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# **2020 ECIDA Progress Assessment Report**

# Agenda

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

## Compliance Monitoring - Material Terms

- Investment
  - Requires a private investment equal to at least 85% of the project cost
  - Clients submit an investment certification and a copy of their project budget after construction is complete
- Job Retention
  - Clients are required to maintain 90 or 95% of their jobs at application (150 or less retain 90%; 150+ retain 95%)
  - Monitored by quarterly employment surveys and NYS-45 form (or other supporting documentation)
- Job Creation
  - Clients are required to create 85% of their job projections
  - Monitored by quarterly employment surveys and NYS-45 form (or other supporting documentation)
- Local Labor Policy
  - Requires that 90% of all contractors/sub-contractors to reside within the 8 counties of WNY (Erie, Niagara, Cattaraugus, Chautaugus, Allegany, Wyoming, Genesee, Orleans)
  - Monitored by quarterly local labor reports
- Pay Equity Policy
  - Requires clients to pay male and female employees the same wages for similar work
  - Monitored by random pay equity audits; audits are performed by the Erie County Division of Equal Employment Opportunity
- Unpaid Real Property Tax Policy
  - Requires individuals who hold at least a 25% ownership interest in the applicant (entity receiving benefits) to pay all taxes on all properties located within Erie County
  - ECIDA staff monitors by requesting a list of all properties in which the applicant has a 25% or more ownership interest. The property list is forwarded to the Erie County Commissioner of Real Property Services for confirmation that all real property taxes, special district charges and/or PILOT payments are current.

## Compliance Summary

- In 2020, 73 projects were obligated under the recapture policy (not including companies whose recapture obligation expired)
- These companies fulfilled their agreements with the ECIDA in 2020 and are no longer active:
  - 128 Pearl Street, LLC/St. Paul's Apartments
  - 1391 Hertel LLC
  - Barker Street Apartments/Glendale
  - Tomric Systems Expansion
  - R&M Leasing, LLC/Pierce Arrow Business Park
  - Curtis Niagara, LLC
  - ITT Enidine, Inc.
  - The Alexandre Apartments, LLC
  - Silos at Elk Street
- 100% compliance with the Local Labor Policy
- 100% compliance with the Pay Equity Policy
- 100% compliance with the Unpaid Tax Policy
- 100% compliance with job retention/job creation requirements
  - The ECIDA Board of Directors voted to modify its recapture policy and not impose recapture on clients that can demonstrate that its employment was reduced because of the pandemic.
  - Out of 14 companies, 19.17% of the portfolio were short of their employment goals due to COVID-19
  - 0 clients were subject to benefit adjustments in 2020.
- 100% compliance with investment requirement documentation requests

# 2020 Local Labor Results

## ➤ 1<sup>st</sup> Quarter

- 1,143 total construction workers
- 96.59% resided within the 8 counties of WNY
- 3.41% resided outside the 8 counties of WNY
- 69.55% resided in Erie County

## ➤ 2<sup>nd</sup> Quarter

- 801 total construction workers on-site
- 98.38% resided within the 8 counties of WNY
- 1.62% resided outside the 8 counties of WNY
- 69.54% resided in Erie County

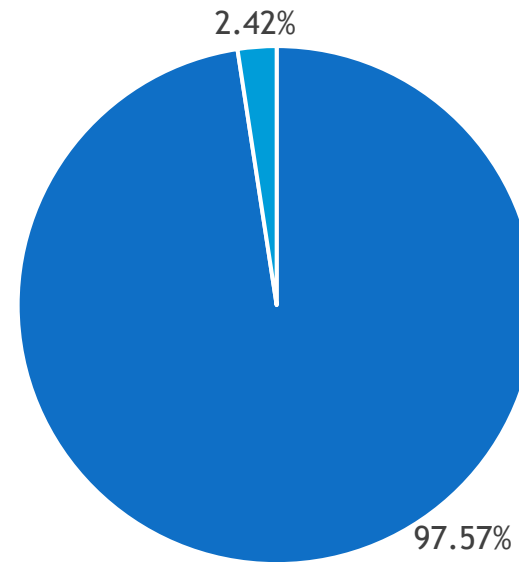
## ➤ 3<sup>rd</sup> Quarter

- 1,239 total construction workers on-site
- 96.85% resided within the 8 counties of WNY
- 3.15% resided outside the 8 counties of WNY
- 72.64% resided in Erie County

## ➤ 4<sup>th</sup> Quarter

- 1,129 total construction workers on-site
- 98.49% resided within the 8 counties of WNY
- 1.51% resided outside the 8 counties of WNY
- 77.23% resided within Erie County

## 2020 Local Labor Results



■ Construction workers residing within the 8 counties of WNY

■ Construction workers residing outside of WNY

72.24% of construction workers reside within Erie County

# Sales Tax Compliance

- ▶ The Board approves the amount that a company can receive in sales tax savings
- ▶ If a company reports more than the approved amount, it must repay the overage
- ▶ Sales tax savings are monitored through the ST-340 forms that companies submit to the NYS Tax Dept.; ECIDA requests a copy of the form
- ▶ Staff compares the sales tax savings amount approved by the Board with the ST-340 forms that clients submit; if a client exceeds the approved amount, staff informs the client that they must pay the overage
- ▶ Client sends a check to the ECIDA; ECIDA staff completes the ST-65 form and forwards the check to the NYS Tax Dept.
  - ▶ In 2020, two companies repaid the NYS Tax Dept. for sales tax overages.
  - ▶ Total amount repaid was \$1,771.87, and \$25,501.90.

# Compliance Meeting

- ▶ ECIDA Client Meeting
  - ▶ Overview of all compliance requirements, material terms & recapture policy
  - ▶ Meeting held on October 7, 2020
  - ▶ 35 attendees from 19 companies

**ECIDA 2020 Progress Assessment Report**

Project Code	Project Name	Investment Required	Investment Confirmed	Compliant with Local Labor Policy	Compliant with Pay Equity Policy	Compliant with Unpaid Tax Policy	Jobs at Application Required	Jobs to be created	2020 Full-Time	2020 Part-Time	2020 Total Jobs	2020 COVID Impact	2020 Job Status (see notes for formulas)	Jobs Creation Due Date	Recapture End Date
10397	1485 Niagara, LLC	\$4,760,000	N/A	Y	Y	Y	48	1	64	2.5	65.25	N	17.25	12/31/22	12/31/22
10377	166 Chandler Holdings, LLC	\$3,990,750	Y	N/A	Y	Y	0	5.5	39.5	24	51.5	N	51.5	5/31/21	5/31/21
10411	201 Ellicott, LLC/Braymiller Market	\$5,866,615	N/A	Y	Y	Y	0	38	0	0	0	N	0	12/31/23	End of PILOT
10230	337 Ellicott Street, LLC/Big Ditch Brewing	\$2,176,000	Y	N/A	N/A	N/A	0	11	34	12	40	N	29	12/31/18	12/31/23
10376	467 Richmond/REVPAC	\$9,159,290	N/A	Y	Y	Y	3	1	2	0	2	Y	-1	2/28/24	2/28/24
10231A	500 Seneca Street, LLC	\$26,976,980	Y	N/A	N/A	N/A	18	10	549.5	44.5	571.75	N	543.75	6/30/19	12/31/25
10203	555 Riverwalk Parkway, LLC	\$10,628,000	Y	N/A	N/A	N/A	732	70	897	5.5	899.75	N	97.75	8/31/16	12/31/24
10355	570 Associates VI, LLC	\$17,633,250	N/A	Y	Y	Y	0	105	12.5	0	12.5	N	12.5	12/31/23	12/31/27
10372	683 Northland Avenue/Workforce Training Center	\$49,357,729	Y	Y	Y	Y	0	7	92.5	16	100.5	N	100.5	6/30/22	12/31/27
10315	722 Group	\$4,896,000	Y	N/A	Y	N/A	0	2	1	0	1	N	1	3/31/21	3/31/21
10339	791 Washington Street/Trico	\$76,916,960	N/A	Y	Y	Y	0	110	0	0	0	N	0	7/31/24	7/31/24
10283	9271 Group, LLC/960 Busti	\$5,916,000	Y	N/A	N/A	N/A	0	1	17	0	17	N	17	12/31/21	12/31/21
10285A	93 NYRPT, LLC/Randall Benderson 1993-I Trust	\$5,508,000	Y	N/A	N/A	N/A	0	30	36	12.5	42.25	N	42.25	12/31/21	12/31/24
10298	95 Pirson Parkway, LLC	\$2,808,825	Y	N/A	N/A	N/A	128	26	160	0	160	N	6	12/31/18	12/31/27
10359	Aakron Rule Corporation	\$2,269,500	Y	N/A	Y	Y	131	11	87	2	88	Y	-43	9/11/21	12/31/28
10208	Automated Machine Technologies, Inc.	\$786,250	Y	N/A	N/A	N/A	3	1	6	0	6	N	2	7/31/16	12/31/24
10413	Buffalo Material Handling/125 Taylor Holdings LLC	\$1,117,750	Y	Y	Y	Y	27	2	49.5	1.5	50.25	N	23.25	12/31/22	12/31/27
10340	Calspan Corporation/Genesee Holdings	\$6,009,500	Y	N/A	Y	Y	102	9	121	8	125	N	23	6/30/21	12/31/28
10394	Column Development	\$2,550,000	Y	N/A	Y	Y	27	6	24	0	24	Y	-3	9/30/21	12/31/26
10408	CPI Process Systems, Inc.	\$2,365,000	Y	Y	Y	Y	12	2	14	1.5	14.75		2.75	12/31/23	12/31/31
2123	Curtis Niagara, LLC	N/A	N/A	N/A	N/A	N/A	157	0	146.5	0	146.5	Y	-10.5	N/A	12/31/20
10286A	David Gordon/Gordon Companies, Inc./Colvin Oakdale, LLC	\$1,551,250	Y	N/A	N/A	N/A	74	5	87	0	87	N	8	7/31/19	12/31/24
10363	Delaware Lodge Apartments	\$1,059,100	Y	N/A	Y	Y	0	0	0	0	0	N	0	N/A	5/31/21
10415	Derby Warehousing LLC	\$1,132,200	Y	N/A	Y	Y	5	1	6	2	7	N	2	7/31/22	12/31/28
10225	DNC 250, Inc.	\$44,017,851	Y	N/A	N/A	N/A	332	55	308	0	308	Y	-79	3/31/19	12/31/27
10395	Ebenezer Railcar Services, Inc.	\$5,100,000	Y	Y	Y	Y	76	11	88	1.5	88.75	N	12.75	12/31/22	12/31/28
10385	Emerson Huron, LLC	\$32,231,525	Y	N/A	Y	Y	54	0	60	0	60	N	6	9/30/22	9/30/22
10417	Fisher-Price, Inc.	\$3,421,299	N/A	Y	Y	Y	260	4	288.5	0	288.5	N	23	6/30/23	6/30/23
10352	Flexo-Transparent, Inc.	\$5,227,500	Y	N/A	Y	Y	104	5	119	4.5	121.25	N	12.25	12/31/20	12/31/25
10317A	Flexovit USA, Inc.	\$6,817,753	Y	N/A	Y	N/A	41	30	70	0	70	Y	-1	12/31/18	12/31/27
10254A	Flying Bison Brewing Co.	\$2,125,000	Y	N/A	N/A	N/A	5	3	8	5	10.5	N	2.5	7/7/17	12/31/23
10330	Great Lakes Orthodontics, Ltd.	\$4,254,446	Y	N/A	Y	Y	210	8	138	4	140	Y	-78	12/31/19	12/31/28
10389	Group V Real Estate, Inc.	\$1,289,875	Y	Y	Y	Y	50	21	92.5	1	93	N	43	12/31/21	12/31/29
10419	Hertel Pacific/Cypress North	\$794,886	Y	N/A	Y	Y	14	2	19	0	19	N	5	12/31/22	12/31/28
10350	Iroquois Bar Corporation	\$782,000	Y	N/A	Y	Y	59	2	70	18	79	N	18	9/30/19	12/31/25
10380	ITT Enidine, Inc.	\$1,020,000	Y	N/A	Y	Y	248	8	240	0	240	Y	-16	12/31/20	12/31/20
10331	Kohler Awning, Inc.	\$722,500	Y	N/A	Y	Y	45	1	79	0	79	N	33	7/31/19	12/31/24
10404	Marina Vista Preservation, LP	\$20,059,671	N/A	Y	Y	Y	5	0	5	0	5	N	0	N/A	6/30/23
10209A	McGard, LLC	\$7,012,500	Y	N/A	N/A	N/A	434	19	664	0	664	N	211	6/30/17	12/31/22
10409	McKesson Corporation	\$15,470,000	Y	N/A	Y	Y	56	11	63.5	11	69	N	13	6/30/22	6/30/22
10412	Michigan-Seneca Group	\$4,855,220	N/A	Y	Y	Y	1	29	1	0	1	N	0	12/31/23	12/31/23
10356	Moog, Inc.	\$27,710,000	N/A	Y	Y	Y	274	36	535	33	551.5	N	277.5	12/31/22	12/31/30
10390	Niagara Label/12715 Lewis Road, LLC	\$1,627,750	Y	Y	Y	Y	44	4	59	1	59.5	N	15.5	12/31/21	12/31/30
10234	North American Salt Company	\$6,205,000	Y	N/A	N/A	N/A	0	6	9	0	9	N	3	6/30/17	12/31/22
10256	Orchard Heights, Inc.	\$24,310,000	Y	N/A	N/A	N/A	65	11	65	29	79.5	N	3.5	6/30/19	12/31/24
10378	Pearl Group, LLC	\$6,158,250	Y	N/A	Y	Y	0	29	4	2	5	N	5	12/31/21	12/31/21
10366	Pierce Arrow Kanaka LLC	\$29,354,750	Y	N/A	Y	Y	0	2	0	0	0	N	0	6/30/23	6/30/23
10354	Pine Pharmaceuticals	\$4,760,000	Y	N/A	Y	Y	14	10	74	8	78	N	54	6/30/20	12/31/28
10212	Pollock Research & Design d/b/a Simmers Crane Design & Services	\$1,453,500	Y	N/A	N/A	N/A	27	4	36.5	5	39	N	8	5/31/17	12/31/26
10211	Richardson Center Corporation/Richardson Olmsted Complex	\$46,880,714	Y	N/A	N/A	N/A	0	47	15	19.5	24.75	Y	-22.25	9/30/19	12/31/28
10393	ROAR Logistics, Inc.	\$2,218,500	Y	Y	Y	Y	39	12	62	0	62	N	23	11/1/22	12/31/28



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10420	Rosina Food Products, Inc.	\$49,300,000	N/A	Y	Y	Y	90	34	100	0	100	N	10	12/31/23	12/31/32
10269	SelectOne RE Holdings	\$1,445,000	Y	N/A	N/A	N/A	13.5	5	8	0	8	Y	-10.5	5/31/19	12/31/25
10365	Shea's Seneca Street, LLC	\$7,685,470	Y	N/A	Y	Y	0	14	12	24	24	N	24	3/31/21	3/31/21
10341	Shell Fab	\$2,324,750	Y	N/A	Y	Y	41	8	48	5	50.5	N	1.5	7/31/20	12/31/25
10292A	Shevlin Land & Cattle Company	\$1,445,000	Y	N/A	Y	N/A	63	8	61	3	62.5	Y	-8.5	6/30/18	12/31/24
10384	St. Paul Group, LLC	\$3,217,250	N/A	Y	Y	Y	0	15	0	0	0	N	0	6/30/23	6/30/23
10410	Steuben Foods, Inc.	\$14,326,055	Y	N/A	Y	Y	527	23	624	18	633	N	106	3/31/22	12/31/30
10360	Sumitomo Rubber USA, Inc.	\$8,252,650	Y	N/A	Y	Y	1179	0	1327	1	1327.5	N	148.5	N/A	12/31/29
10351	The Alexandre Apartments, LLC	\$3,629,165	Y	N/A	Y	Y	0	4	1	0	1	Y	-3	1/31/20	1/31/20
10295A	The Uniland Partnership of Delaware, LP	\$17,899,380	Y	N/A	N/A	N/A	485	0	497	0	497	N	12	11/30/19	12/31/27
10418	Time Release Properties/TMP Technologies	\$19,295,000	N/A	Y	Y	Y	93	17	118	0	118	N	25	12/31/24	12/31/32
10221	Tonawanda Pirson, LLC/Wythe Will Tzetzto	\$15,895,000	Y	N/A	N/A	N/A	0	18	32.5	0	32.5	Y	14.5	8/31/18	12/31/26
10328A	Trahwen-G, LLC	\$4,573,000	Y	N/A	Y	Y	0	30	0	0	0	N	0	12/31/21	12/31/24
10326	Triad Recycling and Energy Corp.	\$2,544,050	Y	N/A	Y	N/A	0	2	21	0	21	N	21	3/31/21	3/31/21
10260A	Unifrax 1, LLC	\$28,050,000	Y	N/A	N/A	N/A	255	21	245	0	245	Y	-31	6/30/18	12/31/26
10362	Unifrax 1, LLC	\$20,400,000	Y	N/A	Y	Y	0	21	38	0	38	N	17	3/31/20	12/31/25
10407	Unifrax Line 7/55 Pirson	\$30,600,000	N/A	Y	Y	Y	24	8	27	0	27	N	3	12/31/23	End of PILOT
10379	WNY Foreign Trade Zone Operations/Punto Franco Ltd.	\$1,496,000	Y	N/A	Y	Y	5	2	8	2	9	N	4	3/31/21	12/31/27
10416	Buffalo High Technology Center/IAP 505 LLC	\$6,695,829	Y	N/A	Y	Y	0	3	1	0	1	N	1	12/31/23	End of PILOT
10430	Steuben Foods, Inc.	\$21,778,269	N/A	Y	Y	Y	593	17	627	18	636	N	43	5/1/25	End of PILOT
10432	3310 Benzing Road, LLC/Marathon Roofing	\$616,250	Y	Y	Y	Y	14	2	14	2	15	N	1	3/31/23	12/31/28
10431	1275 Delaware LLC/637 Linwood	\$10,591,844	N/A	Y	Y	Y	0	9	0	0	0	N	0	12/31/23	12/31/23
10396	Michigan Broadway/Nash Lofts	\$5,622,107	N/A	Y	Y	Y	3	3	3	0	3	N	0	12/31/23	12/31/23
10435	Kamax, LLC/Raine Logistics	\$1,881,900	Y	Y	Y	Y	11	1	11.5	0	11.5	N	0.5	8/1/24	12/31/28
10433	Jemal's Seneca, LLC	\$38,250,000	Y	Y	Y	Y	0	4.5	0	0	0	N	0	4/30/22	12/31/46

**NOTE:** **Investment Confirmed:** "N/A" means the project was still in the construction phase in 2020 so the investment could not be confirmed in 2020; "N" means ECIDA staff is in the process of obtaining the investment confirmation.

**Compliant With Local Labor:** N/A means the project was not under construction during 2020, therefore, the company was not obligated under the Local Labor Policy.

**Pay Equity:** N/A means the project was approved by the Board prior to the Pay Equity Policy approval date. Accordingly, these companies are not subject to the Pay Equity Policy. All other companies are listed as compliant with the Pay Equity Policy because there were no Pay Equity audits performed in 2020.

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

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

**2020 Job Status:** Formula for companies whose job creation is not due: 2020 total jobs - jobs at application required. Formula for companies whose job creation was due during or before 2020: 2020 total jobs - (jobs at application required + jobs to be created).

**Recapture Expiration:** The recapture period for the following companies expired in 2020: (1) 128 Pearl Street, LLC/St. Paul's Apartments; (2) 1391 Hertel LLC; (3) Barker Street Apartments/Glendale; (4) R&M Leasing, LLC/Pierce Arrow Business Park (5) Silos at Elk Street; (6) Tomric Systems Expansion; (7) Curtis Niagara, LLC; (8) ITT Enidine, Inc.; (9) The Alexandre Apartments, LLC. These companies met all compliance and employment requirements.