).

Basis For Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of ECIDA, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

2021 Financial Statements

The financial statements of ECIDA as of and for the year ended December 31, 2021 were audited by another auditor who expressed an unmodified opinion on those statements on March 24, 2022.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with GAAP, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about ECIDA's ability to continue as a going concern for one year beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

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Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of ECIDA's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about ECIDA's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Change in Accounting Principle

As described in Note 2 to the financial statements, ECIDA adopted GASB Statement No. 87, *Leases*, in 2022. Our opinion is not modified with respect to this matter.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that management's discussion and analysis be presented to supplement the financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with GAAS, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the financial statements, and other knowledge we obtained during our audit of the financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

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Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise ECIDA's basic financial statements. The accompanying supplementary information as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS. In our opinion, the accompanying supplementary information is fairly stated in all material respects in relation to the financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated March 16, 2023 on our consideration of ECIDA's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering ECIDA's internal control over financial reporting and compliance.

March 16, 2023

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ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Management's Discussion and Analysis (unaudited)

December 31, 2022

Erie County Industrial Development Agency (ECIDA) is a public benefit corporation that provides tax incentives, financing programs, international trade assistance, land development, and other economic development services to the City of Buffalo (the City) and Erie County, New York (the County). In accomplishing its mission, ECIDA does not receive any operational funding from Federal, State, County, or local sources. Instead, ECIDA relies primarily upon administrative fees charged to those businesses that utilize its products and services.

As a public benefit corporation, ECIDA is required to comply with accounting standards issued by the Governmental Accounting Standards Board (GASB). Under GASB Statement No. 34, *Basic Financial Statements - Management's Discussion and Analysis - for State and Local Governments*, ECIDA is required to present management's discussion and analysis (MD&A) to assist readers in understanding ECIDA's financial performance.

In compliance with GASB Statement No. 34, we present the attached overview and analysis of the financial activities of ECIDA as of and for the years ended December 31, 2022, 2021, and 2020. We encourage readers to consider the information presented here in conjunction with ECIDA's audited financial statements.

Effective January 1, 2021, ECIDA adopted GASB *Statement No. 87, Leases* (GASB 87). This statement requires recognition of certain lease assets and liabilities for leases that were previously classified as operating leases and that recognized income or expense, based on the payment provisions of the contract. Under this statement, a lessee is required to recognize a lease as a liability and an intangible right-to-use lease asset and a lessor is required to recognize a lease receivable and a deferred inflow of resources.

Basic Overview of the Financial Statements

Included in this report are the following financial statements:

- 1) Balance Sheets - The balance sheets show the reader what ECIDA owns (assets and deferred outflows of resources) and what ECIDA owes (liabilities and deferred inflows of resources). The difference between ECIDA's assets, deferred outflows of resources, liabilities, and deferred inflows of resources (net position) can be one way to measure ECIDA's financial position. Over time, increases or decreases in ECIDA's net position are an indicator of whether its financial health is improving or deteriorating.
- 2) Statements of Revenues, Expenses, and Changes in Net Position - This statement reports ECIDA's operating and nonoperating revenues by major source along with operating and nonoperating expenses. The difference between total revenues and expenses can be one way to measure ECIDA's operating results for the year.
- 3) Statements of Cash Flows - This statement reports ECIDA's cash flows from operating, capital and related financing, and investing activities.

Financial Highlights

- ECIDA's total net position decreased by 2% from \$20,866,000 in 2021 to \$20,638,000 in 2022.
- ECIDA experienced a decrease in net position of \$228,000 in 2022 compared to \$195,000 in 2021.
- Administrative fees, a key source of revenue for ECIDA, decreased 32% from \$2,419,000 in 2021 to \$1,656,000 in 2022.
- Operating expenses increased from \$2,734,000 in 2021 to \$2,946,000 in 2022.

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Condensed Comparative Financial Statements

Balance Sheets at December 31:

<i>in thousands</i>	2022	2021	\$ Change	% Change	2020
Assets					
Cash	\$ 18,401	\$ 18,638	\$ (237)	(1%)	\$ 18,670
Receivables and other assets	2,467	3,121	(654)	(21%)	2,088
Capital assets, net	1,166	1,422	(256)	(18%)	1,249
Restricted cash	9,524	8,870	654	7%	6,289
Total assets	31,558	32,051	(493)	(2%)	28,296
Liabilities					
Other liabilities	\$ 958	\$ 1,614	\$ (656)	(41%)	\$ 1,064
Funds held on behalf of others	9,318	8,718	600	7%	6,134
Total liabilities	10,276	10,332	(56)	(1%)	7,198
Deferred inflows of resources – leases	644	853	(209)	(25%)	-
Net position					
Net investment in capital assets	1,040	1,134	(94)	(8%)	1,249
Restricted	11,332	11,435	(103)	(1%)	11,647
Unrestricted	8,266	8,297	(31)	-	8,202
Total net position	20,638	20,866	(228)	(1%)	21,098
Total liabilities, deferred inflows, and net position	\$ 31,558	\$ 32,051	\$ (493)	(2%)	\$ 28,296

Restricted cash consists primarily of funds held on behalf of others including the Erie County Regional Redevelopment Fund, Buffalo Brownfields Redevelopment Fund, and PILOT Increment Financing (PIF) funds. The \$654,000 or 7% increase from 2021 is primarily due to PILOT and PIF receipts of \$1,414,000 and interest of \$30,000 exceeding required disbursements to municipalities of \$676,000 and eligible project funds of \$168,000. Restricted cash also includes \$207,000 for the Railway Trust Fund, which increased \$55,000 from 2021. The \$2,581,000, or 41%, increase in 2021 over 2020 was due to continued PILOT payments into PIF funds and the establishment of a new PIF in 2021.

Receivables and other assets include grants receivable, affiliate receivables, leases receivable, prepaid expenses, and venture capital investments. The decrease of \$654,000 is primarily the result of \$219,000 of cash received from special project grants, \$210,000 of cash received from building leases, and \$284,000 from affiliates. The increase from 2020 to 2021 is from implementation of GASB 87, resulting in \$853,000 of leases receivable and deferred inflow of resources at December 31, 2021.

The \$656,000 decrease in other liabilities is due to decreases in accounts payable of \$265,000, unearned revenue of \$229,000, and leases payable of \$162,000. Unearned revenue is offset by grants receivable and is recognized as special project revenue as eligible activities are performed. ECIDA rents office space that is capitalized as a right-to-use lease asset in accordance with GASB 87 and the related lease payable decreases as payments are made. The increase from 2020 to 2021 was partially caused by the implementation of GASB 87. Other liabilities include leases payable of \$288,000 at December 31, 2021 that were not included in 2020.

In accordance with GASB 87, ECIDA has capitalized the present value of future lease receipts as a lease receivable and deferred inflow of resources. The lease receivable is reduced as cash is received and the deferred inflow of resources is recognized as rental income over the term of the lease contract. ECIDA implemented GASB 87 as of January 1, 2021, the earliest year presented in the accompanying financial statements, and as such associated lease accounts are not reflected in this MD&A for 2020.

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Statements of Revenues, Expenses, and Changes in Net Position for the years ended December 31:

<i>in thousands</i>	2022	2021	\$ Change	% Change	2020
Operating revenues:					
Administrative fees	\$ 1,656	\$ 2,419	\$ (763)	(32%)	\$ 1,850
Affiliate management fees	466	419	47	11%	387
Rental and other	438	405	33	8%	439
Total operating revenues	2,560	3,243	(683)	(21%)	2,676
Operating expenses:					
Salaries and benefits	1,999	1,905	94	5%	2,004
General and administrative	687	564	123	22%	625
Depreciation, amortization, and other	260	265	(5)	(2%)	118
Total operating expenses	2,946	2,734	212	8%	2,747
Special project grants:					
Revenues	966	5,484	(4,518)	(82%)	113
Expenses	(896)	(6,228)	5,332	(86%)	(1,476)
Total special project grants	70	(744)	814	(109%)	(1,363)
Operating loss	(316)	(235)	(81)	34%	(1,434)
Nonoperating revenue (expense), net	88	40	48	120%	(90)
Change in net position	(228)	(195)	(33)	17%	(1,524)
Net position – beginning	20,866	21,098	(232)	(1%)	22,622
Restatement – GASB 87	-	(37)			-
Net position – ending	\$ 20,638	\$ 20,866	\$ (228)	(1%)	\$ 21,098

Revenue Analysis

Administrative fees are primarily collected from the issuance of various forms of tax abatements and tax-exempt financing. Fees for tax abatement are based on the amount of project investment. ECIDA relies on these fees to cover its operating costs; however, the amount of fees collected in any given year is largely dependent upon the local economic climate and the timing between project approval and project commencement. Administrative fees decreased \$763,000 or 32% in 2022 primarily due to a decrease in the value of induced projects. Administrative fees were collected related to 25 different projects in 2022, down from 31 in 2021. In 2020, administrative fees were collected related to 21 projects.

Affiliate management fees represent salaries and overhead costs charged to ECIDA affiliates for services that ECIDA's employees provide to these organizations. ECIDA's affiliates include Buffalo & Erie County Regional Development Corporation (RDC), a lending corporation, and Buffalo & Erie County Industrial Land Development Corporation (ILDC), a land development corporation. Affiliate management fees from ILDC increased \$53,000 while fees from RDC decreased \$6,000.

Rental and other income is primarily comprised of rental income for building leases and rental income from the Port Terminal Facility.

Expense Analysis

Salaries and benefits increased \$94,000, or 5%, in 2022 due to employee raises and performance incentives. In 2021, salaries and benefits decreased \$99,000 from 2020 due to no performance incentive payments, lower pension contributions due to newly hired employees, and decreases in accrued leave balances.

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General and administrative expenses increased \$123,000 from \$564,000 in 2021 to \$687,000 in 2022 primarily due to an \$89,000 refund for previously recognized administrative fee revenue. The final project budget was below initial estimates and the fee due to ECIDA was reduced accordingly. In 2021, general and administrative expenses decreased \$61,000 which is partially due to the implementation of GASB 87 as lease payments in 2020 are reclassified as amortization and interest expense beginning in 2021. Consultant fees increased \$84,000 and insurance costs increased \$31,000 which partially offset the overall decrease in general and administrative expenses in 2021.

Net special project grants increased from a \$744,000 net loss in 2021 to net income of \$70,000 in 2022. In 2022, grant revenues mostly equaled grant expenses as the ECIDA passed through Erie County funds of \$385,000 to ILDC and \$198,000 of CARES Act funds to RDC. In 2021, ECIDA established a COVID-19 Personal Protective Equipment (PPE) Grant in response to the state of emergency declared in New York State and expended \$559,000 of funds for this purpose. ECIDA also granted ILDC \$213,000 to support carrying costs of property owned.

Budget Analysis

ECIDA prepares an annual budget which was presented and approved by the Board of Directors on October 27, 2021. The following table presents an analysis of ECIDA's performance compared to the approved 2022 budget.

<i>in thousands</i>	Actual	Budget	Variance \$	%
Operating revenues:				
Administrative fees	\$ 1,656	\$ 1,855	\$ (199)	(11%)
Affiliate management fees	466	434	32	7%
Rental and other	438	450	(12)	(3%)
Total operating revenues	2,560	2,739	(179)	(7%)
Operating expenses:				
Salaries and benefits	1,999	2,092	(93)	(4%)
General and administrative	687	714	(27)	(4%)
Depreciation, amortization, and other	260	120	140	117%
Total operating expenses	2,946	2,926	20	1%
Operating income before special project grants	(386)	(187)	(199)	106%
Special project grants:				
Revenues	966	832	134	16%
Expenses	(896)	(824)	(72)	9%
Total special project grants	70	8	62	775%
Nonoperating revenue, net	88	13	75	577%
Change in net position	\$ (228)	\$ (166)	\$ (62)	37%

Budget to Actual Analysis

Overall, ECIDA exceeded its budgeted decrease in net position for 2022 by \$62,000. Administrative fees were 11% less than the budgeted amount due to smaller tax incentive projects approved and closed than anticipated. Total operating expenses were \$20,000 over budget and nonoperating revenue was higher than budget by \$75,000. Nonoperating revenue includes interest income on cash deposits that was \$60,000 greater than expected. Net special project grants had a positive variance of \$62,000.

ECIDA implemented GASB 87, *Leases*, which required various reclassifications on the Statements of Revenues, Expenses, and Changes in Net Position that were not reflected in the 2022 budget. A portion of rental income was reclassified to interest income. ECIDA's payments as a lessee are now capitalized as a right-to-use lease asset, resulting in lease payments budgeted as general and administrative expenses now recognized as amortization expense and a small portion as interest expense.

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Economic Factors Impacting ECIDA

ECIDA relies extensively upon administrative fees to generate the majority of its annual revenue. As a result of current uncertain economic conditions and potential legislative/board actions, ECIDA's ability to generate the administrative fees necessary to support operations may be limited in the future.

Requests for Information

This financial report is designed to provide a general overview of ECIDA's finances. Questions concerning any of the financial information provided in this report should be addressed to the CFO of ECIDA at (716) 856-6525. General information relating to ECIDA can be found at its website, www.ecidany.com.

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ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheets

December 31,	2022	(As Restated) 2021
Assets		
Current assets:		
Cash	\$ 18,400,853	\$ 18,638,374
Receivables		
Affiliates	471,011	755,495
Grants	644,183	863,473
Leases	200,724	209,531
Other	111,376	111,804
Prepaid expenses	89,319	29,547
	<u>19,917,466</u>	<u>20,608,224</u>
Noncurrent assets:		
Leases receivable	443,203	643,927
Capital assets, net (Note 5)	1,166,361	1,422,178
Other assets	506,886	506,886
Restricted cash	9,524,124	8,870,022
	<u>11,640,574</u>	<u>11,443,013</u>
	<u>\$ 31,558,040</u>	<u>\$ 32,051,237</u>
Liabilities and Net Position		
Current liabilities:		
Accounts payable	\$ 37,003	\$ 302,018
Lease payable	126,166	147,483
Accrued expenses	151,856	150,611
Unearned revenue	643,647	872,994
	<u>958,672</u>	<u>1,473,106</u>
Noncurrent liabilities:		
Lease payable	-	140,897
Funds held on behalf of others	9,317,525	8,717,606
	<u>9,317,525</u>	<u>8,858,503</u>
Deferred inflows of resources:		
Deferred inflows of resources related to leases	643,927	853,458
Net position:		
Net investment in capital assets	1,040,195	1,133,798
Restricted	11,331,382	11,434,813
Unrestricted	8,266,339	8,297,559
	<u>20,637,916</u>	<u>20,866,170</u>
	<u>\$ 31,558,040</u>	<u>\$ 32,051,237</u>

See accompanying notes.

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ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Statements of Revenues, Expenses, and Changes in Net Position

For the years ended December 31,	2022	(As Restated) 2021
Operating revenues:		
Administrative fees	\$ 1,656,279	\$ 2,419,283
Affiliate management fees	465,692	419,100
Rental income	308,450	280,076
Other	129,643	126,161
Total operating revenues	<u>2,560,064</u>	<u>3,244,620</u>
Operating expenses:		
Salaries and benefits	1,999,345	1,905,312
General and administrative	687,125	564,443
Depreciation and amortization	258,776	263,932
Other	1,354	1,060
Total operating expenses	<u>2,946,600</u>	<u>2,734,747</u>
Operating income (loss) before special project grants	<u>(386,536)</u>	<u>509,873</u>
Special project grants:		
Revenues	965,710	5,484,283
Expenses	(895,280)	(6,228,502)
	<u>70,430</u>	<u>(744,219)</u>
Operating loss	<u>(316,106)</u>	<u>(234,346)</u>
Nonoperating revenues:		
Investment income	-	2,425
Interest income	102,271	59,683
Interest expense	(14,419)	(22,144)
	<u>87,852</u>	<u>39,964</u>
Change in net position	<u>(228,254)</u>	<u>(194,382)</u>
Net position - beginning	20,866,170	21,097,843
Cumulative effect of a change in accounting principle (Note 2)	-	(37,291)
Net position - beginning as restated	<u>20,866,170</u>	<u>21,060,552</u>
Net position - ending	<u>\$ 20,637,916</u>	<u>\$ 20,866,170</u>

See accompanying notes.

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ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Statements of Cash Flows

		(As Restated)
For the years ended December 31,	2022	2021
Operating activities:		
Cash from fees and rental income	\$ 1,964,729	\$ 2,714,289
Cash from special project grants	955,653	5,500,302
Cash received from other sources	880,247	366,877
Payments to employees, suppliers, and other	(3,173,580)	(2,395,760)
Payments for special project grants	(895,280)	(6,228,502)
Net operating activities	(268,231)	(42,794)
Capital and related financing activities:		
Purchases of capital assets	(2,959)	(31,305)
Interest payments on leases	(14,419)	(22,144)
Interest received on leases	42,673	52,651
Net capital and related financing activities	25,295	(798)
Investing activities:		
Change in restricted cash, net	(54,183)	2,683
Cash received from equity investments	-	2,425
Interest received	59,598	7,032
Net investing activities	5,415	12,140
Net change in cash	(237,521)	(31,452)
Cash - beginning	18,638,374	18,669,826
Cash - ending	\$ 18,400,853	\$ 18,638,374
Reconciliation of operating loss to net cash flows from operating activities:		
Operating loss	\$ (316,106)	\$ (234,346)
Adjustments to reconcile operating loss to net cash flows from operating activities:		
Depreciation and amortization	258,776	263,932
Changes in other assets and liabilities:		
Receivables	504,202	(195,429)
Prepaid expenses	(59,772)	16,011
Accounts payable	(265,015)	227,366
Lease payable	(162,214)	(154,489)
Accrued expenses	1,245	(13,833)
Unearned revenue	(229,347)	47,994
Net operating activities	\$ (268,231)	\$ (42,794)

See accompanying notes.

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ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Notes to Financial Statements

1. Summary of Significant Accounting Policies:

Nature of Organization

Erie County Industrial Development Agency (ECIDA) was created in 1970 by an act of the Legislature of the State of New York (the State) for the purpose of encouraging financially sound companies to establish themselves and prosper in Erie County (the County).

ECIDA has related party relationships with Buffalo and Erie County Industrial Land Development Corporation (ILDC) and Buffalo and Erie County Regional Development Corporation (RDC). All three entities are managed by the same personnel and RDC currently shares a common board with ECIDA. These entities share the same mission, which is to provide the resources that encourage investment, innovation, workforce development, and international trade resulting in a successful business climate focused on growth, economic stability, job creation, and job retention for businesses and individuals which improves the quality of life for the residents of the region.

Basis of Presentation

The financial statements of ECIDA have been prepared in conformity with accounting principles generally accepted in the United States of America as applied to governmental units. The Governmental Accounting Standards Board is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

Financial Reporting Entity

In evaluating how to define ECIDA for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in ECIDA's reporting entity is based on accounting standards which consider legal standing, fiscal dependency, and financial accountability. Based on the application of these criteria, there are no additional entities included in ECIDA's financial statements.

Measurement Focus

ECIDA reports as a special-purpose government engaged in business-type activities. Business-type activities are those that are financed in whole or in part by fees charged to external parties for goods or services. ECIDA's financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred.

ECIDA's policy for defining operating activities in the statements of revenues, expenses, and changes in net position are those that generally result from exchange transactions such as payments received for services and payments made to purchase those goods or services. Certain other transactions are reported as nonoperating activities and include interest income, interest expense, and grants resulting from nonexchange transactions. Grants are recognized as receivable and unearned revenue at the time awarded and as revenue when all eligibility requirements imposed by the provider have been satisfied. ECIDA receives special project grants from various Federal, State, and County sources.

Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

Cash

Cash management is governed by State laws and as established by ECIDA's written policies. Cash resources must be deposited in FDIC-insured commercial banks or trust companies located within the State. Policies permit management to use demand accounts and certificates of deposit for daily operating funds. Invested resources are limited to obligations of the United States Treasury and its Agencies, repurchase agreements, and obligations of the State or its localities.

Collateral is required for demand and time deposits and certificates of deposit not covered by Federal Deposit Insurance. Obligations that may be pledged as collateral include obligations of the United States and its agencies and obligations of the State and its municipalities and school districts.

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Custodial credit risk is the risk that, in the event of a bank failure, ECIDA's deposits may not be returned to it. At December 31, 2022, ECIDA's bank deposits were fully collateralized by FDIC coverage and securities held by the pledging institution's agent in ECIDA's name.

Loans Receivable

Loans receivable are stated at the principal amount outstanding, net of an allowance for uncollectible loans. The allowance method is used to compute the provision for uncollectible loans.

Determination of the balance of the allowance for uncollectible loans is based on an analysis of the loan portfolio and reflects an amount that, in management's judgment, is adequate to provide for potential loan losses. Loans are written off when, in management's judgment, no legal recourse is available to collect the amount owed.

ECIDA previously provided a loan to a manufacturing company that would be forgiven as the company met certain criteria. At December 31, 2022, the entire loan is reserved with the remaining \$400,000 forgivable in \$100,000 installments between 2023 and 2026 as the borrower satisfies the loan requirements.

Capital Assets

Capital assets are recorded at cost. Depreciation is provided over estimated useful lives using the straight-line method. Maintenance and repairs are expensed as incurred; significant improvements are capitalized.

Capitalization thresholds to determine which asset purchases are added to capital accounts and the estimated useful lives of capital assets are:

	Capitalization Policy	Estimated Useful Life in Years
Buildings and improvements	\$ 1,000	5 - 40
Furniture and equipment	\$ 1,000	3 - 10

Rental Property:

In 1989, ECIDA developed a public warehouse and trans-shipment facility (the Port Terminal Facility) at the Gateway Metroport facility in the City of Lackawanna. The Port Terminal Facility provides enclosed storage facilities and materials handling services for the trans-shipment of goods by water, rail, and truck. The facility is owned by ECIDA and is operated by Gateway Trade Center, Inc. Port Terminal Facility rental property assets are fully depreciated. ECIDA receives a percentage of annual Excess Cash Flow, as defined, from the operations at the Port Terminal Facility.

ECIDA also owns its former office space at 143 Genesee Street. This property is recorded at cost and leased to a third party (Note 7).

Other Assets

Other assets include venture capital investments made by ECIDA in order to spur local economic growth. Venture capital investments are recorded at the lesser of cost or fair market value as determined by management's estimates based on available financial information.

Net Position

Net position consists of the following components:

- *Net investment in capital assets* – consists of capital assets, net of accumulated depreciation, reduced by outstanding balances of any related debt obligations attributable to the acquisition, construction, or improvement of those assets.
- *Restricted* – consists of restricted assets reduced by liabilities and deferred inflows of resources related to those assets if their use is constrained to a particular purpose. Restrictions are imposed by the U.S. Department of Housing and Urban Development's UDAG program.
- *Unrestricted* – the net amount of assets, deferred outflows of resources, liabilities, and deferred inflows of resources that are not included in the determination of net investment in capital assets or the restricted component of net position and therefore are available for general use by ECIDA.

Tax Incentive Transactions

ECIDA maintains an economic development incentive program to provide sales, property, and/or mortgage recording tax benefits for qualified construction, renovation, or expansion projects or other economic development activities within Erie County. Under this program, ECIDA may take title to or a leasehold interest in the real and/or personal property involved in the project for the term of the incentive period. ECIDA simultaneously leases the property under a lease agreement to the company undertaking the project (lessee). ECIDA receives administrative fees from the lessee for providing these tax incentives which are recognized according to the terms of the fee agreement.

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ECIDA is an issuer of tax-exempt bond financing for qualified manufacturers and low-income housing projects which meets the definition of conduit debt obligations. These bonds are obligations of the borrower and secured by the assets they finance. ECIDA receives bond issuance fees from the borrower for providing this service which is recognized according to the terms of the fee agreement. ECIDA also has a shared services agreement with ILDC under which administrative and staffing services are provided to ILDC in connection with its bond issuances to nonprofit organizations in exchange for the related bond issuance fees received by ILDC. At December 31, 2022, previously issued bonds have an aggregate outstanding balance of \$540,645,622, none of which is recognized as a liability of ECIDA.

ECIDA received \$105,000 in administrative fees from ILDC in 2022. There were no administrative fees transferred in 2021.

2. Change in Accounting Principle:

Effective January 1, 2021, the earliest period presented, ECIDA adopted GASB Statement No. 87, *Leases*. This Statement establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources. The impact of this Statement on ECIDA's balance sheet at January 1, 2021 is as follows:

Net position, January 1, 2021	\$ 21,097,843
Lease receivable	1,053,011
Right-to-use lease asset	737,415
Accumulated amortization	(331,837)
Lease liability	(442,869)
Deferred inflow of resources	(1,053,011)
Net position, as restated, January 1, 2021	\$ 21,060,552

3. Special Project Grants:

Bethlehem Shoreline Enhancement – ECIDA received a grant from the NYS Department of State in the amount of \$122,825 in June 2020 to support the construction and administration of Shoreline Trail enhancements on the former Bethlehem Steel property.

Bethlehem Water and Sewer Design – ECIDA received a grant from Erie County in the amount of \$700,000 in July 2020 to support the design, engineering and construction administration of water and sewer utility extensions and upgrades on the former Bethlehem Steel property.

National Grid – Zero Net Energy Building – ECIDA received an Economic Development Program grant from National Grid in the amount of \$125,000 in January 2017. Revenue was recognized during 2022 upon completion of the grant requirements.

U.S. Economic Development Administration (EDA) – Comprehensive Economic Development Strategy – ECIDA received a grant from the EDA in the amount of up to \$50,000 in October 2021 to support the Comprehensive Economic Development Strategy recovery plan implementation.

The following is a summary of grants receivable at December 31:

	2022	2021
Bethlehem Shoreline Enhancement	\$ 92,119	\$ 92,119
Bethlehem Water and Sewer Design	545,566	589,856
Buffalo Southern Railroad - 2017 PFRAP Rail Improvement	140	140
Sumitomo Dunlop Rail - PFRAP	6,358	6,358
National Grid - Zero Net Energy	-	125,000
EDA - Comprehensive Economic Development Strategy	-	50,000
	\$ 644,183	\$ 863,473

The following is a summary of unearned revenue at December 31:

	2022	2021
Bethlehem Shoreline Enhancement	\$ 108,152	\$ 122,373
Bethlehem Water and Sewer Design	535,495	575,621
National Grid - Zero Net Energy	-	125,000
EDA - Comprehensive Economic Development Strategy	-	50,000
	\$ 643,647	\$ 872,994

4. Funds Held on Behalf of Others:

ECIDA holds cash for various development activities. ECIDA disburses these funds when given the appropriate authorization. The funds include:

	2022	2021
Erie County Regional Redevelopment Fund	\$ 1,820,634	\$ 1,846,057
Buffalo Brownfields Redevelopment Fund	452,106	561,316
Jemal's Seneca Fund	427,340	348,142
Seneca Street Corridor Fund	2,387,879	2,304,585
Main Street Improvement Fund	4,229,566	3,657,506
	\$ 9,317,525	\$ 8,717,606

Restricted cash also includes \$206,599 and \$152,416 as of December 31, 2022 and 2021, respectively, for the Railway Trust Fund for activities related to two Erie County shortline railroads.

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5. Capital Assets:

	Balance January 1, 2022	Increases	Retirements/ Reclassifications	Balance December 31, 2022
Land	\$ 167,400	\$ -	\$ -	\$ 167,400
Depreciable capital assets:				
Land improvements	1,106,386	2,959	-	1,109,345
Buildings	2,747,489	-	-	2,747,489
Furniture and equipment	470,145	-	-	470,145
Total depreciable assets	4,324,020	2,959	-	4,326,979
Less accumulated depreciation:				
Land improvements	879,876	54,824	-	934,700
Buildings	2,026,464	36,043	-	2,062,507
Furniture and equipment	420,997	20,426	-	441,423
Total accumulated depreciation	3,327,337	111,293	-	3,438,630
Total depreciable assets, net	996,683	(108,334)	-	888,349
Right-to-use lease assets:				
Building	737,415	-	-	737,415
Less accumulated amortization	479,320	147,483	-	626,803
Total right-to-use assets, net	258,095	147,483	-	110,612
	\$ 1,422,178	\$ (255,817)	\$ -	\$ 1,166,361
	Balance January 1, 2021	Increases	Retirements/ Reclassifications	Balance December 31, 2021
Land	\$ 167,400	\$ -	\$ -	\$ 167,400
Depreciable capital assets:				
Land improvements	1,106,386	-	-	1,106,386
Buildings	2,747,489	-	-	2,747,489
Furniture and equipment	471,536	31,305	(32,696)	470,145
Total depreciable assets	4,325,411	31,305	(32,696)	4,324,020
Less accumulated depreciation:				
Land improvements	825,348	54,528	-	879,876
Buildings	1,990,421	36,043	-	2,026,464
Furniture and equipment	427,815	25,878	(32,696)	420,997
Total accumulated depreciation	3,243,584	116,449	(32,696)	3,327,337
Total depreciable assets, net	1,081,827	(85,144)	-	996,683
Right-to-use lease assets:				
Building	737,415	-	-	737,415
Less accumulated amortization	331,837	147,483	-	479,320
Total right-to-use assets, net	405,578	147,483	-	258,095
	\$ 1,654,805	\$ (232,627)	\$ -	\$ 1,422,178

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6. Related Party Transactions:

Affiliate Management Fees

ECIDA allocates a portion of personnel and rental costs to its affiliates, RDC and ILDC. ECIDA earned \$465,692 and \$419,100 in affiliate management fees for the years ended December 31, 2022 and 2021. Management fees and related receivables by affiliate are as follows:

	Management Fees		Receivables	
	2022	2021	2022	2021
RDC	\$ 288,468	\$ 294,566	\$ 291,289	\$ 297,384
ILDC	177,224	124,534	179,722	458,111
	<u>\$ 465,692</u>	<u>\$ 419,100</u>	<u>\$ 471,011</u>	<u>\$ 755,495</u>

In 2022, Erie County provided \$385,000 to ECIDA as a subrecipient of Community Development Block Grant funds. These funds were then transferred to ILDC for its Erie County BDF loan program. These amounts are included in special project grant revenues and expenses in the accompanying 2022 statement of revenues, expenses, and changes in net position.

7. Leases:

ECIDA, as lessee, entered into a non-cancelable lease for office space through September 30, 2023 and recognized a right-to-use lease asset at the present value of \$737,415 using a discount rate of 5%. The lease requires annual minimum payments of \$176,633 and utility charges that are determined on an annual basis. Principal and interest due in 2023 total \$126,166 and \$6,308, respectively.

ECIDA entered into a sublease agreement with Buffalo Urban Development Corporation for a portion of their office space through September 30, 2023. ECIDA recognized \$23,153 and \$23,338 in gross rental income, including interest at 5.0%, in 2022 and 2021. Expected receipts in 2023 total \$16,011.

ECIDA, as lessor, has entered into a non-cancelable lease for its former office through July 31, 2027. ECIDA recognized \$220,386 and \$213,681 in gross rental income, including interest at 5.0%, in 2022 and 2021. Annual receipts are expected to total \$230,856 through 2025.

8. Pension:

ECIDA maintains a defined contribution simplified employee pension (SEP) plan covering all of its employees. Employees are eligible to participate six months after employment, with employer contributions vesting immediately. During 2022 and 2021, ECIDA made discretionary contributions of 12% of eligible employees' salaries. ECIDA's expense for contributing to the plan for the years ended December 31, 2022 and 2021 amounted to \$162,663 and \$157,973 respectively. Employees are also permitted to participate in the New York State Deferred Compensation Plan but ECIDA does not make contributions to this plan.

9. Risk Management:

ECIDA purchases commercial insurance for various risks of loss due to torts, theft, damage, injuries to employees, and natural disasters in addition to insurance purchased to indemnify directors and officers. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three years.

10. Commitments and Contingencies:

Grants

ECIDA receives financial assistance from federal, state, and local agencies in the form of grants and fiduciary agreements. Managing these funds generally requires compliance with the terms and conditions specified in the agreements and may be subject to audit by the grantor agencies. Disallowed claims resulting from such audits could become a liability of ECIDA. Based on prior experience, management expects any such amounts to be immaterial.

Litigation

ECIDA is subject to claims and lawsuits that arise in the ordinary course of business. In the opinion of management, these claims and lawsuits will not have a material adverse effect upon the financial position of ECIDA.

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ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Supplementary Information Combining Schedule of Balance Sheets

December 31, 2022

	General Account	UDAG Account	Total
Assets			
Current assets:			
Cash	\$ 7,475,718	\$ 10,925,135	\$ 18,400,853
Receivables			
Affiliates	471,011	-	471,011
Grants	644,183	-	644,183
Leases	200,724	-	200,724
Other	111,376	-	111,376
Prepaid expenses	89,319	-	89,319
	<u>8,992,331</u>	<u>10,925,135</u>	<u>19,917,466</u>
Noncurrent assets:			
Leases receivable	443,203	-	443,203
Capital assets, net	1,166,361	-	1,166,361
Other assets	100,639	406,247	506,886
Restricted cash	9,524,124	-	9,524,124
	<u>11,234,327</u>	<u>406,247</u>	<u>11,640,574</u>
	<u>\$ 20,226,658</u>	<u>\$ 11,331,382</u>	<u>\$ 31,558,040</u>
Liabilities and Net Position			
Current liabilities:			
Accounts payable	\$ 37,003	\$ -	\$ 37,003
Lease payable	126,166	-	126,166
Accrued expenses	151,856	-	151,856
Unearned revenue	643,647	-	643,647
	<u>958,672</u>	<u>-</u>	<u>958,672</u>
Noncurrent liabilities:			
Funds held on behalf of others	9,317,525	-	9,317,525
Deferred inflows of resources:			
Deferred inflows of resources related to leases	643,927	-	643,927
Net position:			
Net investment in capital assets	1,040,195	-	1,040,195
Restricted	-	11,331,382	11,331,382
Unrestricted	8,266,339	-	8,266,339
	<u>9,306,534</u>	<u>11,331,382</u>	<u>20,637,916</u>
	<u>\$ 20,226,658</u>	<u>\$ 11,331,382</u>	<u>\$ 31,558,040</u>

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ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Supplementary Information Combining Schedule of Revenues, Expenses, and Changes in Net Position

For the year ended December 31, 2022

	General Account	UDAG Account	Total
Operating revenues:			
Administrative fees	\$ 1,656,279	\$ -	\$ 1,656,279
Affiliate management fees and rental income	465,692	-	465,692
Rental income	308,450	-	308,450
Other	129,643	-	129,643
Total operating revenues	2,560,064	-	2,560,064
Operating expenses:			
Salaries and benefits	1,999,345	-	1,999,345
General and administrative	631,269	55,856	687,125
Depreciation and amortization	258,776	-	258,776
Other	1,354	-	1,354
Total operating expenses	2,890,744	55,856	2,946,600
Operating loss before special project grants	(330,680)	(55,856)	(386,536)
Special project grants:			
Revenues	816,898	148,812	965,710
Expenses	(663,042)	(232,238)	(895,280)
	153,856	(83,426)	70,430
Operating loss	(176,824)	(139,282)	(316,106)
Nonoperating revenues:			
Interest income	66,420	35,851	102,271
Interest expense	(14,419)	-	(14,419)
	52,001	35,851	87,852
Change in net position	(124,823)	(103,431)	(228,254)
Net position - beginning	9,431,357	11,434,813	20,866,170
Net position - ending	\$ 9,306,534	\$ 11,331,382	\$ 20,637,916

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INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

The Board of Directors
Erie County Industrial Development Agency

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the balance sheet of Erie County Industrial Development Agency (ECIDA), a business-type activity, as of December 31, 2022, and the related statements of revenues, expenses, and changes in net position and cash flows for the year then ended, and the related notes to the financial statements, which collectively comprise ECIDA's basic financial statements, and have issued our report thereon dated March 16, 2023.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered ECIDA's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of ECIDA's internal control. Accordingly, we do not express an opinion on the effectiveness of ECIDA's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether ECIDA's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

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Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of ECIDA's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering ECIDA's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

March 16, 2023

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INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH SECTION 2925(3)(f) OF THE NEW YORK STATE PUBLIC AUTHORITIES LAW

The Board of Directors
Erie County Industrial Development Agency

We have audited, in accordance with auditing standards generally accepted in the United States of America, the balance sheet of Erie County Industrial Development Agency (ECIDA), a business-type activity, as of December 31, 2022, and the related statements of revenues, expenses, and changes in net position and cash flows for the year then ended, and the related notes to the financial statements, and we have issued our report thereon dated March 16, 2023.

In connection with our audit, nothing came to our attention that caused us to believe that ECIDA failed to comply with §2925(3)(f) of the New York State Public Authorities Law regarding investment guidelines during the year ended December 31, 2022. However, our audit was not directed primarily toward obtaining knowledge of such noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding ECIDA's noncompliance with the above rules and regulations.

The purpose of this report is solely to describe the scope and results of our testing. This communication is not suitable for any other purpose.

March 16, 2023

Erie County Industrial Development Agency
Investment Report
For the year ended December 31, 2022

Erie County Industrial Development Agency

2022 Annual Investment Report

Purpose of Report:

Under Section 2925(6) of the Public Authorities Law, the ECIDA is required to prepare and approve an annual Investment Report. The Investment Report is to include: the investment guidelines (see below), the results of the annual independent investment audit (see below), a list of the total investment income received by the corporation and a list of the fees, commissions or other charges paid to each investment banker, broker, agent, dealer and advisor rendering investment associated services to the corporation since the last Investment Report.

The attached schedule details the corporation's investment income and related fees for the year ended December 31, 2022 and were approved by the ECIDA membership on March 22, 2023.

Investment Guidelines:

In accordance with Section 2925 of the Public Authorities Law, the ECIDA is required to adopt Investment Guidelines which detail its operative policy and instructions to staff regarding the investing, monitoring and reporting of funds of the Agency. In addition, the ECIDA is subject to the deposit and investment restrictions contained in Sections 10 and 11 of the General Municipal Law.

The Investment Guidelines were approved by the ECIDA membership on March 22, 2023 and are posted on the ECIDA website at <http://www.ecidany.com/about-us-corporate-policies>. The Investment Guidelines are consistent with the prior Guidelines adopted on March 23, 2022.

Investment Audit:

The auditors for the ECIDA have audited the corporation's compliance with the Investment Guidelines for Public Authorities. In their report dated March 16, 2023, Lumsden McCormick LLP indicated that the Agency complied, in all material respects, with these Investment Guidelines.

Erie County Industrial Development Agency (ECIDA)

Annual Investment Report

For the year ended December 31, 2022

Account Type	Financial Institution	G/L Balance		Interest Rate ^a Dec 2022	Investment Income	Fees	Restricted	Purpose
		1/1/2022	12/31/2022					
1 Checking	M&T Bank	925,947	526,808	0.50%	401	-		General ECIDA Checking account
2 Savings	M&T Bank	6,925,717	6,948,910	2.00%	23,193	-		General ECIDA Savings account
3 Checking	M&T Bank	1,185	11,644	0.50%	29	-	√	ECIDA UDAG Fund checking/investment account
4 Savings	M&T Bank	10,785,526	10,913,491	2.00%	35,822	-	√	ECIDA UDAG Fund Savings/investment account
5 Checking	M&T Bank	152,416	206,599	0.50%	153	-	√	Restricted account for Erie County shortline railroad related activities
6 Savings	M&T Bank	561,316	452,106	2.00%	1,515	-	√	Restricted account for BLCP, Riverbend and Northland development
7 Savings	M&T Bank	1,846,057	1,820,634	2.00%	6,077	-	√	Restricted account for North Youngmann Commerce Center & designated Erie County projects
8 Savings	M&T Bank	3,657,506	4,229,566	2.00%	13,128	-	√	Restricted account for Infrastructure Improvements in the Main Street District
9 Savings	M&T Bank	2,304,585	2,387,879	2.00%	7,961	-	√	Restricted account for Infrastructure Improvements in the Seneca Street Corridor District
10 Savings	M&T Bank	348,142	427,340	2.00%	1,309	-	√	Restricted account for infrastructure improvements in the Seneca One Tower District.
		<u>\$ 27,508,396</u>	<u>\$ 27,924,977</u>		<u>\$ 89,588</u>	<u>\$ -</u>		

Notes:

^a The Interest Rate is the annualized rate for the month of December 2022 and is prior to the deduction of any fees.

To: ECIDA, RDC & ILDC Board of Directors
From: Brenda McDuffie, Governance Committee Chair
Date: March 22, 2023
Re: Governance Committee Report

In accordance with its Committee Charter, the Governance Committee is required to “report its actions and recommendations to the Board at each regular meeting of the Board following a meeting of the Governance Committee and when otherwise requested by the Board”. This report is prepared to satisfy this requirement.

The ECIDA/RDC/ILDC Governance Committee met on March 13, 2023. Committee members present were Brenda McDuffie, Chair, Tyra Johnson, Ken Schoetz, Thomas Baines, and Zachary Evans. David State was also present via videoconferencing. The following items were reviewed:

1) 2022 PAAA Annual Report

The Governance Committee reviewed the ECIDA/RDC/ILDC 2022 PAAA Annual Report. No changes were recommended. The PAAA Annual Report will be reviewed by the full Boards during the March 22, 2023 Board meetings.

2) Results of 2022 Performance Measures

The Governance Committee met on January 26 and February 13, 2023 to discuss the ECIDA/RDC/ILDC Mission Statement and 2022 Performance Measures. The Committee did not recommend any changes during the March 13 meeting. The results of the 2022 Performance Measures will be reviewed by the Boards during the March 22, 2023 Board meetings.

3) Mission Statement and 2023 Performance Measures

The Governance Committee met on January 26 and February 13, 2023 to discuss the ECIDA/RDC/ILDC Mission Statement and 2023 Performance Measures. During these meetings the Committee provided input and made changes to certain metrics based on current economic conditions. No additional changes were recommended during the March 13 meeting. The 2023 Mission Statement & Performance Measures will be reviewed by the Boards during the March 22, 2023 Board meetings.

4) 2022 Board of Directors’ Self-Evaluation

The Governance Committee reviewed the summary sheets for the ECIDA, RDC, and ILDC Board self-evaluations and discussed the importance of open dialogue and communication. The results will be reviewed with the Boards. The Governance Committee Chair will forward the summary sheets to the Authorities Budget Office (ABO) as required.

5) 2022 Governance Committee Self-Evaluation

The Governance Committee reviewed and approved the 2022 Governance Committee Self-Evaluation. The evaluation documents the activities of the Governance Committee during 2022.

6) Adoption of Policies, Charters & Guidelines

ECIDA staff and General Counsel Harris Beach recommend adoption of the Airborne Infectious Disease Policy. This is a required policy for all employers.

7) Re-Adoption of Policies, Charters & Guidelines

The Governance Committee reviewed the following policies, charters & guidelines of the ECIDA/RDC/ILDC:

- Board Member Compensation, Reimbursement & Attendance Policy
- Code of Ethics & Conflict of Interest Policy
- Defense & Indemnification Policy
- ECIDA Employee Compensation Program
- Fee Structure Policy
- Governance Committee Charter
- Procurement Policy
- Property Disposition Guidelines
- Real Property Acquisition Policy
- Sexual Harassment Policy
- Statement of Duties & Responsibilities of the Board of Directors
- Statement of the Competencies & Personal Attributes Required of Board Members
- Travel, Conferences, Meals & Entertainment Policy
- Whistleblower Policy and Procedures

ECIDA General Counsel Harris Beach reviewed the above referenced policies and did not recommend any changes. The ABO did not publish any new recommended guidance for any of these policies. The Boards will be asked to re-adopt these policies during the March 22, 2023 Board meetings.

8) PARIS Report Update

The Governance Committee received an update on the status of the ABO's reporting requirements through the Public Authorities Reporting Information System (PARIS). The Agency is on track to complete the ECIDA, RDC, and ILDC PARIS reports on or before the March 31, 2023 deadline.

9) Board Member PAAA Training Update

The Governance Committee members present received an update on the status of the required ABO board member training. The Agency's Compliance Portfolio Manager tracks and forwards training opportunities to board members who have not had the required training and to those who have not had training within the last three years.

Erie County Industrial Development Agency (ECIDA), Buffalo and Erie County Regional Development Corporation (RDC), and Buffalo and Erie County Industrial Land Development Corporation (ILDC)

2022 Governance Committee Self-Evaluation

Responsibilities of the Governance Committee:

The core responsibilities of the Governance Committee, as mandated under Section 2824(7) of the New York Public Authorities Law, are set forth in the Bylaws and include: (i) keeping the Board informed of current best governance practices; (ii) reviewing corporate governance trends; (iii) updating the Agency’s corporate governance principles; and (iv) advising those responsible for appointing members to the Board on the skills and experiences necessary required of potential Board members.

Governance Committee Self-Evaluation	Yes	No	Pen ding	Comments
1. Are the members of the Governance Committee appointed in accordance with the Bylaws and are individuals appointed to the Governance Committee knowledgeable, or have expressed a willingness to become knowledgeable, in matters pertaining to governance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is each member of the Governance Committee an “independent member” within the meaning of, and to the extent required by, Section 2825 of the New York Public Authorities Law, as amended from time to time? Did Governance Committee members, who are members of the Agency, comply with the conflict of interest provisions applicable to public officers under Article 18 of the New York General Municipal Law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Did the Governance Committee meet a minimum of once (1) each calendar year?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Governance Committee met on 1/25/22, 2/22/22, and 6/2/22.
4. Were meeting notices and agendas prepared for each meeting and provided to Governance Committee members by electronic or regular mail at least five (5) days in advance of the scheduled meeting? Were minutes of all meetings recorded by the Secretary or any Assistant Secretary of the Agency? Did all meetings comply with the requirements of the Open Meetings Law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Governance Committee Self-Evaluation	Yes	No	Pending	Comments
5. Did the Governance Committee develop the Agency's governance practices, which should address transparency, independence, accountability, fiduciary responsibilities and management oversight?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Questions #6-#9 below.
6. Did the Governance Committee develop a statement of the competencies and personal attributes required of Board members to assist those authorized to appoint members to the Board in identifying qualified individuals (it being acknowledged that membership in the Agency is determined pursuant to Section 891-a of the General Municipal Law)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A Statement of the Competencies and Personal Attributes is posted on the ECIDA website. It was approved by the ECIDA Board of Directors on 2/16/10. Revisions to this document were not necessary in 2022.
7. Did the Governance Committee develop and recommend to the Board any revisions to the number and/or structure of Board committees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No additional committees were recommended by the Governance Committee in 2022.
8. Did the Governance Committee develop and provide recommendations to the Board regarding Board member education, including new member orientation and regularly scheduled Board member training to be obtained from state-approved trainers as required under Section 2824(2) of the New York Public Authorities Law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>New Board members attend an orientation session hosted by ECIDA staff and are provided with a New Member Orientation Manual.</p> <p>As of 12/31/22, 16 of 19 ECIDA/RDC Board members and 7 of 7 ILDC Board members have received the PAAA required training. All Board members who have not received the training received notifications throughout the year regarding PAAA training session dates.</p>
9. Did the Governance Committee develop, review and recommend to the Board the adoption and/or revisions to the following: (i) the Agency's Code of Ethics. (ii) written policies regarding conflicts of interest.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Governance Committee Self-Evaluation	Yes	No	Pending	Comments
<p>(iii) written policies regarding the protection of whistleblowers from retaliation.</p> <p>(iv) equal opportunity and affirmative action policies.</p> <p>(v) written policies regarding procurement of goods and services, including policies relating to the disclosure of persons who attempt to influence the Agency's procurement process.</p> <p>(vi) written policies regarding the disposition of real and personal property and the acquisition of property.</p> <p>(vii) committee charters, including this Charter.</p> <p>(viii) any other policies or documents relating to the governance of the Agency, including rules and procedures for conducting the business of the Agency's Board, including the Agency's Bylaws. The Governance Committee will oversee the implementation and effectiveness of the Bylaws and other governance documents and recommend modifications to the Board as necessary or appropriate.</p>				<p>Items i) & ii) are included in the ECIDA Code of Ethics and Conflict of Interest Policy. The Code was re-adopted by the full Board during its meeting on 3/23/22.</p> <p>(iii) In 2012, the Governance Committee approved a formal Whistleblower Policy. The Policy was re-adopted by the full Board during its meeting on 3/23/22.</p> <p>iv) The ECIDA's EEO policy is included in the Employee Handbook and the Procurement Policy.</p> <p>v) The ECIDA Procurement Policy was re-adopted by the full Board during its 3/23/22 meeting.</p> <p>vi) The ECIDA Property Disposition Guidelines were re-adopted by the full Board during its meeting on 3/23/22.</p> <p>vii) The ECIDA Governance Committee Charter was re-adopted by the full Board during its meeting on 3/23/22.</p> <p>viii) At its 3/14/22 meeting the Governance Committee reviewed and recommended the adoption of the Fee Structure Policy (ECIDA/ILDC). The policy was adopted by the full Board during its meeting on 3/23/22.</p>
<p>10. Did the Governance Committee:</p> <p>(i) report its actions and recommendations to the Board at each regular meeting of the Board following a meeting of the Governance Committee and when otherwise requested by the Board.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Committee reports its actions and recommendations to the Board following each meeting.</p> <p>i) & ii) As stated above, all policies/guidelines referenced above were adopted or re-adopted by the Board on 3/23/22.</p>

Governance Committee Self-Evaluation	Yes	No	Pen ding	Comments
<p>(ii) report to the Board, at least annually, regarding any proposed changes to this Charter.</p> <p>(iii) provide a self-evaluation of the Governance Committee's functions to the Board on an annual basis.</p>				<p>iii) On 3/23/22, the Board was provided a status report to the Board.</p>

Governance Committee Self-Evaluation
Other Self-Evaluation Notes
<ol style="list-style-type: none"> 1) During its 1/25/22 and 2/22/22 Governance Committee meetings, the Governance Committee, ECIDA staff and counsel discussed the results of ECIDA's 2021 Performance Measures. 2) During its 1/25/22 and 2/22/22 Governance Committee meetings, the Governance Committee, ECIDA staff and counsel discussed the ECIDA Mission Statement and 2022 Performance Measures. 3) During the 6/2/22 Governance Committee meetings, the Governance Committee approved the proposed 1-year extension of the legal contracts proposed. 4) Governance Committee meetings scheduled for 3/14/22 and 5/23/22 were not held due to lack of quorum.

2022 ECIDA Summary Results of Confidential Evaluation of Board Performance

Criteria	Agree #	Somewhat Agree #	Somewhat Disagree #	Disagree #
Board members have a shared understanding of the mission and purpose of the Authority.	10	1		
The policies, practices and decisions of the Board are always consistent with this mission.	10	1		
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.	9	2		
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.	10	1		
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.	10		1	
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.	9	1	1	
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.	10	1		
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.	8	3		
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.	10	1		
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.	10	1		
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.	11			
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.	10	1		
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.	10		1	
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.	11			
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.	10	1		
Board members demonstrate leadership and vision and work respectfully with each other.	11			

Name of Authority: **Erie County Industrial Development Agency**

Date Completed: **March 7, 2023**

2022 Comments to Summary Results of Confidential Evaluation of Board Performance

Criteria	Comments
Board members have a shared understanding of the mission and purpose of the Authority.	ECIDA: The mission is reflected and reiterated in all the organization's work. RDC: The mission is reflected and reiterated in all the organization's work as we review and act on products
The policies, practices and decisions of the Board are always consistent with this mission.	
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.	ILDC: Seems that quorum is often hard to achieve, which may be an indication that not enough of the ILDC Board Members are committed to making the time to attend. The ILDC Board members are all very busy people, perhaps allowing them to designate an Alternate to vote their proxy may be a solution.
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.	
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.	
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.	ECIDA: The opinions and actions by each board member is respected and welcomed.
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.	ECIDA: Executive staff is always responsive to board member during and after and in between meetings. RDC: Executive staff is always responsive to board members.
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.	
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.	
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.	
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.	ECIDA/RDC: Committee members as well as any board member is welcome to attend board and committee meetings to encourage active communication.
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.	RDC: Staff provides comprehensive information on all subjects to the board and counsel provides additional information and insight.
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.	
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.	
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.	

Board members demonstrate leadership and vision and work respectfully with each other.	
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Authority: Erie County Industrial Development Agency (ECIDA); Buffalo and Erie County Regional Development Corporation (RDC) and Buffalo & Erie County Industrial Land Development Corporation (ILDC)

Date Completed: March 7, 2023

Tax Incentives Approved - 2023

Approval Date	Project Name	Project City/Town	Private Investment/Project Amount	Minimum Investment Commitment	FT Jobs Retained	PT Jobs Retained	FT Jobs to be Created	PT Jobs to be Created	Job Creation	Const Jobs	Spillover Jobs	Length of Term	Incentive Amount	Cost Benefit Ratio
Feb-23	356 Hertel Ave, LLC ¹	Buffalo	\$32,067,800	85% threshold \$27,257,630	0	0	42	0	85% - New 35 Jobs	212	150	project completion date + 2 yrs	\$612,500	1.47
Feb-23	Commitment 2000	Buffalo	\$8,623,800	85% threshold \$7,330,230	74	2	10	2	85% - New 35 Jobs	38	38	Period of PILOT 7 Years	\$420,215	1.89

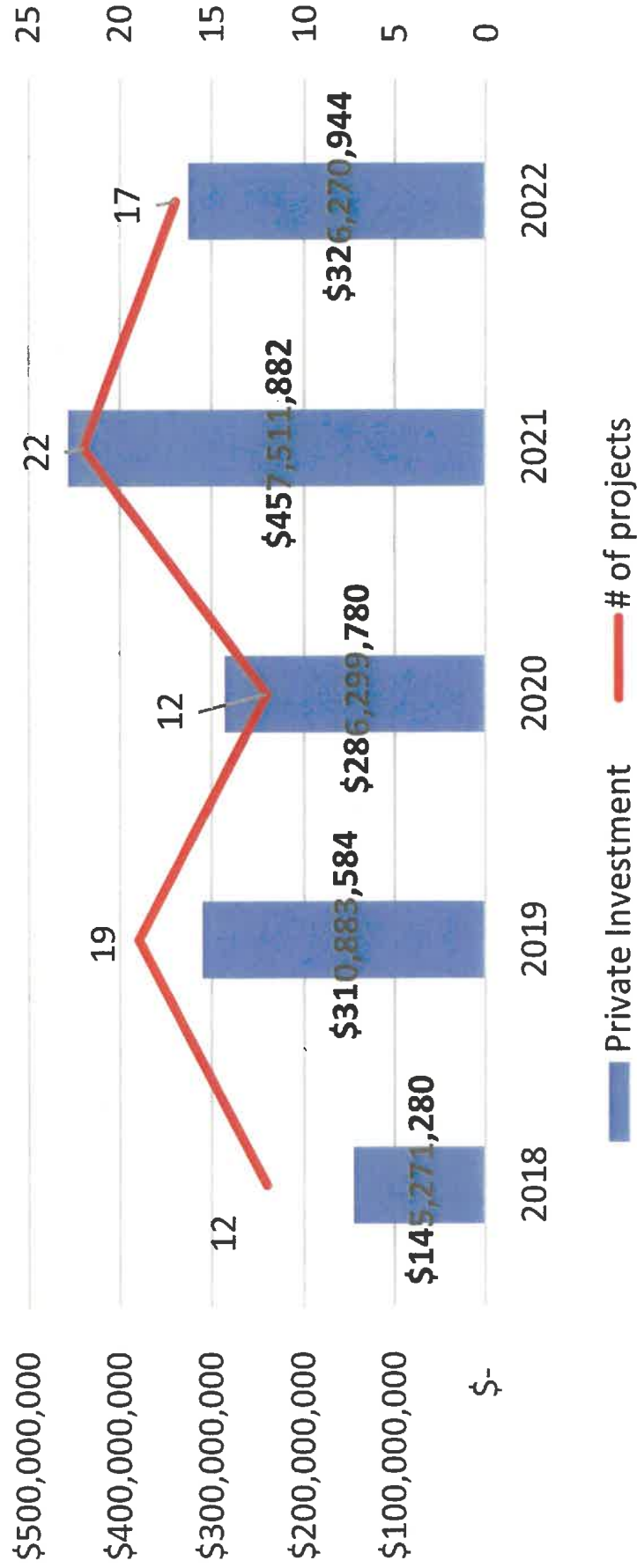
Totals:	Totals:	Private Investment/Project Amount	FT Jobs Retained	PT Jobs Retained	FT Jobs Created	PT Jobs Created	Const Jobs	Spillover Jobs	Incentive Amount
Adaptive Reuse Subtotal	1	\$32,067,800	0	0	42	0	212	150	\$612,500
2022 Total	2	\$40,691,600	74	2	52	2	250	188	\$1,032,715

¹ Adaptive Reuse

Tax Incentives Closings - 2023

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
Warehouse #2 @132 Dingens	\$ 8,951,635	0	18	0	0	Buffalo	12/21/2022	4/30/2023
	\$ 8,951,635	0	18	0	0			
Projects Closed = 1								
FT Projected New Jobs = 18								
PT Projected New Jobs = 0								

Private Investment for Projects Approved 2018 - 2022



To: ECIDA & RDC Boards of Directors
From: Mollie Profic, CFO
Jerry Manhard, Chief Lending Officer
Re: Board Certification of CARES Act Revolving Loan Fund Plan
Date: March 22, 2023

In 2020 the Erie County Industrial Development Agency (ECIDA) received an award of \$5,415,694 from the U.S. Department of Commerce, Economic Development Administration (EDA) Coronavirus Aid, Relief, and Economic Security (CARES) Act Revolving Loan Fund Supplemental Disaster Recovery and Resiliency Awards. \$5 million was used to establish the CARES Act Revolving Loan Fund (RLF), with the remaining \$415,694 earmarked for administrative costs. The purpose of establishing the RLF was to alleviate sudden and severe economic dislocation caused by the COVID-19 pandemic, to provide permanent resources to support economic resiliency, and to further the long-term economic adjustment objectives of the region served by this award.

As part of the required reporting to the EDA in connection with the operations of the RLF administered by the Buffalo & Erie County Regional Development Corporation (RDC), the ECIDA must certify that the RLF is being operated in accordance with the policies and procedures contained in the Loan Administration Plan (LAP), also referred to as the RLF Plan. The LAP for the CARES Act RLF was approved on March 2, 2021, in connection with the grant award. Under the terms of the award conditions, the LAP will be updated and approved by EDA every five years.

The CARES Act RLF is currently in the revolving phase of the award, with 30 loans approved and outstanding. As these loans are repaid, the principal and interest will be added back to the fund and start to be lent out again in accordance with the LAP.

Key components of the LAP include borrower eligibility, loan size, interest rate, and loan terms. Many of the requirements of the LAP overlap with the Federal regulations under Title 2 of the U.S. *Code of Federal Regulations* Part 200 and are tested as part of the Single Audit performed annually. The testing performed as part of the Single Audit yielded an unmodified (clean) opinion and did not yield any audit findings.

Action:

Requesting approval of the attached resolution certifying that the CARES Act Revolving Loan Fund is operating in accordance with the approved Loan Administration Plan.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

CARES ACT REVOLVING LOAN FUND ANNUAL RESOLUTION

The meeting of the Erie County Industrial Development Agency was convened on March 22, 2023 at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "RLF BOARD" OR "AGENCY") IN CONNECTION WITH AN ANNUAL CERTIFICATION TO BE MADE UNDER THE STANDARD TERMS AND CONDITIONS AND ADMINISTRATIVE MANUAL REQUIREMENTS OF THE FEDERAL ECONOMIC DEVELOPMENT ADMINISTRATION

WHEREAS, the Buffalo and Erie County Regional Development Corporation (the "RDC") was incorporated as an affiliate of the Erie County Industrial Development Agency (the "Agency") for the purpose of encouraging the retention and expansion of existing companies as well as the attraction of new companies to target areas of Erie County using the resources from various Revolving Loan Funds to make direct loans to individual companies; and

WHEREAS, the Agency received an award of \$5,415,694 from the U.S. Department of Commerce, Economic Development Administration (the "EDA") Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") Revolving Loan Fund Supplemental Disaster Recovery and Resiliency Awards (the "CARES Act Award") and related thereto, \$5,000,000 million was used to establish the CARES Act Revolving Loan Fund (the "RLF"), with the remaining \$415,694 earmarked for administrative costs; and

WHEREAS, the purpose of establishing the RLF was to alleviate sudden and severe economic dislocation caused by the COVID-19 pandemic, to provide permanent resources to support economic resiliency, and to further the long-term economic adjustment objectives of the region served by the CARES Act Award; and

WHEREAS, as part of the required reporting to the EDA in connection with the operations of the RLF administered by the RDC, the Agency must certify that the RLF is being operated in accordance with the policies and procedures contained in the Loan Administration Plan (the "LAP"), also referred to as the RLF Plan; and

WHEREAS the LAP for the CARES Act RLF was approved on March 2, 2021, in connection with the CARES Act Award, and under the terms of the award conditions, the LAP will be updated and approved by EDA every five (5) years; and

WHEREAS, procedures were conducted on a sample of loans in the RLF portfolio by Lumsden & McCormick, LLP as part of the audit requirements of Title 2 *U.S. Code of Federal Regulations Part 200 Uniform Administrative Requirements, Cost Principles and Audit*

Requirements for Federal Awards to ensure RDC's compliance with LAP as set forth by the EDA;
and

WHEREAS, the Standard Terms and Conditions and Administrative Manual Requirements of the EDA require the RLF Board to provide annual certification that the RDC and the Grant Recipient's governing body (the Agency) have reviewed the RLF and have determined that the RLF is being operated in accordance with the policies and procedures contained in the LAP, and that the loan portfolio meets the standards contained therein.

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

Section 1. To the best knowledge and belief of the members of the Agency and with the disclosures provided above, the RLF is being operated in accordance with the policies and procedures contained in the LAP, and the loan portfolio meets the standards contained therein.

Section 2. The Chair or Vice Chair, President/Chief Executive Officer, the Treasurer/Chief Financial Officer, the Vice President, and/or Assistant Treasurer of the Agency are hereby authorized to execute all necessary documents to make the required annual certification to the EDA including the notations as listed above.

Section 3. This resolution shall take effect immediately.

Dated: March 22, 2023



MEMO:

Date: March 22, 2023

To: Board of Directors

RE: New York State Department of Transportation – Passenger and Freight Rail Assistance Program (PFRAP)

On April 20, 2022, the Erie County Industrial Development Agency (ECIDA) submitted a grant request through the New York State Department of Transportation’s (NYSDOT) Passenger and Freight Rail Assistance Program (PFRAP), which is available for capital-based projects intended to maintain and modernize freight rail and port infrastructure across the state with a focus on synergies among investment in transportation infrastructure, job creation and economic growth.

On February 9, 2023, the ECIDA received notification of award in the amount of **\$2,021,740.00** to the ECIDA Lancaster Industrial Tract to remove an obsolete bridge, perform track rehabilitation between mileposts 382.5 and 385.6 in the Towns of Cheektowaga, Depew and Lancaster in Erie County. To complete the project, the ECIDA will engage/subcontract with professional service firms for engineering, site work and infrastructure improvements.

The PFRAP program requires a local match in the amount of \$405,000 which the ECIDA has secured from, Erie County, ECIDA Rail Trust Fund and the Depew Lancaster and Western Railroad.

Requested Action:

Seeking authorization to enter into contract with the New York State Department of Transportation, for the Lancaster Industrial Track Improvement Project grant award and the approval to take all actions necessary to complete the project.

Short Environmental Assessment Form

Part 1 - Project Information

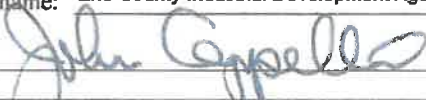
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project: DL&W Railroad Facilities Rehabilitation				
Project Location (describe, and attach a location map): DL&W Railroad located in the Towns of Cheektowaga, Depew and Lancaster between mileposts 382.5 and 385.6				
Brief Description of Proposed Action: Removal of railroad trestle and replacement of same with a culvert pipe, and performing necessary maintenance to existing railroad fitments, ties, ballast and other track rehabilitation work between mileposts 382.5 and 385.6 on the DL&W Railroad located in the Towns of Cheektowaga, Depew and Lancaster in Erie County.				
Name of Applicant or Sponsor: Erie County Industrial Development Agency		Telephone: Main (716) 856-6525 E-Mail: jcappellino@ecidany.com		
Address: 95 Perry Street, Suite 403				
City/PO: Buffalo	State: NY	Zip Code: 14203		
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: New York State Department of Transportation - Funding			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		3.09 +/- acres		
b. Total acreage to be physically disturbed?		3.09 +/- acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		21.8 +/- acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Erie County Industrial Development Agency</u> Date: <u>3/17/2023</u> Signature: <u></u> Title: <u>President/CEO</u>		

PRINT FORM

Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

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Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Project: DL&W Railroad Facilities Rehabilitation

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

N/A

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Erie County Industrial Development Agency

Name of Lead Agency

John Cappellino

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

President/CEO

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, March 22, 2023, at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE AGENCY TO NEGOTIATE AND ENTER INTO A GRANT AGREEMENT BETWEEN THE AGENCY AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (THE "DOT") RELATIVE TO CERTAIN RAILROAD INFRASTRUCTURE IMPROVEMENTS, CONSTRUCTION AND MAINTENANCE ACTIVITIES TO BE UNDERTAKEN AT THE DEPEW LANCASTER AND WESTERN RAILWAY IN AN AMOUNT OF \$2,021,740

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 293 of the Laws of 1970 of the State of New York, as amended (collectively, the "Act"), the Erie County Industrial Development Agency (the "Agency") was created as a public benefit corporation of the State with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing, commercial and other facilities as authorized by the Act to prevent unemployment and economic deterioration; and

WHEREAS, the Agency currently owns a leasehold interest in certain railroad facilities owned by the County of Erie ("County") commonly known as the Depew Lancaster and Western Railway ("DLWR") in the Towns of Cheektowaga, Depew and Lancaster in Erie County (the "Railway Facilities"); and

WHEREAS, the Agency desires to undertake certain restoration work on the Railway Facilities between mileposts 382.5 and 385.6, including, but not limited to removing an obsolete bridge and completing necessary track repairs to the Railway Facilities (the "Rehabilitation Work"); and

WHEREAS, the People of the State of New York, acting by and through the Department of Transportation, administers the Passenger and Freight Rail Assistance Program ("PFRAP") which provides financial assistance for capital-based projects intended to maintain and modernize freight rail and port infrastructure across New York State with a focus on synergies among investment in transportation infrastructure, job creation and economic growth; and

WHEREAS, on or about April 20, 2022, the Agency applied for PFRAP funds to be utilized for the Rehabilitation Work; and

WHEREAS, on or about February 9, 2023 the Agency received notification of award from the DOT in the amount of \$2,021,740 (the "PFRAP Grant") to complete the Rehabilitation Work (the "Project Funding Grant Arrangement"); and

WHEREAS, the DOT has requested that the Agency enter into the Project Funding Grant Agreement which shall establish the terms and conditions upon which the PFRAP Grant will be provided to the Agency and the Agency has determined it is in the best interest of the Agency to enter into the Project Funding Grant Agreement to facilitate the completion of the Rehabilitation Work; and

WHEREAS, in compliance with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Agency has reviewed the scope of the Rehabilitation Work and has prepared a Short Environmental Assessment Form (the "EAF") with respect to the Rehabilitation Work.

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

Section 1. Based upon a review of the Rehabilitation Work and the EAF, the Agency finds and determines that: (i) the Rehabilitation Work constitutes an "Unlisted Action" within the meaning of SEQRA and a coordinated review is optional; (ii) the Agency has conducted an uncoordinated review of the Rehabilitation Work under SEQRA; (iii) the Rehabilitation Work will result in no major impacts and, therefore, is an action which may not cause significant damage to the environment; (iv) the Rehabilitation Work will not have a "significant effect on the environment" as such quoted term is defined in SEQRA; and (v) no "environmental impact statement" as such quoted term is defined in SEQRA, need be prepared for this action. The Agency thus issues a Negative Declaration pursuant to 6 N.Y.C.R.R. § 617.7 of the SEQR regulations, which concludes the Agency's uncoordinated review of the Rehabilitation Work.

Section 2. In accordance with the Agency's goals and purposes set forth above, the Agency is hereby authorized to enter into the Project Funding Grant Agreement with the DOT in an amount not to exceed a total of \$2,021,740 for the purpose of completing the contemplated Rehabilitation Work.

Section 3. The Agency hereby authorizes the President/Chief Executive Officer (the "Authorized Officer") to do all acts and things required and to negotiate, execute the Project Funding Grant Agreement with such changes as may be required by the Authorized Officer in consultation with the Agency's counsel, and to 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 Authorized Officer so acting, desirable and proper to effect the purposes of this Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

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

Section 5. This Resolution shall take effect immediately.

Dated: March 22, 2023

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

- DATE AND PLACE:** March 9, 2023 at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203
- PRESENT:** Denise Abbott; Rev. Mark E. Blue; Zachary Evans; Richard Lipsitz, Jr.; Brenda W. McDuffie; Hon. Glenn R. Nellis; and Lavon Stephens and Paul Vukelic
- EXCUSED:** Hon. April Baskin; Hon. Bryon W. Brown; Colleen DiPirro; Laura Smith, David J. State and Hon. John Tobia
- OTHERS PRESENT:** John Cappellino, Chief Executive Officer; Beth O’Keefe, Vice President of Operations; Andy Federick, Business Development Officer; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; and Robert G. Murray, General Counsel/Harris Beach PLLC
- GUESTS:** Alex Carducci on behalf of the City of Buffalo; Josh Veronica on behalf of Buffalo Niagara Partnership; Dale Shoemaker on behalf of Investigative Post; Connie Buynacek, Heather Chudzik, Laurie Eden and Matthew Bradley on behalf of Moog, Inc.

There being a quorum present at 9:05 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the January 5, 2023 Policy Committee meeting were presented. Upon motion made by Ms. Abbott to approve of the minutes, and seconded by Mr. Vukelic, the aforementioned Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

Mr. Cappellino reviewed the Agency’s 2023 Tax Incentives Project Matrix. Mr. Lipsitz directed that the report be received and filed.

PROJECT PRESENTATIONS

Moog, Inc., 400 Jamison Road, Elma, New York 14059. Ms. O’Keefe presented this proposed sales tax and real property tax abatement benefits project involving the construction of a new 150,000+/- sq. ft. standalone building to expand the Elma campus manufacturing

footprint. The new facility will be dedicated to machining capabilities in support of the Company’s current Aircraft Group – primarily military aerospace content.

Mr. Evans spoke in favor of the project. Ms. Buynacek spoke on behalf of Moog and described the project and also described potential future Phase 2 and Phase 3 projects that are potential investments and expansions, beyond this proposed project, hopefully beginning in 2027/2028.

Mr. Blue queried about the salary figures and Ms. Buynacek confirmed that the average figure includes full range of employment from general staff/technicians through executives.

Ms. Buynacek also spoke about Moog’s partnership with Northland Training Center to bring on technical staff/advanced technology employees and described the company’s partnership with Erie 1 BOCES regarding Moog’s apprenticeship programs.

General discussed ensued regarding Moog’s DEI policy and programs as well as other geographic areas of the county that are attempting to attract new/additional Moog investment.

Ms. O’Keefe confirmed that Moog, Inc. is seeking approximately \$2,900,920 in assistance including sales tax exemption and real property tax exemption. Total payroll is projected at \$279,096,922 for the direct and indirect jobs created including 335 construction jobs. The resulting cost benefit is 97:1 so for every \$1 of incentives the community benefit is \$97 in payroll & tax revenue. Erie County: for every \$1 of incentives the community benefit is \$137 in benefits to the community.

Ms. O’Keefe stated that in exchange for providing the sales and use tax and real property tax abatement benefits, the approval of this project will be conditioned upon adherence to certain material terms and conditions with respect to the potential modification, recapture and/or termination of financial assistance as follows:

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 = \$76,750,000 85% = \$65,237,500
Employment	Coincides with 10-year PILOT	Maintain Base = 180 FTE Projected (new/created) = 0 FTE Recapture Employment = 180 FTE
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-Year PILOT	Adherence to policy

Unpaid Tax	Coincides with 10-Year PILOT	Adherence to policy
Recapture Period	Coincides with 10-Year PILOT	Recapture of state and local sales taxes and real property taxes

Ms. McDuffie moved and Mr. Blue seconded to recommend the project as proposed be forwarded to the members of the ECIDA for approval. Mr. Lipsitz called for the vote and the project was then unanimously approved.

MWBE UPDATE

Mr. Cappellino updated members on the status of the Economic Inclusion PILOT, confirming on anticipated April 2023 presentation for acceptance by the Agency board members.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 9:39 a.m.

Dated: March 9, 2023

Elizabeth A. O’Keefe, Secretary

MOOG
\$ 76,750,800
PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 336410

COMPANY INCENTIVES

- Approximately \$ 900,920 in real property tax savings
- Approximately \$ 2,000,000 in sales tax savings

JOBS & ANNUAL PAYROLL

- Current Jobs: 180 FT
- Annual Payroll: \$ 164,075,000
- Est. salary/yr. of jobs retained: \$114,000
- Total jobs after project completion: 180 FT
- Construction Jobs: 335

PROJECTED COMMUNITY BENEFITS*

- Term: 10 YEARS
 - NET Community Benefits: \$298,359,562
 - Spillover Jobs: 320
- Total Payroll: \$ 279,096,922

INCENTIVE COST / COMMUNITY BENEFIT RATIO (discounted at 2%)*

Incentives: \$2,814,160

Community Benefit: \$272,711,112

Cost: Benefit Ratio

- 1:97

Project Title: Advanced Integrated Manufacturing (AIM) Center

Project Address: 400 Jamison Rd. Elma, NY 14059
(Iroquois Central #1 School District)

Agency Request

A sales tax and real property tax abatement in connection with the construction & equipping of a 150,000 sq ft manufacturing facility.

New Building Construction	\$ 34,300,000
Infrastructure	\$ 5,000,000
Manufacturing Equipment	\$ 34,000,000
Non- Manufacturing Equipment	\$ 700,000
Soft Costs/Other	\$ 2,750,000
Total Project Cost	\$76,750,000
85%	\$ 65,237,500

Company Description

Moog is a worldwide designer, manufacturer and integrator of precision control components and systems. Moog’s high-performance systems control military and commercial aircraft, satellites, and space vehicles, launch vehicles, missiles, automated industrial machinery, marine and medical equipment. Moog Inc. is a publicly traded company. Ownership greater than 20% is not applicable for Moog A shares. Moog B shares 20% ownership is as follows: Moog Inc. Retirement Savings Plan – 41.2 % of B shares, Moog Inc Employees Retirement Plan 23.5% of B shares.

Project Description

The Advanced Integrated Manufacturing (AIM) Center Phase 1 project would provide a new 150,000 sq ft standalone building to expand the Elma campus manufacturing footprint. The new facility will be dedicated to machining capabilities in support of Moog’s current Aircraft Group – primarily military aerospace content. This project includes a significant investment in new manufacturing equipment that will help improve the Aircraft Group’s operational performance by reducing lead times and improving product quality.

This application is the first of 3 potential phases of construction. Each additional phase is expected to add another 150,000 sq ft of production space to the campus. It is also anticipated that phases 2 & 3 would result in new jobs being created. Phase 1 has an estimated completion date of YE 2025 – no firm completion dates have been established for the 2nd and 3rd phases of this project.

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

The Erie County Industrial Development Agency uses the Cost Benefit Analysis Tool powered by MRB Group to assess the economic impact of a project applying for incentives. A Cost-Benefit Analysis is required by Section 859-a (5)(b) of General Municipal Law. For the complete Cost Benefit Analysis – please see the attached MRB Cost Benefit Calculator.

Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	900,920
	Sales	2,000,000
	Mortgage Recording	0
	Total	2,900,920
	Discounted at 2%	\$2,814,160

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$49,251,072
			Payroll Permanent	\$229,845,850
		Public	Property Taxes	\$2,429,608
			Sales Taxes	\$2,319,994
			Other Muni Revenue (NFTA)	\$0
	New York State	Public	Income Taxes	\$12,559,361
			Sales Taxes	\$1,953,679
			Total Benefits to EC + NYS***	\$298,359,562
			Discounted at 2%	\$272,711,112

* Cost Benefit Analysis Tool powered by MRB Group **includes direct & indirect \$ over project period *** may not sum to total due to rounding

Discounted Cost \$ 2,814,160
 Discounted Benefit \$272,711,112
 Ratio 1:97

Conclusion: The Cost Benefit for this project is: 97:1. For every \$1 in costs (incentives), this project provides \$97 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$137 in benefits to the community.**

New Tax Revenue Estimated

Current Yearly Taxes	Estimated Increase in Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	Additional School Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$309,685	\$216,000	\$ 52,846	\$ 2,544	\$ 169,840	\$ 422,300
Combined Tax Rate: \$ 521.37					

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 = \$76,750,000 85% = \$ 65,237,500
Employment	Coincides with 10-year PILOT	Maintain Base = 180 FT Projected (new/created) = 0 FTE Recapture Employment = 180 FTE
Local Labor	Construction period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 10-year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 10-year PILOT	Adherence to Policy
<u>Recapture Period</u>	Coincides with 10-year PILOT	Recapture of Real Property Tax, Mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes
Real Property 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 180FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

Project ECIDA History

- 2/7/23: Public hearing held.
- 3/22/23: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 3/22/23: Lease/Leaseback Inducement Resolution presented to the Board of Directors

Company ECIDA History

ECIDA history with Moog dates back to 1973. The following are active ECIDA projects:

- 03/22/17: Tax incentives for \$ 44.3 M, 95,000 sq ft expansion of Aircraft Division operations
- 08/15/11: Tax incentives for \$17.1 M, 65,000 sq ft new construction - Corporate HQ
- 04/14/08: Tax incentives for \$ 11M, 44,500 sq ft expansion of Plant 11
- 8/13/07: Tax incentives for \$12.5 M, 25,400 sq ft expansion of Plant 20
- 2/13/06: Tax incentives for \$ 6.7 M, 17,000 sq ft expansion of Plant 6A and 2C

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-MOOG

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
\$ 39,300,000	\$ 216,000	122.328017	5.889359	393.148317

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$73,983	\$3,562	\$237,772	\$315,316	\$422,300	\$106,984
2	0.1	\$75,304	\$3,625	\$242,018	\$320,947	\$422,300	\$101,353
3	0.15	\$76,625	\$3,689	\$246,264	\$326,578	\$422,300	\$95,723
4	0.15	\$76,625	\$3,689	\$246,264	\$326,578	\$422,300	\$95,723
5	0.2	\$77,946	\$3,753	\$250,510	\$332,208	\$422,300	\$90,092
6	0.2	\$77,946	\$3,753	\$250,510	\$332,208	\$422,300	\$90,092
7	0.25	\$79,267	\$3,816	\$254,756	\$337,839	\$422,300	\$84,461
8	0.25	\$79,267	\$3,816	\$254,756	\$337,839	\$422,300	\$84,461
9	0.3	\$80,588	\$3,880	\$259,002	\$343,470	\$422,300	\$78,830
10	0.35	\$81,909	\$3,943	\$263,248	\$349,101	\$422,300	\$73,200
TOTAL		\$779,461	\$37,526	\$2,505,098	\$3,322,085	\$4,223,005	\$900,920

***** 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.)
\$76,750,000	900,920	\$ 2,000,000	0	n/a

Note: special district taxes are not subject to PILOT abatement

Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Tot Project Costs: 3.78%

**EVALUATIVE CRITERIA
MANUFACTURING/WAREHOUSE/DISTRIBUTION**

Project: Moog

Wage Rate (above median wage for area)	The average salary for the 180 retained jobs = \$114,000.
Regional Wealth Creation (% sales/customers outside area)	100% of company sales are outside Erie County. 98% are outside of NYS.
In Region Purchases (% of overall purchases)	11% of overall purchases are from Erie County based businesses.
Research & Development Activities	N/A
Investment in Energy Efficiency	N/A
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	N/A
LEED/Renewable Resources	Company is pursuing standard LEED certification for this project.
Retention/Flight Risk	Moog continues to make investments locally. Moog has performed site selection investigations and would/has considered placing this manufacturing facility in other metro areas including: Atlanta, GA, Charlotte/Kinston, NC, Greenville / Charleston, SC. Failure to obtain Financial Assistance for this Project could cause Moog to halt this project and pursue similar assistance from the locations listed above. A decision by Moog to locate this facility in a different state would result in lost jobs for Erie County and NYS.
MBE/WBE Utilization	Moog has hired Buffalo Construction Consultants - see attached practices & policy. Also, Moog's statement regarding Diversity, Equity & Inclusion follows.
Workforce Access – Proximity to Public Transportation	No nearby public transportation

DATE OF INDUCEMENT: 3/22/23

Moog Inc.

Diversity, Equity and Inclusion

Moog aspires to be diverse, equitable, and inclusive, where employees are empowered to bring their whole, authentic selves to work every day. We believe being diverse, equitable and inclusive is better for all of our employees, customers and shareholders. We are continuously striving to ensure the diversity of our organization more fully represents the diversity of the communities in which we operate.

We have taken deliberate steps to create a diverse, equitable and inclusive work environment for all. We have sought to achieve this through awareness, education, talent acquisition, retention and development practices. In fiscal 2021, the Company created a Diversity, Equity, and Inclusion ("DE&I") function as a commitment to progress our journey of creating a more respectful, diverse, equitable and inclusive environment. To help achieve our goals in DE&I, as well as in CSER, the Company created the role of Program Manager, Diversity Equity and Inclusion to create, implement and monitor key programs. Part of our DE&I initiative has included creating employee resource groups to support employees of color, women and gender equality. These Company-sponsored, employee-led groups are open to all employees and are designed to support professional development; develop programs that lead to broader understanding; represent the Company in our community; and help us attract and hire qualified, diverse talent

During 2022, we continued to make progress toward our DE&I strategy. In support of this strategy, we:

- Grew our DE&I curriculum to continue to help our employees understand the value of inclusivity, the very different experiences people have, and the role we all must play in creating an inclusive and welcoming environment at Moog.
- Honored employees from different backgrounds and helped increase understanding through a variety of monthly celebrations, including, but not limited, to Black History Month, International Women's Day, and Pride Month.
- Expanded our pilot of Employee Resource Groups ("ERGs") to include Veterans and LGBTQ+. We currently have five ERG chapters focused on Employees of Color, Women (2 chapters), Veterans and LGBTQ+.

Erie County Industrial Development Agency

MRB Cost Benefit Calculator



Date: February 13, 2023
 Project Title: Moog - Advanced Integrated Manufacturing (AIM) Center
 Project Location: 400 Jamison Rd, Elma, NY 14059

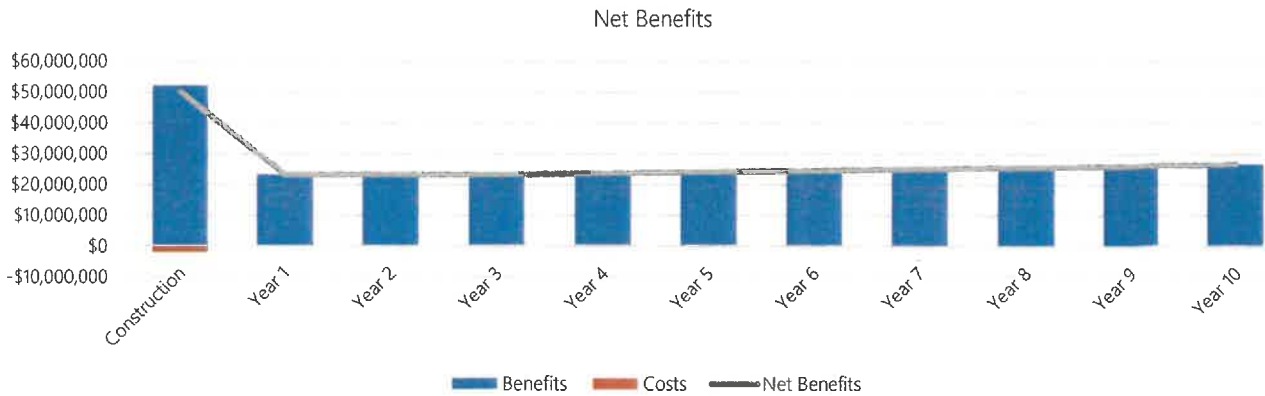
Economic Impacts

Summary of Economic Impacts over the Life of the PILOT
 Project Total Investment
 \$76,750,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	335	305	641
Earnings	\$31,738,947	\$17,512,125	\$49,251,072
Local Spend	\$76,750,000	\$54,338,715	\$131,088,715

	Ongoing (Operations) Aggregate over life of the PILOT		
	Direct	Indirect	Total
Jobs	180	15	195
Earnings	\$217,162,525	\$12,683,325	\$229,845,850

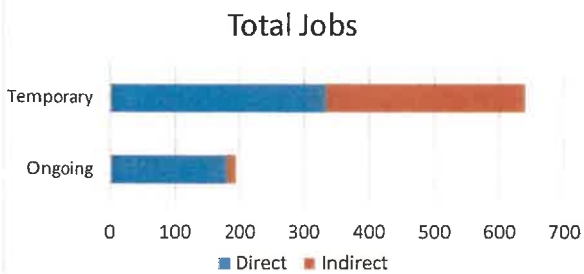
Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

Figure 3



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Ongoing earnings are all earnings over the life of the PILOT.

Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$900,916	\$814,160
Sales Tax Exemption	\$2,000,000	\$2,000,000
Local Sales Tax Exemption	\$1,085,714	\$1,085,714
State Sales Tax Exemption	\$914,286	\$914,286
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$2,900,916	\$2,814,160

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$283,846,523	\$259,443,564
To Private Individuals	\$279,096,922	\$255,145,158
Temporary Payroll	\$49,251,072	\$49,251,072
Ongoing Payroll	\$229,845,850	\$205,894,086
Other Payments to Private Individuals	\$0	\$0
To the Public	\$4,749,601	\$4,298,405
Increase in Property Tax Revenue	\$2,429,608	\$2,177,511
Temporary Jobs - Sales Tax Revenue	\$409,400	\$409,400
Ongoing Jobs - Sales Tax Revenue	\$1,910,594	\$1,711,495
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$14,513,040	\$13,267,548
To the Public	\$14,513,040	\$13,267,548
Temporary Income Tax Revenue	\$2,216,298	\$2,216,298
Ongoing Income Tax Revenue	\$10,343,063	\$9,265,234
Temporary Jobs - Sales Tax Revenue	\$344,758	\$344,758
Ongoing Jobs - Sales Tax Revenue	\$1,608,921	\$1,441,259
Total Benefits to State & Region	\$298,359,562	\$272,711,112

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$259,443,564	\$1,899,875	137:1
State	\$13,267,548	\$914,286	15:1
Grand Total	\$272,711,112	\$2,814,160	97:1

*Discounted at 2%

Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes

MBE/WBE Utilization



ECIDA encourages applicants to utilize MBE/WBE contractors for their projects. Here are links to the NYS and combined Erie County / City of Buffalo – certified MWBE contractors that can assist you with your utilization goals:

<https://ny.newnycontracts.com/>

<https://www3.erie.gov/eeo/mbe-wbe-resource-list>

Describe your company's internal practices that promote MBE/WBE hiring and utilization:

Moog has hired Buffalo Construction Consultants (BCC) as the Design-Builder for this project. BCC's MBE/WBE practices can be found on the following page.



Buffalo Construction Consultants, Inc.

Firm Overview

Over the past 20 years, the executives at Buffalo Construction Consultants, Inc. (BCC) have collectively completed a multitude of complex projects valued at over \$4 billion across Western New York. Our mix of current clients is diverse, including public agencies, private corporations, and non-profit organizations. Current projects include work for the State University Construction Fund, Dormitory Authority of the State of New York, K-12 public schools, local higher education institutions, fortune 500 companies and 501c3 non-profit organizations.

Commitment to Diversity

BCC supports the need to create healthy community involvement in the development and construction of our projects, which includes providing opportunities for minority and women owned businesses. We're proud of our record in achieving diversity on our projects and we are committed to continuing that success on behalf of each one of our clients.

Recent Success

Our team has had tremendous success over the last several decades meeting and exceeding program and project diversity goals, including some of the most successful programs in NYS history, such as, the Buffalo Public School Reconstruction Program and the Erie County Medical Center Master Plan Implementation. An example of our recent success exceeding project diversity goals is the work BCC has done as part of the Rochester Schools Modernization Program, where in Phase 3, BCC met or exceeded MWBE goals on four large capital projects. In addition, BCC provided business mentoring to MWBE firms as part of the RSMP mentor protégé program. Our mentoring approach includes a comprehensive overview of business management, cost estimating, marketing and other areas of administrative and process improvement and implementation.

Firm Policy

Our track record of promoting diversity on each of our projects speaks for itself, including on projects where there are limited opportunities or participation is not a requirement. We understand the importance and value to diverse project teams on our construction projects and we embrace the values that come with providing meaningful opportunities for M/WBE firms.

MWBE Business Enterprise + Workforce Engagement

We apply a proven strategy for ensuring diversity on our projects. The strategy involves outreach and assistance efforts that take place during the design and preconstruction phases. Below are several specific steps taken to ensure we maximize the participation of MWBE firms:

- Include diversity plan and reporting requirements in front end contract documents so those bidding the work fully understand project diversity expectations
- Discuss diversity during pre-bid meetings
- Aid contractors in identifying qualified MBE and WBE subcontractors, through our extensive network
- Monitor contractors past success with meeting M/WBE workforce participation
- Monitor monthly progress towards workforce goals
- Provide written and verbal notification to contractors not achieving set goals



PUBLIC HEARING SCRIPT

**Moog Inc. 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 7, 2023 at 10:00 a.m.,
at the Town of Elma, located at Town Hall, Courtroom, 1600 Bowen Road, Elma, NY 14059

ATTENDANCE:

Connie Buynacek – Moog, Inc.
Matthew Bradley - Moog, Inc.
Shelly Ferullo - East Aurora/Elma Advertiser
Jomo Akono – Local 276 Carpenters
Brian Schrems – SCC Cont. Co
Marc Smith – UCC
Nick Hamp – UCC
John Harris CIA
Carl H – Heritage Contract Flooring
Katie Anderson – Business First
Charles Young, Jr. – Local 276 Carpenters
Raymond Murphy FFAE Architects, P.C.

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

Hearing Officer: Welcome. This public hearing is now open; it is 10: a.m. My name is Andy Federick. I am the Business Development of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com.

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Moog expansion project 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 Thursday, January 26, 2023.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition by the Agency of a leasehold interest in certain property located on Seneca at Jamison Road, Town of Elma, Erie County, New York and all other lands in the Town of Elma where, by license or easement or other agreement, the Company or its designees are making improvements that benefit the Project (the "Land"), (ii) the construction on the Land of an approximately 150,000+/- square-foot standalone manufacturing facility to be utilized for machining (shop) capabilities in support of current Aircraft Group (AG) business, primarily military aerospace content, installation of new equipment and mixed office space to support the machining operation (the "Improvements"), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property. 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 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 in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. Everyone who has 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, you may leave it at this public hearing, submit it on the Agency's website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on February 21, 2023. There are no limitations on written statements or comments.

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

Hearing Officer: If anyone is interested in making a statement or comment, please raise your hand, state 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 Officer calls on those who raise their hand.

Good morning. My name is Matt Bradley, I am the program manager for our Advanced Integrated Manufacturing, or AIM Initiative, representing Moog Aircraft Group. With me is Connie Buynacek, our VP of Advanced Manufacturing Engineering, and the executive sponsor

of this project. On behalf of Moog, we would like to thank the ECIDA and the town of Elma for hosting us today.

First, we would like to celebrate the fact that this application continues a collaboration between the ECIDA and Moog that spans 50 years and we are proud that we have been able to call Elma home for over 70 years. Moog would like to sincerely thank Erie County and the Town of Elma for their continued support. As stated earlier, the 150,000 square foot AIM Center building represents a significant expansion of Moog's footprint on our Elma campus and represents the first of three possible phases of Aircraft Group expansion. As noted in the application, the total cost of the AIM Center Phase 1 Project is estimated between \$70-\$80M with the building estimated at \$39M of the total. Aircraft Group is planning major investments in new machining technology in the AIM center building, provides the space required to install and integrate approximately 200 high-precision machines, many of which are replacing aging machines in our existing machine shop. The AIM center provides the required space to install and integrate these new machining systems while still maintaining production and minimizing impact to customer deliveries during the transition period. Upon completion of the building and over the course of a year and a half, we plan to transition our machine shop operations from the current plant 2 space into the AIM center. This would free up plant 2 to be refurbished and used for future growth of our Business. The plant 2 refurbishment project will likely occur in 2026 and is not part of this application.

While phase 1 of the project is not expected to create additional full-time jobs at our Elma campus, it is a necessary first step in a multi-year investment to allow Aircraft Group to continue to grow in Western New York. Currently, Moog estimates that phase 2 could commence in 2027 or 2028, and that phase 3 could be in the 2030 timeframe. Both additional phases are anticipated to be similar in size to phase 1 and is expected to support job growth on campus. The AIM initiative is designed to increase Moog Aircraft Group's competitiveness in the market by simplifying, shortening, and improving our manufacturing processes through the adoption of new and innovative manufacturing technologies. This is expected to reduce cost, improve quality, and reduce lead times of our products-and continue to differentiate Moog from its competitors. The IDA incentives further the AIM business case and will help contain project costs that have seen some significant escalations over the last year. Furthermore, the PILOT program and the associated recurring savings provide welcome relief and help make Erie County and the Town of Elma a friendly place to do business. Again, Moog would like to thank the ECIDA and Town of Elma for this opportunity and are excited to continue working together to grow in Western New York.

Jomo Akono – Erie County resident, also a member of local 276 carpenters. I have some representatives, local residents as well as local carpenters, local taxpayers and voters. First of all, good morning and thank you. We are actually excited to hear about the Moog project. We

definitely believe in regional and local development. One of the areas that we are speaking of concern is applying for tax credits and also with local labor. We want to make sure that we definitely support the project. We want to make sure that local labor just as you are utilizing your opportunities to increase and have good opportunities for the company and for the growth that's the same thing, we are looking for with our local labor force here. Many of our members are residents of the townships neighboring we have a large amount of our members. With the continued growth & development, we would also ask that you consider utilizing companies that have registered apprenticeships so we can actually train some of the cost savings in construction just making sure that we have qualified apprentices on projects which cut down the labor costs, but it also ensures that we have a quality workforce in the future. So hopefully if you get two more facilities built we would love to be participating in that. Those things are very important to us as we said local taxpayers, local residents we would want to support a project that is inclusive of that. So, I would hope that If that type of agreement/type of understanding we can talk with the local residents in particular. One keeping the area standards of our professional carpenters at stake and at mind and also reinvesting so that community workers also benefit. This first phase we know if not going to have a large increase of workers space but there will be workers hopefully local who will be working on building the project and we want to keep investing local especially with our local tax dollars. We would be in support of the project we just want to ensure that it has that local sensibility especially because it's our local tax money. Our members are working hard and love to see the development in the community. We probably have family members who are working on some of them. Those are the things that we would ask that are considered and will leave information for us to connect afterwards.

6. ADJOURNMENT:

As there were no further statements and/or comments, I am closing the public hearing at 10:11 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

February 7, 2023 at 10:00 a.m.,
at the Town of Elma, located at Town Hall, Courtroom, 1600 Bowen Road, Elma, NY 14059
regarding:

**Moog Inc. and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: Seneca at Jamison Road, Town of Elma, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
Connie Buynacek	Moog, Inc. 400 Jamison Road Elma, New York 124059	
Matthew Bradley	Moog, Inc. 400 Jamison Road Elma, New York 124059	X
Shelly Ferullo	East Aurora/Elma Advertiser 716 Main Street East Aurora, New York 14052	
Jomo Akono	Local 276 Carpenters	X
Brian Schrems	SCC Cont. Co	
Marc Smith	UCC	
Nick Hamp	UCC	
John Harris	CIA	
Carl H	Heritage Contract Flooring	
Katie Anderson	Buffalo Business First 465 Main Street Buffalo, New York 14203	
Charles Young, Jr.	Local 276 Carpenters	
Raymond Murphy	FFAE Architects, PC	

**Full Environmental Assessment Form
Part I - Project and Setting**

Instructions for Completing Part I

Part I is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part I is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Advanced Integrated Manufacturing Center		
Project Location (describe, and attach a general location map): 7021 Seneca St - Elma, NY14059		
Brief Description of Proposed Action (include purpose or need): Construction of a new manufacturing building on the Elma campus of approximately 150,000 square feet and associated site development including site utilities, parking, loading/ receiving and storm water management components. The new facility will replace an existing manufacturing facility on the campus. The manufacturing facility will be operated by relocating 60-100 manufacturing staff and 50 - 80 support staff from the existing manufacturing facility. No new employees will be added. The project will include paved parking and loading areas, 3 loading docks, building and parking lot lighting. The new manufacturing facility will be accessed via internal campus access roads. No additional curb cuts are required on Seneca St. or Jamison Rd. No increase in employee passenger vehicles or deliveries is anticipated as this is replacing an existing manufacturing facility on campus. The project will connect to the water main on Seneca st. within the Elma Water District and gas main along Seneca Street. The sanitary sewer will connect to an existing Wastewater Treatment plant on campus. Electric will be provided from an existing service on the campus. Storm water will be managed with on-site detention basins and grassed swales. - See attachment "B"		
Name of Applicant/Sponsor: Moog Inc.	Telephone: (716) 687-4200	
	E-Mail: mbradley@moog.com	
Address: 400 Jamison Road		
City/PO: Elma	State: NY	Zip Code: 14059
Project Contact (if not same as sponsor; give name and title/role): Matthew Bradley, AIM Program Manager	Telephone:	
	E-Mail: mbradley@moog.com	
Address: 7021 Seneca St - Elma, NY14059		
City/PO: Elma	State: NY	Zip Code: 14059
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Elma Town Board -Business Use Permit	01/04/2023
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Elma Planning Board	11/09/2022
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town of Elma Building Department	02/14/2022
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	Erie County Industrial Development Agency	12/28/2022
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): Remediation Sites:915164, NYS Heritage Areas:West Erie Canal Corridor, Remediation Site:C915315	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 Industrial

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Iroquois Central School District

b. What police or other public protection forces serve the project site?
 Erie County Sheriff Sub Station and New York State Troopers Station located at 1600 Bowen Rd. Elma , NY

c. Which fire protection and emergency medical services serve the project site?
 Spring Brook Fire District, Twin City Ambulance, AMR

d. What parks serve the project site?
 Village Green Park, Elma Meadows Park, Elma Centennial Park, Know Farm State Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial

b. a. Total acreage of the site of the proposed action? 331 +/- acres
 b. Total acreage to be physically disturbed? +/-30 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 331 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 10.2% Units: acres

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated 3
 • Anticipated commencement date of phase 1 (including demolition) 2 month 2023 year
 • Anticipated completion date of final phase 12 month 2032 year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____
 Construction Duration of Phase 1 is 18 months. Phase 2 is anticipated in 2027 if required based on business unit's forecast growth. Phase 3 is shown for site planning purposes and is not in the forecast till after 2030.

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,
 i. Total number of structures 1
 ii. Dimensions (in feet) of largest proposed structure: 36'-0" height; 245'-0" width; and 545'-0" length
 iii. Approximate extent of building space to be heated or cooled: 150,000 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,
 i. Purpose of the impoundment: Detention ponds will be constructed for the purpose of managing stormwater runoff from impermeable surfaces.
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: 2.245 million gallons; surface area: 1.14 acres
 v. Dimensions of the proposed dam or impounding structure: 3.5 height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
standard earthen structure detention basin via excavation of existing soils

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:
 i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____
 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): In accordance with approved Jurisdictional Determination and Delineation Verification for Department of Army Processing No. LRB-2013-00821, non-jurisdictional Wetland 26, Wetland 27, Wetland 28 and Wetland 29 will be affected and removed.
 -See attachment C-

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: 1.3 acres of non-jurisdictional wetlands will be removed to accommodate excavation for foundations and preparation of subsoil for building concrete floor slab. -See attachment "C"

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ 1250 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: Town of Elma Water District
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 7,200 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

90% sanitary wastewater, 10% industrial waste waters, solvents, coolants, oil wastes, and mop waters. Please note 90% of liquid waste generation is not newly generated waste. This project is relocating existing employees from one building to another.

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
 Sanitary waste waters will be treated in on-site WWTP that discharges under SPDES Permit # 0090191. All industrial waste waters will be pre-treated to meet CWA Part 433 - Metal Finishing before being discharged to the on-site WWTP. Receiving body of water is Cazenovia Creek -Class C
 vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
 There are no plans at this time to capture and recycle liquid wastes.

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 7.4 acres (impervious surface)
 _____ Square feet or 33 acres (parcel size)
 ii. Describe types of new point sources: Building Roof and parking lot Stormwater discharges from small storms will be directed to green infrastructure practices that distribute the flow and infiltrate it into the ground.
 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
Larger storms are directed to on-site detention ponds that control the rate of runoff to pre-developed conditions.
 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No
 iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
forklifts, delivery vehicles, etc.
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
emergency generators, etc.
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • 4 Tons/year (short tons) of Carbon Dioxide (CO₂)
 • 0.5 Tons/year (short tons) of Nitrous Oxide (N₂O)
 • 0 Tons/year (short tons) of Perfluorocarbons (PFCs)
 • 0 Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • 0 Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • 0.5 Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
+/- 2 MW

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
via grid/local utility

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 6am - 3pm _____
- Saturday: _____ - _____
- Sunday: _____ - _____
- Holidays: _____ - _____

ii. During Operations:

- Monday - Friday: _____ 24 hrs per day over 3-shifts _____
- Saturday: _____ Not anticipated unless required _____
- Sunday: _____ Not anticipated unless required _____
- Holidays: _____ Not anticipated unless required _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:
i. Provide details including sources, time of day and duration:
Typical construction equipment, excavation equipment, etc. 6am-3pm, 12-18 month duration, during operation no production of noise beyond ambient noise levels is anticipated

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Building mounted and pole mounted lighting, 25' height, full cut-off, approximately 1000'-0" to adjacent structure. closest adjacent structure is on Moog's campus

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:
Diesel exhaust from construction equipment during early stages of construction.

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:
i. Product(s) to be stored _____
ii. Volume(s) _____ per unit time _____ (e.g., month, year)
iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:
i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:
i. Describe any solid waste(s) to be generated during construction or operation of the facility:
• Construction: _____ 10 to 12 tons per _____ month (unit of time)
• Operation : _____ 1 tons per _____ month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
• Construction: Project Specifications will require construction waste management and disposal including salvaging, recycling of construction debris such as cardboard, metal, etc.

• Operation: None on site. We currently collect paper, cardboard and plastic and send off site for recycling.

iii. Proposed disposal methods/facilities for solid waste generated on-site:
• Construction: Construction debris to be transported to licensed landfills and/or recycling facilities.

• Operation: Universal Waste at Veolia, West Bridgewater, MA & Retrieval Technologies, Lancaster, OH; Used Oil at NOCO, Tonawanda, NY, non-regulated waste at Covanta, Niagara Falls, NY; Scrap Metal at Niagara Metals, Cheektowaga, NY; Ewaste at EWASTE+

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
 Mineral Spirits, Isopropyl Alcohol, Acetone -D001 Flammable Liquids; Heavy Metal/ Paint Contaminated Debris -Barium D005, Cadmium D006, Chromium D007, Lead D008, Silver D011

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
 Based on Moog's current operations - D001 solvents from cleaning and degreasing; D005, D006, D007, D008, D011 Heavy Metals from painting, soldering, alodining, and finishing of stainless-steel parts.

iii. Specify amount to be handled or generated 1 tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____
 There will be no on site minimization, recycling or re-use.

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____
 Clean Harbors Environmental Services, Norwell, Massachusetts.

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	+/- 7.2	+ 7.2
• Forested	+/-24	0	- 24
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	1.3	0	-1.3
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: The C&D pile was closed on 10/11/2016 per the NYSDEC, See attachment "D" Deed Restriction.
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:
Approximately 500' to the Northwest of project site.- Facility had a C&D debris/soil pile that was subject to 6 NYCRR 360. The C&D pile was closed on 10/11/2016 per the NYSDEC. Post closure inspections and groundwater monitoring was completed in 2021. See attachment "D" Deed Restriction.
iii. Describe any development constraints due to the prior solid waste activities: _____
None _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
Moog is a Large Quantity Generator of hazardous waste. All waste is stored inside until it is sent off-site to an approved disposal facility.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 915164, C915315
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): 915164, C915315
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
#915164 – Moog is working with NYSDEC to identify potential alternatives to the current remedial practice.
#C915315 – Working under a NYSDEC approved Site Management Plan over the next 9 years to continue remediation of the site.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: NA
- Describe the type of institutional control (e.g., deed restriction or easement): Deed Restriction - See attachment "D"
- Describe any use limitations: closed landfill, no use allowed.
- Describe any engineering controls: n/a

Will the project affect the institutional or engineering controls in place? Yes No

• Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? +/- 10'-0" feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

<u>Darien Silt Loam</u>	<u>98</u> %
<u>Illion Silt Loam</u>	<u>2</u> %
_____	_____ %

d. What is the average depth to the water table on the project site? Average: +/- 7'-0" feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: 100 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name _____	Classification _____
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name <u>Federal Waters, Federal Waters, Federal Waters,...</u>	Approximate Size <u>See attachment "B"</u>
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:		_____
New England cottontail	Raccoon	_____
White-Tailed Deer	Striped Skunk	_____
Red Fox	Canada Goose	_____
n. Does the project site contain a designated significant natural community?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation):		_____
ii. Source(s) of description or evaluation:		_____
iii. Extent of community/habitat:		
• Currently:	_____	acres
• Following completion of project as proposed:	_____	acres
• Gain or loss (indicate + or -):	_____	acres
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:		
i. Species and listing (endangered or threatened):		_____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:		
i. Species and listing:		_____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, give a brief description of how the proposed action may affect that use:		_____

E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, provide county plus district name/number:		_____
b. Are agricultural lands consisting of highly productive soils present?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If Yes: acreage(s) on project site?		_____
ii. Source(s) of soil rating(s):		_____
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:		
i. Nature of the natural landmark:		<input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:		_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:		
i. CEA name:		_____
ii. Basis for designation:		_____
iii. Designating agency and date:		_____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: Knox Farm State Park

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State Park

iii. Distance between project and resource: _____ 2.2 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

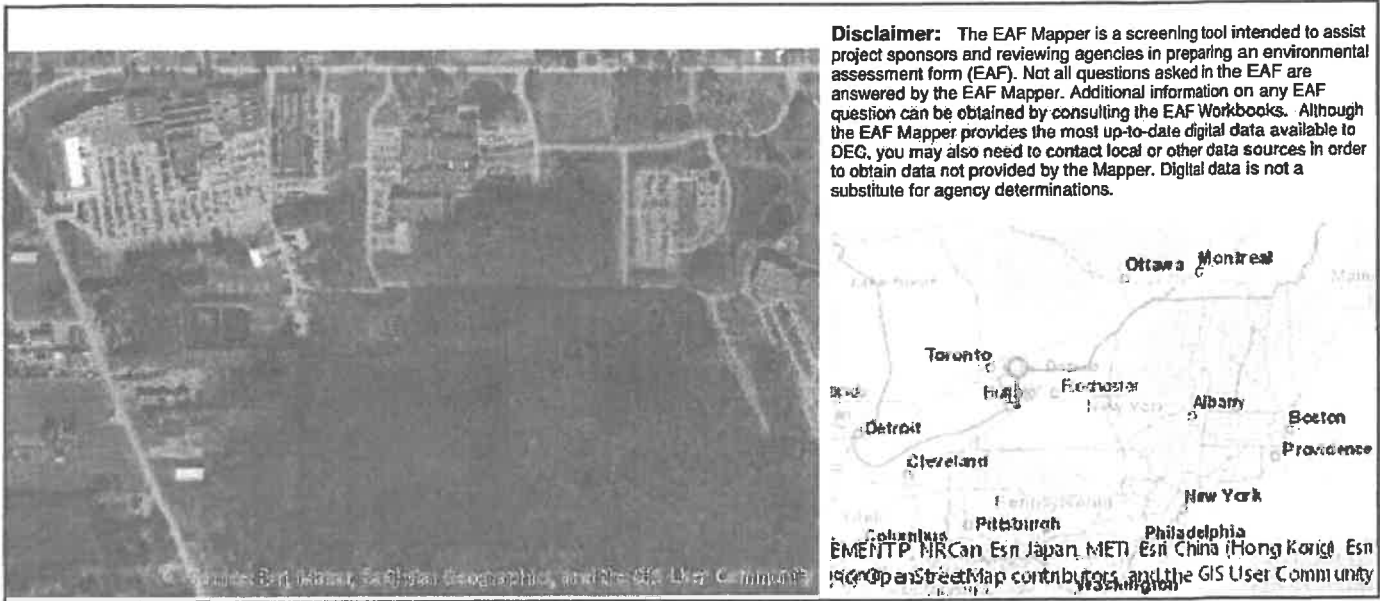
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Moog, Inc. Date _____

Signature M. Bradley Title AIM Program Manager

PRINT FORM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:915164, NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	915164
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	915164, C915315
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.i. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only (If applicable)

Project: M066 A.M. Road
 Date: 3/19/23

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				
		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>	

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	F2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
If "Yes", answer questions a - g. If "No", go to Section 10.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
If "Yes", answer questions a - e. If "No", go to Section 11.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3c, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3c, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
 If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d, f, g, and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.)
 If "Yes", answer questions a - h. If "No", go to Section 18.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g.: schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Project: MOU6 AIA Final (17)
 Date: 3/17/03

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Town of Elma as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency: Town of Elma

Name of Responsible Officer in Lead Agency: Wayne A. Clark

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency: Wayne A. Clark

Date: 3/17/23

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address: 1600 Bower Rd Elma, NY

Telephone Number: (714) 652-3260

E-mail: Supervisor@ElmaNewYork.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

Page 2 of 2

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**MOOG INC., 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, March 22, 2023 at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF MOOG 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

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, MOOG INC. or on behalf of an affiliated entity formed or to be formed (the "Company") has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on Seneca at Jamison Road, Town of Elma, Erie County, New York and all other lands in the Town of Elma where, by license or

easement or other agreement, the Company or its designees are making improvements that benefit the Project (the “Land”), (ii) the construction on the Land of an approximately 150,000+/- square-foot standalone manufacturing facility to be utilized for machining (shop) capabilities in support of current Aircraft Group (AG) business, primarily military aerospace content, installation of new equipment and mixed office space to support the machining operation (the “Improvements”), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the “Equipment”; and, together with the Land and the Improvements, the “Facility”). The Facility will be initially operated and/or managed by the Company; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the “Agent Agreement”), (ii) negotiate and enter into a lease agreement (the “Lease Agreement”) and related leaseback agreement (the “Leaseback Agreement”) with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company 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 acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, and (b) a partial abatement from real property taxes benefit through a ten (10) year “payment in lieu of tax agreement” (the “PILOT Agreement”) with the Company for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, on February 7, 2023, at 10:00 a.m., at the Town of Elma, located at Town Hall, Courtroom, 1600 Bowen Road, Elma, New York, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) 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, the Elma Town Board (the “Town Board”) in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), undertook coordinated review with respect to the Project, established itself as Lead Agency as defined in SEQR, determined that the Project was a Type I Action and issued a negative declaration (“Negative Declaration”) under SEQR on March 15 2023, with respect to the Project; and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review of and recommendations related to the Project and its March 9, 2023 resolution to approve the Project subject to the terms and conditions as described herein, the Policy Committee and Agency board member review of the Project's cost benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to appoint the Company as its agent for purposes of acquiring, constructing and/or renovating and equipping the Project; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to develop the Project, thereby increasing and/or retaining employment opportunities in Erie County, New York and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries, and, to the extent occupants are relocating from one plant or facility to another in another area of the State, the Agency has complied with the Intermunicipal Movement procedures as required in the Countywide Industrial Development Agency Uniform Tax Exemption Policy; and

(F) The Agency has assessed all material information included in connection with the Application necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for the Project as described herein; and

(G) The Agency has prepared a written cost-benefit analysis satisfactorily identifying the extent to which the Project will create or retain permanent, private sector jobs, the estimated value of any tax exemption to be provided, the amount of private sector investment generated or likely to be generated by the Project, the likelihood of accomplishing the Project in a timely fashion, and the extent to which the Project will provide additional sources of revenue for

municipalities and school districts, and any other public benefits that might occur as a result of the Project; and

(H) The Company has provided a written statement confirming that the Project as of the date of the Application is in substantial compliance with all provisions the Act.

(I) Based upon a thorough and complete review of the Application and its accompanying materials and information, the Environmental Assessment Form submitted by the Company, and the proceedings conducted by the Agency and the Town Board, to date, pursuant to SEQR, the Agency hereby:

(i) consents to and affirms the status of the Town Board as “Lead Agency” within the meaning of and for all purposes of complying with SEQR and determines that the proceedings undertaken by the Town Board under SEQR with respect to the undertaking of the Project by the Company (as agent of the Agency) satisfy the requirements of SEQR;

(ii) affirms that the Project involves an “Type I” as that term is defined under SEQR;

(iii) reviews, considers, ratifies, and adopts such proceedings by the Planning Board, including the “Negative Declaration”;

(iv) determines that the Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment, that the Project will not have a “significant effect on the environment” as such quoted terms are defined in SEQR, and that no “environmental impact statement” as such quoted term is defined in SEQR need be prepared for this action; and

(v) determines that all the provisions of SEQR that are required to be complied with as a condition precedent to the approval of the Financial Assistance contemplated by the Agency with respect to the Project, and the participation by the Agency in undertaking the Project, have been satisfied. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQR) for purposes of SEQR.

The Project qualifies for Agency Financial Assistance as it meets the Agency’s evaluative criteria established by the Agency as required under General Municipal Law Section 859-a(5), as evidenced by the following:

(i) *Wage Rate (above median wage for area):* The average salary for the 180 retained jobs = \$114,000.

(ii) *Regional Wealth Creation (% sales/customers outside area):* 100% of company sales are outside Erie County. 98% are outside of NYS.

(iii) *In Region Purchases (% of overall purchases):* 11% of overall purchases are from Erie County based businesses.

(iv) *Research & Development Activities:* N/A.

(v) *Investment in Energy Efficiency:* N/A.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas:* N/A.

(vii) *LEED/Renewable Resources:* Company is pursuing standard LEED certification for this project.

(viii) *Retention/Flight Risk:* Moog continues to make investments locally. Moog has performed site selection investigations and would/has considered placing this manufacturing facility in other metro areas including: Atlanta, GA; Charlotte/Kinston, NC; and Greenville/Charleston, SC. Failure to obtain Financial Assistance for this Project could cause Moog to halt this project and pursue similar assistance from the locations listed above. A decision by Moog to locate this facility in a different state would result in lost jobs for Erie County and NYS.

(ix) *MBE/WBE Utilization:* Moog has hired Buffalo Construction Consultants. Further details were provided to the Agency.

(x) *Workforce Access-Proximity to Public Transportation:* No nearby public transportation.

Section 2. The Agency hereby authorizes the undertaking of the Project and the provision of the Financial Assistance to the Company as described herein.

Section 3. Subject to the Company executing an Agent Agreement and the delivery to the Agency of a binder, certificate or other evidence of insurance for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, construction and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and/or renovate and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the authority to appoint the Company to act as agent of the Agency, if said appointment is not duly made, as herein expressed, shall expire one year from the date of this resolution (unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, and/or the Assistant Treasurer).

A. Financial Assistance. With respect to the foregoing, and based upon the representations and warranties made by the Company in its application for Financial Assistance, the Agency hereby:

(i) 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 amount estimated up to \$22,315,000, and, therefore, the value of the sales and use tax exemption benefits (“sales and use tax exemption benefits”) authorized and approved by the Agency cannot exceed \$2,000,000, however, 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; and

(iii) authorizes and approves that the real property tax abatement benefits (“PILOT benefits”) to be provided over the term of the PILOT Agreement are estimated to be approximately \$900,920, resulting in estimated total PILOT payments of \$3,322,085 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent of receiving Financial Assistance, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must cooperate with the Agency in its efforts to recover or recapture any Financial Assistance, and promptly pay over any such amounts to the Agency that the Agency demands.

C. Commitments. As an additional 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 \$65,237,500 (which represents the product of 85% multiplied by \$76,750,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that, within two years of Project completion, there are at least 180 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. 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.

Section 4. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver (A) an Agent Agreement, (B) the Lease Agreement whereby the Company leases the Project to the Agency, (C) the related Leaseback Agreement whereby the Agency leases the Project back to the Company, and (D) the PILOT Agreement and (E) related documents; provided, however, that (i) the rental payments under the Leaseback Agreement to the Company include payments of all costs incurred by the Agency arising out of or related to the Project and indemnification of the Agency by the Company for actions taken by the Company and/or claims arising out of or related to the Project; and (ii) the terms of the PILOT Agreement are consistent with the Agency's Uniform Tax Exemption Policy, or procedures for deviation have been complied with accordingly.

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial

Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

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 negotiate, 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. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

Section 8. This resolution shall take effect immediately and shall expire one (1) year from the date hereof unless extended for good cause by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer.

Dated: March 22, 2023



Moog 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	Advanced Integrated Manufacturing Center
Project Summary	Construction of new manufacturing building on Elma campus of approximately 150,000 square feet.
Applicant Name	Moog Inc.
Applicant Address	400 Jamison Road
Applicant Address 2	
Applicant City	Elma
Applicant State	New York
Applicant Zip	14059
Phone	(716) 687-4200
Fax	(716) 652-0176
E-mail	leden@moog.com
Website	www.moog.com
NAICS Code	336410

Business Organization

Type of Business

Public Corporation

Year Established

1951

State

New York

Indicate if your business is 51% or more (Check all boxes that apply)

[No] Minority Owned

[No] Woman Owned

Indicate Minority and/or Woman Owned Business Certification if applicable (Check all boxes that apply)

[No] NYS Certified

[No] Erie Country Certified

Individual Completing Application

Name Laurie Eden
Title Corporate Tax Manager
Address 400 Jamison Road
Address 2
City Elma
State New York
Zip 14059
Phone (716) 687-4200
Fax (716) 652-0176
E-Mail leden@moog.com

Company Contact- Authorized Signer for Applicant

Contact is same as individual completing application No
Name Heather Chudzik
Title Tax Director
Address 400 Jamison Road
Address 2
City Elma
State New York
Zip 14059
Phone (716) 687-7487
Fax (716) 652-0176
E-Mail hchudzik@moog.com

Company Counsel

Name of Attorney Amy Fitch
Firm Name Hodgson Russ
Address 140 Pearl Street
Address 2 Suite 100
City Buffalo
State New York
Zip 14202
Phone (716) 856-4000
Fax
E-Mail afitch@hodgsonruss.com

Benefits Requested (select all that apply).

Exemption from Sales Tax Yes
Exemption from Mortgage Tax No

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. Also list all stockholders, members, or partners with % ownership greater than 20%.

Moog Inc. is a worldwide designer, manufacturer, and integrator of precision control components and systems. Moog's high-performance systems control military and commercial aircraft, satellites and space vehicles, launch vehicles, missiles, automated industrial machinery, marine and medical equipment. Moog Inc. is a publicly traded company. Ownership greater than 20% not applicable for Moog A shares. Moog B shares 20% or more ownership is as follows: Moog Inc. Retirement Savings Plan- 41.2 percent of B shares, Moog Inc. Employees' Retirement Plan- 23.5 percent of B shares.

Estimated % of sales within Erie County	0 %
Estimated % of sales outside Erie County but within New York State	2 %
Estimated % of sales outside New York State but within the U.S.	81 %
Estimated % of sales outside the U.S.	17 %

(*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?

11

Describe vendors within Erie County for major purchases

See attached list

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

Seneca at Jamison Rd.

Town/City/Village of Project Site

Elma

School District of Project Site

Iroquois Central School District

Current Address (if different)

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

SBL Number(s) for proposed Project

155.00-1-50

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

\$452,522- entire campus (owned property)

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

Land

\$ 0

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

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

No

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

Owned land available for expansion

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)

The AIM Center Phase 1 Project would provide a new 150,000 square foot standalone building to expand the Elma, NY campus manufacturing footprint. The Project would take place on land already owned by Moog and Moog is the only intended user/tenant. Approximately 80% of the floor space would be dedicated to machining (shop) capabilities in support of Moog's current Aircraft Group (AG) book of business, primarily military aerospace content. The remainder would be mixed office space (manufacturing engineering and administrative) to support the machining operation. The Project schedule projects building completion and occupancy by mid-2024. Moog's existing manufacturing floorspace is constrained and new, additional equipment is both planned and on order; all of which would be installed in the new building. This new equipment will help improve the Aircraft Group's operational performance by reducing lead times and improving product quality. In addition, much of the existing equipment is intended to transfer to the new building. Vacating the machine shop space in plant 2/2A/2B will allow Moog to refurbish the building and expand AG's Assembly and Test (A&T) areas, Development Lab, and Support areas to relieve congestion, co-locate similar products, and provide space for projected growth and new product lines. It is anticipated that the existing machine shop space would be vacated and refurbished in stages between mid-2024 and the end of 2025 (the refurbishment project is not a part of this application). Further, while the majority of the employees from these plants will move to the new building, it is expected that approximately 50 employees will remain. And, upon the completion of the refurbishment project, we are forecasting occupancy to amount to 300. The total project cost of the AIM Center Phase 1 Project is estimated at between \$70M and \$80M (building construction, furniture & fitout, manufacturing equipment), with the building and associated infrastructure improvements estimated at \$39M of the total. The facility will be used primarily for production, with limited manufacturing-related R&D activities. At the time of this application submission, it is not expected that this new building will result in increased Full-Time employment on the Moog campus as it would result in the re-location of existing Full-Time employees from other buildings on Moog's Elma, NY campus. It is expected that it would provide an estimated 1156 man-months (or 96.33 man-years) of employment in construction related employment in the 2023-2024 timeframe. However, this application is for the first of three potential phases of construction. Each subsequent project phase would be a separate project, each submitted under a separate IDA project/application. At this time, each additional phase is estimated at an additional 150,000 square feet of production space that would support additional Moog business. While the timing of the additional phases is still notional, it is estimated that each subsequent phase would result in roughly 100 additional production jobs on the Elma campus. The phase 1 construction activity, which includes significant campus infrastructure upgrades, is required in order to be able to construct phases 2 and 3.

Municipality or Municipalities of current operations

Town of Elma, County of Erie

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?

No

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

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)

Moog operates in highly competitive markets across all our Business Segments. As such, cost control is essential to maintaining our competitive position. The reduction on costs associated with construction materials and property taxes via a PILOT program provide meaningful cost reductions which are critical to the decision to move forward with the new facility.

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?

Moog has performed site selection investigations and would/has considered placing this manufacturing facility in one of the following metro areas: * Atlanta, Georgia * Charlotte/Kinston, North Carolina * Greenville/Charleston, South Carolina Failure to obtain Financial Assistance for this Project could cause Moog to halt this project and pursue similar assistance from the locations listed above. A decision by Moog to locate this facility in a different state would result in lost jobs for Erie County and New York State.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

This project may include leasing of manufacturing and computer equipment; lease term for major equipment will generally be six to seven years.

Site Characteristics

Is your project located near public transportation?

No

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

Has your local municipality and/or its planning board made a determination regarding the State Environmental Quality Review (SEQR) for your project?

Yes

If YES indicate in the box below the date the SEQR determination was made. Also, please provide us with a copy of the approval resolution and the related Environmental Assessment Form (EAF) if applicable.

If NO indicate in the box below the date you anticipate receiving a SEQR determination for your project. Also, please insure that the ECIDA has been listed as an "involved agency" on the related EAF submitted to the appropriate municipality and/or planning department.

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

Yes

Describe the present zoning/land use

Industrial

Describe required zoning/land use, if different

N/A

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

N/A

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

No

If yes, please explain

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

Yes

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?

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

All building-related equipment will be purchased new, 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?

No

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

Select Project Type for all end users at project site (you may check more than one)

For purposes of the following, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, you will need to complete the Retail section of this application.

Retail Sales	No	Services	No
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Please check any and all end uses as identified below.

- No Acquisition of Existing Facility** **No Assisted Living** **Yes Back Office**
- No Civic Facility (not for profit)** **No Commercial** **No Equipment Purchase**
- No Facility for the Aging** **No Industrial** **No Life Care Facility (CCRC)**
- No Market Rate Housing** **No Mixed Use** **No Multi-Tenant**
- No Retail** **No Senior Housing** **Yes Manufacturing**
- No Renewable Energy** **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	107,000 square feet	\$	24,353,000	71%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	43,000 square feet	\$	9,947,000	29%
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?
Yes

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

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 Yes

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

2/14/2023

End date : Estimated completion date of project

6/30/2024

Project occupancy : estimated starting date of occupancy

7/1/2024

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0 square feet acres

2.) New Building Construction

\$ 34,300,000 150,000 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0 square feet

5.) Manufacturing Equipment

\$ 34,000,000

6.) Infrastructure Work

\$ 5,000,000

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

\$ 700,000

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

\$ 2,750,000

9.) Other Cost

\$ 0

**Explain Other
Costs**

Total Cost \$ 76,750,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 39,300,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 21,615,000
% 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	\$ 22,315,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 2,000,000

** 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:	Initial exploratory cost only.

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 76,750,000
Bank Financing:	\$ 0
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):	\$ 0
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:	\$76,750,000
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).	
Lender Name, if Known	
Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):	\$0

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):

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.

Is project necessary to expand project employment?

No

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

This project may include leasing of manufacturing and computer equipment; lease term for major equipment will generally be six to seven years.

Employment Plan (Specific to the proposed project location)

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	180	180	0	0
Part time	0	0	0	0
Total	180	180	0	

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	15	\$ 170,000	\$ 33,000	\$ 0	\$ 0
Professional	65	\$ 105,000	\$ 33,000	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	100	\$ 67,000	\$ 33,000	\$ 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.

Yes **By checking this box, I certify that the above information concerning the current number of jobs at the proposed project location or to be relocated to the proposed project location is true and correct.**

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

Address	Remaining Elma campus Seneca & Jamison Roads Elma, NY 14059	31 Ellicott Rd West Falls, NY 14170	
Full time	3,277	31	0
Part time	96	0	0

Total

3,373

31

0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

16,075,000

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

114,000

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

0

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

0

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

0

Estimated salary range of jobs to be created

From (Full Time) 0

To (Full Time) 0

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

Seneca and Jamison Roads, Elma, NY 14059

Name and Address of Owner of Premises

Moog Inc.- Seneca and Jamison Roads, Elma, NY 14059

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

Moog is located on 331 acres of property between Seneca and Jamison Roads. Wetland map are provided files as 11-2020 All Wetland Maps 1-9.pdf.

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

Operations/processes carried out at the premises include manufacturing, assembly and test, research and development and back office activities. The following are the plants, square footage and dates of construction for properties at Seneca Street & Jamison Road Elma, NY 14059. •Addition- Plant 1, 29,480 Sq. ft., 7 /8/55 •Addition- Plant 1AL, 16,192 Sq. ft., 2019 •Addition- Plant 1AU, 15,474 Sq. ft., 2019 •Addition- Plant 2, 42,975 Sq. ft., 4/29/57 •Addition- Plant 2A,25,600 Sq. ft., 11/18/75 •Addition- Plant 2B, 35,500 Sq. ft., 1998 •Addition- Plant 2C, 7,840 Sq. ft., 2008 •Addition- Plant 3,30,200 Sq. ft., 2/18/63 •Addition- Plant 3AL, 29,086 Sq. ft., 2019 •Addition- Plant 3AU, 29,688 Sq. ft., 2019 •Addition- Plant 3B, 26,520 Sq. ft., 2/18/63 •Addition- Plant 4, 21900 Sq. ft., 1/20/80 •Addition- Plant 4A, 29,069 Sq. ft., 2001 •Addition- Plant 4B, 7,860 Sq. ft., 1/20/80 •Addition- Plant 5, 19,800 Sq. ft., 6/9/59 •Addition- Plant 5A,8,200 Sq. ft., 11/30/78 •Addition- Plant 6, 11,160 Sq. ft., 6/8/76 •Addition- Plant 6A, 16,390 Sq. ft.,5/24/07 •Addition- Plant 11, 20,247 Sq. ft., 5/23/66, 300 Jamison Road Elma, NY 14059 •Addition- Plant 11A, 31,020 Sq. ft., 4/26/76, 300 Jamison Road Elma, NY 14059 •Addition- Plant 11B, 13,072 Sq. ft., 1/10/80, 300 Jamison Road Elma, NY 14059 •Addition- Plant 11C, 65,643 Sq. ft.,4/16/81, 300 Jamison Road Elma, NY 14059 •Addition- Plant 11D, 39,690 Sq. ft., 3/26/09, 300 Jamison Road Elma, NY 14059 •Addition- Plant 17, 50,000 Sq. ft., 7 /12/69, 170 Jamison Road Elma, NY 14059 •Addition- Plant 20, 195,720 Sq. ft., 10/30/84, 500 Jamison Road Elma, NY 14059 •Addition- Plant 20A, 57,620 Sq. ft., 7 /15/09, 500 Jamison Road Elma, NY 14059 •Addition- Plant 26, 69,050 Sq. ft.,12/17 /12, 400 Jamison Road Elma, NY 14059 •Addition- Plant 32- 5,130 Sq. ft.,2018 Seneca Street & Jamison Road Elma, NY 14059 •Addition- WWTP Building 1,250 Sq. ft., 6/29/79, Seneca Street & Jamison Road Elma, NY 14059 The following are the plants, square footage and dates of construction with their respective addresses not on the contiguous 331 acres at Seneca Street & Jamison Road Elma, NY 14059. •Addition- Plant 8, 9,600 Sq. ft., 7661 Seneca Street •Addition- Plant 12, 7,850 Sq. ft., 7211 Seneca Street Elma, NY 14059 •Addition- Plant 12A, 9,000 Sq. ft.,12/15/09, 7211 Seneca Street Elma, NY 14059 •Addition- Plant 15A, 18,480 Sq. ft., 9/3/80, 741 Conley Road Elma, NY 14059 •Addition- Plant 15B, 11,100 Sq. ft., 9/3/80, 751 Conley Road Elma, NY 14059 •Addition- Plant 15C, 6375 Sq. ft., 9/3/80, 753 Conley Road Elma, NY 14059 •Addition- Plant 23, 17,500 Sq. ft.,2/15/88, 7060 Seneca Street Elma, NY 14059 •Addition- Plant 24, 68000 Sq. ft., 8/15/89, 6860 Seneca Street Elma, NY 14059 •Addition- Plant 27, 26,071 Sq. ft., 8/10/11, 611 Jamison Road Elma, NY 14059 •Addition- Plant 27, 55,386 Sq. ft., 2018, 611 Jamison Road Elma, NY 14059 •Addition- Plant 31, 10,500 Sq. ft., 3/15/11, 31Ellicott Street West Falls, NY •Addition- 7,500 Sq. ft., 7000 Seneca Street Elma, NY 14059 •Addition- 6,000 Sq. ft., 600 Conley Road Elma, NY 14059 •Addition- 8,000 Sq. ft., 600 Conley Road Elma, NY 14059 •Addition- 1,000 Sq. ft., 621 Conley Road, Elma, NY 14059 •Addition- 3,520 Sq. ft. 741 Conley Road, Elma, NY 14059

Describe all known former uses of the Premises

N/A

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?

Yes

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

There are have been small spills that have occurred near the premises. A description of the spills including spill location, description of the spill and the status of the spill are found in the table below. Supporting documentation by spill number is found in the provided files. • Spill#- 1402646, Location- Oil Storage Building, Spill Date- 06-11-2014, Material Spilled- Diesel fuel; Oil, Description- A Diesel Fuel spill occurred from overfilling snow removal vehicles parked over a gravel surface. Other spots of oil contamination from crushed oil drums in a scrap metal dumpster were also remediated during the same spill clean-up. Spill has been closed by the DEC. • Spill#- 1404602, Location- Plant 3, Spill Date- 07-28-2014, Material Spilled- Mineral oil, Description- A new transformer catastrophically failed resulting in a spill of approximately 10 gallons of Envirotemp FR3 dielectric fluid (mineral oil). Spill has been closed by the DEC. • Spill # -1407084, Location- Plant 2, Spill Date- 10-07-2014, Material Spilled- Oily Mop Water, Description- A wastewater treatment process tank overflowed spilling 10 gallons of oily mop water into the sanitary sewer and to Moog's Sanitary WWTP. Spill has been closed by the DEC. • Spill#- 1506181, Location- Oil Storage Building, Spill Date- 09-16-2015, Material Spilled- Historical Petroleum Staining, Description- During excavation to pave an area that has been gravel covered, historical petroleum staining was discovered in an area where drums where historically (25+ years ago) stored. Since the area will be effectively capped by the asphalt paving, the DEC determined that the spill will have a status of inactive.

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?

Yes

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

As Moog constructed buildings and maintained the grounds over the years, a large pile of soil was created on the south side of Plant 11. The pile consisted of soil, tree branches, concrete and brick, leaves, and grass clippings. Since all of these items were mixed together, the site was classified as a Construction and Demolition Debris Landfill and subject to a consent order from the DEC to "close" the soil pile. A closure plan was prepared and approved by the DEC. As of October 19, 2016 the soil pile was closed in accordance with DEC regulations. See the provided file "Final Closure Letter from DEC" 2016. Annual post closure groundwater monitoring continued for the minimum of 5 years. No compounds were detected so groundwater monitoring has been discontinued. See the provided file "Moog Consent Order Closure Letter 3-25-21.pdf". Building 11 is listed on the Registry of Inactive Hazardous Waste Sites. In 1994, an Underground Storage Tank containing used oil leaked and was replaced with the existing double-walled tank. The site has an ID of #915164, however, a consent order was never signed for this remediation. There is a deed restriction in place for a section of the eastern portion of Plant 11 as Part of a Site Management Plan that was developed with oversight by the NYSDEC. Building 11 also has a subslab depressurization system to maintain indoor air quality in the area of the building impacted by the historic VOC contamination. The facility is currently employing natural attenuation in accordance with Quarterly Groundwater monitoring to bring VOC levels in groundwater to the NYSDEC clean-up standard. In lieu of a consent order, Moog entered the brownfield clean-up program when constructing the ACG addition of plants 1A/3A to address historic contamination near Plants 1 and 3. With construction of this building complete, Moog received a NYSDEC Certification of Brownfields Remediation in October 2021. See the provided file "NYSDEC Certification of Brownfields Remediation Oct. 2021.pdf".

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 detailSolid 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

EPA ID# NYD002103166

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

- Waste Type- All Hazardous Waste, Classification- Hazardous, Transporter- Clean Harbors, Buffalo, NY • Waste Type- Select Profiled Non-hazardous wastes, Classification- Non-Hazardous, Transporter- Clean Harbors, Buffalo, NY • Waste Type- Used Oil, Classification- Used Oil, Transporter- NOCO- Tonawanda, NY • Waste Type- Used Batteries, Classification- Universal Waste, Transporter- Fedex Ground in prepaid UN Box • Waste Type- Used Lamps, Classification- Universal Waste, Transporter- Veolia Environmental Solutions, Tonawanda, NY • Waste Type- Solid Waste, Classification- Solid, Transporter- Waste Management- Chaffee, NY • Waste Type- Grinding Sludge & Filters from 3-D printing powdered metals, Classification- Solid, Transporter- Covanta Niagara Falls, NY • Waste Type- Plastic, single stream, Classification- Solid- recycled, Transporter- Waste Management- Chaffee, NY • Waste Type- Construction & Demolition Debris, Classification- Solid- C&D, Transporters- Varecka Disposal- East Aurora, NY & Waste Management- Chaffee, NY • Waste Type- E-Waste, Classification- E-Waste, Transporter- EWASTE+- Victor, NY • Waste Type- Grease, Classification- Solid Waste, Transporter- Darling International Inc- Buffalo, NY • Waste Type- Scrap Metal, Classification- Solid Waste, Transporter- Niagara Metals- Niagara Falls, NY

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

- Waste Type- All Hazardous Waste, Classification- Hazardous, Disposal Facility- Various Clean Harbors facilities in US, depending on waste. See attached file "Jamison Road- Annual Haz Waste Rpt. 2021.pdf" for specific hazardous waste information for 2021. • Waste Type- Select Profiled Non-hazardous wastes, Classification- Non-Hazardous, Disposal Facility- Various Clean Harbors facilities in US, depending on waste • Waste Type- Used Oil, Classification- Used Oil, Disposal Facility- NOCO- NOCO- Tonawanda, NY • Waste Type- Used Batteries, Classification- Universal Waste, Disposal Facility- Retriev Technologies- Lancaster, OH • Waste Type- Used Lamps, Classification- Universal Waste, Disposal Facility- Veolia Environmental Solutions, West Bridgewater, MA • Waste Type- Solid Waste, Classification- Solid, Disposal Facility- Waste Management- Waste Management- Chaffee, NY • Waste Type- Grinding Sludge & Filters from 3-D printing powdered metals, Classification- Solid, Disposal Facility- Covanta, Niagara Falls, NY • Waste Type- Plastic, single stream, cardboard Classification- Solid- recycled, Disposal Facility- Cascades- Niagara Falls, NY • Waste Type- Construction & Demolition Debris, Classification- Solid- C&D, Disposal Facilities- Swift River- Lancaster, NY, & Waste Management- Chaffee, NY • Waste Type- E-Waste, Classification- E-Waste, Disposal Facility- EWASTE+- Victor, NY • Waste Type- Grease, Classification- Solid Waste, Disposal Facility- Darling International Inc- Buffalo, NY • Waste Type- Scrap Metal, Classification- Solid Waste- Recycled, Disposal Facility- Niagara Metals- Niagara Falls, NY

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 storedDischarge 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**

Moog submitted an application for a SPDES permit in 1989. Moog had continued to renew this permit until 2013 when Moog requested the State that an entirely new permit was needed due to operational changes and temperature limits within the current permit that cannot be met. Since only the State can initiate an entirely new permit renewal, Moog was instructed to continue to operate under its expired permit until the State initiated a new permit application. On January 14, 2013 Moog formally requested a new permit and was granted permission to continue to operate under its current permit that expired in 2013. On December 29, 2017 a fully completed SPEDES permit application with supporting data was submitted to the NYSDEC. The NYSDEC reviewed the application and issued Moog a new SPDES permit that became effective 1-1-2019. The permit was modified on 09-01-2020 after Moog completed some required sampling and TDS removals (to remove those conditional requirements that had been satisfied) and expires on 12/31/2023. The current permit is attached as file "SPDES Permit effective 9-1-2020.PDF".

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

The facility has its own wastewater treatment plant (WWTP) for sanitary wastewater treatment. The facility does discharge some industrial wastewater to this plant but only after it has been pre-treated to meet Part 433 of the CWA- Metal Finishing. The facility discharges approximately 35,000 gpd of sanitary wastewater, of which 6,000 gpd is pre-treated industrial wastewater. Noncontact cooling water is generated on a seasonally adjusted basis of 0- 33,000 gpd with zero being winter time (no cooling water discharge needed) and 33,000 gpd being a very hot humid day with a high need for air conditioning. The facility does generate contact cooling water. The facility discharges Stormwater through 7 outfalls identified on the SPDES Permit {identified in question 1 above}. There is a septic tank at Building 17 on the Premises. This tank is regularly pumped out but is redundant because the septic tank discharges to the sanitary wastewater treatment plant where it is also treated.

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

Yes

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

The facility has 7 outfalls through which water discharges. Outfalls 001, 002, 003, 006, & 007 discharge to a tributary of Cazenovia Creek, a Class C stream. Outfalls 004 and 005 discharge to a tributary of the Buffalo River, also a Class C waterbody. Outfall 001 is at the outlet of the Moog WWTP. This outfall averages 50,000 gpd of which 35,000 is sanitary the remainder from stormwater. Since Moog's WWTP is open to rainwater the discharge can exceed 100,000 gpd during significant rainfall/snowmelt events. The other outfalls discharge mainly stormwater with a small bit of comfort cooling non-contact cooling water mixed in. Outfall 002 is approximately 91,500 gpd which also includes Outfall 001's discharge. The additional 41,500 gpd is from stormwater, non-contact cooling water and groundwater infiltration. Outfall 003 is approximately 16,600 gpd of stormwater. Outfall 004 is approximately 16,900 gpd of stormwater. Outfall 005 is approximately 105,700 gpd of stormwater and surface water. There is a creek that leads to two ponds one of which whose outlet leads to Outfall 005. Outfall 006 averages 16,100 gpd and is a mixture of groundwater infiltration and stormwater. Outfall 007 is approximately 6,500 gpd of stormwater.

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

Moog Inc.'s Elma, NY facility is a designer and manufacturer of motion control systems. Parts made from various metals, including aluminum, stainless steel, and titanium, are machined and tested on site. Moog has a Title V air permit due to fugitive emissions from assembly benches/test equipment of IPA, solvents, chemicals and test fluids. Moog's Title V air permit contains the following 8 emission units. • Facility-wide stationary combustion sources include emergency generators, boilers, furnaces and engines. • Facility-wide sources of particulate emissions from exhaust or ventilation systems are dust collectors, mist eliminators, and cooling towers. Soldering process operations, which also contribute to particulate emissions, include hand held soldering stations, wave soldering, and selective solder machines. Some process sources of particulate emissions, such as electron beam welding machines, metal cutting and laser engravers, also emit small amounts of hazardous air pollutants (HAPs). • Facility-wide process operations that emit volatile organic compounds (VOCs) include many small sources, such as solvent metal parts cleaners. This emission unit also includes some process sources, such as non-destructive inspection or testing using liquid penetrants, drying/curing of paints, adhesives, coatings, and forming/curing of cables, that emit small amounts of hazardous air pollutants (HAPs). • Moog operates a non-electrolytic metal coating process operation consisting of a chromate conversion plating line that contains chromium, a hazardous air pollutant (HAP). However, under normal operations, only water vapor is emitted from this area. • Painting operations include three (3) paint booths that emit both volatile organic compounds (VOCs) and particulates, and one (1) dip tank that emits methylene chloride, a hazardous air pollutant (HAP). • A natural gas-fueled wastewater evaporator is used to evaporate wash waters, because the facility is not connected to, and has no ability to connect to, a municipal sanitary sewer system (ECSA). Spent aqueous parts washer solutions may contain detergents with small amounts of volatile organic compounds (VOCs) and are also processed in the wastewater evaporator. • Moog has a chemical cleaning process operation which consists of numerous tanks for metal parts that use various strong acids, including hydrochloric acid, to remove surface imperfections such as embedded iron, oxides, heat tint stains, inorganic contaminants, rust or scale. Any hydrochloric acid emissions are defined as a Hazardous Air Pollutant (HAP). For a copy of Moog's Title V permit, see attached file "Title V Permit (1-29-2018).pdf".

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

• Tank Type- Underground, Location-Plant 2, Chemical Stored- Used Oil, Tank Size- 2,000 gallons • Tank Type- Underground, Location- Plant 11, Chemical Stored- Used Oil, Tank Size- 1,000 gallons • Tank Type- Aboveground Emergency Generator, Location Plant 3, Chemical Stored- Diesel Fuel, Tank Size- 600 gallons • Tank Type- Aboveground Emergency Generator, Location- Plant 20, Chemical Stored- Diesel Fuel, Tank Size- 600 gallons • Tank Type- Aboveground Emergency Generator, Location- Plant 20, Chemical Stored- Diesel Fuel, Tank Size- 400 gallons • Tank Type- Aboveground Emergency Generator, Location- Plant 11D, Chemical Stored Diesel Fuel, Tank Size- 200 gallons • Tank Type- Aboveground Emergency Generator, Location- Plant 26, Chemical Stored- Diesel Fuel, Tank Size- 875 gallons • Tank Type- Aboveground Emergency Generator, Location- Microwave Tower, Chemical Stored- Diesel Fuel, Tank Size- 80 gallons • Tank Type- Aboveground Emergency Generator, Location- Wastewater Treatment Plant, Chemical Stored- Diesel Fuel, Tank Size- 1400 gallons • Tank Type- Aboveground Emergency Generator, Location- Plant 3A/1A, Chemical Stored- Diesel Fuel, Tank Size- 2020 gallons • Tank Type- Aboveground, Location- Plant 5, Chemical Stored- Liquid Nitrogen, Tank Size- 9,000 gallons • Tank Type- Aboveground, Location- Plant 11, Chemical Stored- Liquid Nitrogen, Tank Size- 1,500 gallons • Tank Type- Aboveground, Location- Plant 15B, Chemical Stored- Liquid Nitrogen, Tank Size- 9,000 gallons • Tank Type- Aboveground, Location- Plant 20, Chemical Stored- Liquid Nitrogen, Tank Size- 9,000 gallons • Tank Type- Aboveground, Location- Plant 11, Chemical Stored- Liquid Argon, Tank Size- 1,500 gallons • Tank Type- Trailer of Cylinders, Location- Plant 20, Chemical Stored Helium, Tank Size- 60,000 cubic feet • Tank Type- Thermo Oxidizer holding tank, Location Inside 2 Aqueous rinse waters, Chemical Stored- oily mop water, Tank Size- 2,000 gallons For a copy of Moog's PBS registration, see attached file "Moog Inc. PBS Certificate 10-20-21.pdf".

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

Yes

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

There was an overflow of the thermo oxidizer holding tank. Oily mop water containing cutting oils was discharged through a lavatory floor drain to Moog's on site waste water treatment plant. A sheen was noted in the pump station to the treatment plant but none at the plant itself. A spill boom was placed in the pump station as a precautionary measure. The spill was reported to the NYSDEC- Spill #1407084. It has been closed out. The spill report is referenced in Section IX {A}{7} of this application.

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?

Yes

If yes, please identify the materials

All known asbestos containing materials on this site have been remediated at the time of discovery. Due to the size and age of the facility, this is approach Moog employs. All renovation jobs are evaluated at that time and if any asbestos is found, it is remediated by an outside contractor and disposed of in accordance with Federal and State regulations.

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 Moog Inc.
Address 7021 Seneca Street, Elma NY 14059
Contact Person Connie Buynacek
Phone (716) 805-2786
Fax
E-Mail cbuynacek@moog.com
Federal ID # 16-0757636
SIC/NAICS Code 336410

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. **If no, proceed to the next section.**

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

Seneca & Jamison Rd

City/Town

Elma

State

New York

Zip Code

14059

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.)

In order to meet Moog's business needs and fit the required manufacturing equipment, the facility must be at least 150,000 sq-ft, with 24 foot ceilings. Truck loading docks will also be required for movement of materials between plants on campus. The critical facility requirements include adequate utility availability (primarily gas and electric), floor strength to hold heavy machinery, temperature and humidity control to maintain extremely tight tolerances.

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?

<BLANK>

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

Moog is headquartered in Erie County and a high percentage of operations reside on the Elma campus. Moog has additional, undeveloped property on campus suitable for construction of a building that meets its business needs.

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

N/A

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.

N/A

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

Section X: Tax Exempt Bonds

In order to receive the benefits of a tax-exempt interest rate bond, private borrowers and their projects must be eligible under one of the federally recognized private active bond categories (Fed Internal Rev Code IRC sections 142-144, and 1394).

Are you applying for tax exempt bonds / refinancing of bonds related to a residential rental facility project?