



Erie County Industrial Development Agency
Meeting of the Membership
July 28, 2021
12:00 p.m.

95 Perry Street
5th Floor Conference Room
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 June 23, 2021 Meeting of the Membership (Action Item) (Pages 2-4)

3.0 Reports / Action Items / Information Items:

- 3.1 Financial Report (Informational) (Pages 5-8)
- 3.2 2021 Tax Incentive Induced/Closing Schedule/ Estimated Real Property Tax Impact (Informational) (Pages 9-11)
- 3.3 ECIDA’s COVID-19 Disaster Emergency Grant Program Conclusion (Informational) (Page 12)
- 3.4 Approval of Resolution to Request Release of Federal Interest in the RDC Loan Fund (Action Item) (Pages 13-16)
- 3.5 Approval of Resolution to contract with consultant to prepare the CEDS Update (Action Item) (Pages 17-20)
- 3.6 Policy Committee Update (Informational) (Pages 21-25)

4.0 Inducement Resolution:

	ECIDA Incentives	Private Investment	Municipality
4.1 132 Dingens Street, LLC (Pages 26-77)	\$ 678,750	\$7,450,000	Buffalo
4.2 Polymer Conversions, Inc. (Pages 78-128)	\$1,163,187	\$14,250,000	Orchard Park

5.0 Amendatory Inducement Resolution:

5.1 None

6.0 Management Team Reports:

6.1 COVID-19 Response Update (Informational)

8.0 Adjournment - Next Meeting August 25, 2021 @ 12:00 p.m.

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

- DATE AND PLACE:** June 23, 2021, held via telephone conference. Governor Cuomo's Executive Order 202.1, as amended from time to time, issued in response to the Coronavirus (COVID-19) crisis, suspended Article 7 of the Public Officers Law to the extent necessary to permit any public body to take actions without permitting in public in-person access to such meetings and authorized such meetings to be held remotely by conference call or other similar service, provided the public has the ability to view or listen to such proceedings and that the meeting is recorded and transcribed.
- LIVE STREAMED:** This meeting is being live-streamed and made accessible on the ECIDA's website at www.ecidany.com.
- PRESENT:** Denise Abbott, Hon. Diane Benczkowski, Rev. Mark E. Blue, Tyra Johnson, Richard Lipsitz, Brenda W. McDuffie, Hon. Glenn R. Nellis, Hon. Mark C. Poloncarz, Sister Denise Roche and Kenneth A. Schoetz
- EXCUSED:** Hon. Bryon W. Brown, James Doherty, Hon. Joseph Emminger, Dottie Gallagher, Hon. Howard Johnson, Hon. Brian Kulpa, Hon. Darius G. Pridgen, Paul Vukelic and Renee Wilson
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Atiqah Abidi, Assistant Treasurer; Gerald Manhard, Chief Lending Officer; Jamee Lanthier, Compliance Officer; Beth O'Keefe, Business Development Officer; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Robbie Ann McPherson, Director, Marketing & Communications, Pat Smith, Bookkeeper; Lori Szewczyk, Director of Grants; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Andrew Federick, Erie County Senior Economic Development Specialist; Adrienne Schreier on behalf of 283 Ship Canal/Sonwil Distribution; Alex Carducci, on behalf of the City of Buffalo and Tuona Batchelor on behalf of the City of Buffalo

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

MINUTES

The minutes of the May 26, 2021 meeting of the members were presented. Mr. Blue moved and Sister Denise 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 noted that the ECIDA finished the month of May with total assets of \$29.3M and net assets were \$20.8M. Cash increased \$377,000 month to month, due to monthly net income. The monthly income statement shows overall net income of \$389,000 for May. Operating revenues of \$639,000 exceeded the monthly budgeted total by \$421,000, due mainly to \$575,000 of administrative fees received during the month, related to 7 different projects. Operating expenses of \$201,000 were under budget by \$15,000. Under Special Project Grants, \$61,000 of PPE grant funds were disbursed to 10 grantees in May. The year-to-date Income Statement shows revenues of \$1.3M, including administrative fee revenue of \$970,000. Through May, the Agency has recognized 54% of our total budgeted administrative fees. Expenses of \$1M are \$51,000 below budget. Special project grants include EDA CARES Act funding passed through to RDC of \$2.7M and distributions of PPE grant funding. Ms. Profic pointed out that the \$1M allocated for the PPE grant program was done so out of the IDA's excess general funds that had built up over the years, essentially coming out of the savings account. Similarly, strategic initiatives are funds that have been Board approved to use from UDAG funds. After taking into account the strategic initiatives and depreciation, there is currently a net loss of \$255,000 for the year. Ms. McDuffie directed that the report be received and filed.

2021 Tax Incentive Induced/Closing Schedule/Estimated Real Property Tax Impact. Ms. Fiala presented this report. Ms. McDuffie directed that the report be received and filed.

Approval of COVID-19 Disaster Emergency Grant Application. Ms. McDuffie asked if any member had a potential conflict of interest with any of the various applicants and no member identified any such conflict. Ms. O'Keefe reviewed the five (5) various grant applications presented to the members.

Mr. Lipsitz moved and Mr. Poloncarz seconded to approve the five (5) grant applications. Ms. McDuffie called for the vote and the following five (5) grant applications were approved.

1. @ Eleven Wings Cuisine
2. ASA Janitorial Services
3. Barbara D. Glover dba Miss Barbara's School of Dance
4. Fit Fuel, LLC
5. J. Malik LLC d.b.a BurgerIM

Policy Committee Update. Mr. Lipsitz presented the report and noted the Policy Committee reviewed and approved the project being considered by the members at today's meeting. Ms. McDuffie directed that the report be received and filed.

AMENDATORY INDUCEMENT RESOLUTION

283 Ship Canal Parkway, LLC, 283 Ship Canal Parkway, Buffalo, New York. Mr. Cappellino reviewed this proposed amendment to the previously approved project to request to enter into a non-standard PILOT Agreement. Mr. Cappellino explained that a non-standard PILOT payment agreement is required due to conditions placed within the existing purchase and sale agreement related to redevelopment, remediation, and reuse of the Buffalo Lakeside Commerce Park.

Mr. Blue 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) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (ii) APPROVING A DEVIATION FROM THE UNIFORM TAX EXEMPTION POLICY OF THE AGENCY WITH RESPECT TO A PAYMENT-IN-LIEU-OF-TAXES AGREEMENT; AND (iii) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PAYMENT-IN-LIEU-OF-TAXES AGREEMENT AND RELATED DOCUMENTS

MANAGEMENT TEAM REPORT

Mr. Cappellino provided the report. Ms. McDuffie directed that the report be received and filed.

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

Dated: June 23, 2021

Karen M. Fiala, Secretary

Erie County Industrial Development Agency
Financial Statements
As of June 30, 2021

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Balance Sheet

June 30, 2021

	June 2021	May 2021	December 2020
ASSETS:			
Cash *	\$ 7,622,552	\$ 7,741,710	\$ 7,617,692
Restricted Cash & Investments *	18,146,714	18,200,367	17,341,353
Due from Affiliates	509,293	477,022	577,111
Due from Buffalo Urban Development Corp.	115,035	104,177	120,375
Other Receivables	94,235	94,938	51,916
Total Current Assets	<u>26,487,830</u>	<u>26,618,214</u>	<u>25,708,448</u>
Grants Receivable	923,617	923,617	831,498
Venture Capital Investments, net of reserves	506,886	506,886	506,886
Capital Assets	1,214,523	1,224,523	1,249,227
Total Long-Term Assets	<u>2,645,026</u>	<u>2,655,026</u>	<u>2,587,611</u>
TOTAL ASSETS	<u><u>\$ 29,132,856</u></u>	<u><u>\$ 29,273,240</u></u>	<u><u>\$ 28,296,059</u></u>
 LIABILITIES & NET ASSETS			
Accounts Payable & Accrued Exp.	\$ 253,734	\$ 241,917	\$ 239,094
Deferred Revenues	943,775	953,090	825,000
Funds Held on Behalf of Others	7,182,253	7,235,034	6,134,120
Total Liabilities	<u>8,379,762</u>	<u>8,430,041</u>	<u>7,198,214</u>
Net Assets	<u>20,753,094</u>	<u>20,843,198</u>	<u>21,097,845</u>
TOTAL LIABILITIES & NET ASSETS	<u><u>\$ 29,132,856</u></u>	<u><u>\$ 29,273,240</u></u>	<u><u>\$ 28,296,059</u></u>

* Cash and restricted cash is invested in checking accounts at M&T Bank. The maximum FDIC insured amount = \$250,000 with the remainder of the cash balance collateralized with government obligations by the financial institution.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Month of June 2021

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Administrative Fees	\$ 146,901	\$ 150,000	\$ (3,099)
Affiliate Management Fees	43,600	43,583	17
Interest Income - Cash & Investments	298	3,333	(3,035)
Rental Income	19,367	19,875	(508)
Other Income	5,635	6,333	(698)
Total Revenues	215,801	223,125	(7,324)
EXPENSES:			
Salaries & Benefits	\$ 147,154	\$ 157,140	\$ (9,986)
General Office Expenses	18,177	21,283	(3,107)
Building Operating Costs	16,403	20,358	(3,955)
Professional Services	3,669	9,775	(6,106)
Public Hearings & Marketing	7,383	4,583	2,800
Travel, Mileage & Meeting Expenses	3,028	2,750	278
Other Expenses	147	833	(686)
Total Expenses	195,961	216,724	(20,763)
SPECIAL PROJECT GRANTS:			
Revenues	\$ 486,358	\$ 221,683	\$ 264,674
Expenses	(586,302)	(216,250)	(370,052)
	(99,945)	5,433	(105,378)
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:			
	(80,105)	11,835	(91,939)
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:			
Zero Net Energy costs (Z7+)	-	(52,160)	52,160
Bethlehem Steel Industrial Park Grant	-	(16,667)	16,667
Angola Ag Park Grant	-	(8,333)	8,333
	-	(77,160)	77,160
NET INCOME/(LOSS) BEFORE DEPRECIATION:			
	(80,105)	(65,325)	(14,780)
Depreciation	(10,000)	(10,000)	-
NET INCOME/(LOSS):	\$ (90,105)	\$ (75,325)	\$ (14,780)

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Year to Date: June 30, 2021

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Administrative Fees	\$ 1,116,475	\$ 900,000	\$ 216,475	\$ 1,116,475	\$ 548,831	\$ 567,644
Affiliate Management Fees	259,600	261,500	(1,900)	259,600	259,500	100
Interest Income - Cash & Investments	5,278	20,000	(14,722)	5,278	28,375	(23,097)
Rental Income	118,641	119,250	(609)	118,641	119,264	(623)
Other Income	12,928	18,000	(5,073)	12,928	13,765	(837)
Total Revenues	1,512,922	1,318,750	194,172	1,512,922	969,735	543,187
EXPENSES:						
Salaries & Benefits	897,158	942,842	(45,684)	897,158	1,049,458	(152,299)
General Office Expenses	126,474	127,700	(1,226)	126,474	127,585	(1,112)
Building Operating Costs	105,012	122,150	(17,138)	105,012	106,300	(1,288)
Professional Services	58,817	72,300	(13,483)	58,817	41,870	16,947
Public Hearings & Marketing	49,466	27,500	21,966	49,466	28,016	21,450
Travel, Mileage & Meeting Expenses	6,064	16,500	(10,436)	6,064	15,131	(9,067)
Other Expenses	1,630	5,000	(3,370)	1,630	2,677	(1,047)
Total Expenses	1,244,621	1,313,992	(69,371)	1,244,621	1,371,037	(126,416)
SPECIAL PROJECT GRANTS:						
Revenues	3,243,710	1,330,100	1,913,610	3,243,710	4,137	3,239,572
Expenses	(3,583,811)	(1,297,500)	(2,286,311)	(3,583,811)	(20,709)	(3,563,102)
	(340,101)	32,600	(372,701)	(340,101)	(16,571)	(323,530)
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:						
	\$ (71,801)	\$ 37,358	\$ (109,158)	\$ (71,801)	\$ (417,873)	\$ 346,073
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:						
Zero Net Energy costs (Z7+)	\$ -	\$ (312,958)	\$ 312,958	\$ -	\$ -	\$ -
Bethlehem Steel Industrial Park Grant	(163,091)	(200,000)	36,909	(163,091)	(105,000)	(58,091)
Angola Ag Park Grant	(49,860)	(100,000)	50,140	(49,860)	(844,296)	794,436
Bethlehem Steel Industrial Park Grant Reimb	-	250,000	(250,000)	-	-	-
Buffalo Building Reuse Project (BUDC)	-	(100,000)	100,000	-	(100,000)	100,000
Canadian Lead Generation (IBN)	-	-	-	-	(72,000)	72,000
Other Strategic Initiatives	-	(125,000)	125,000	-	-	-
	(212,951)	(587,958)	375,007	(212,951)	(1,121,296)	908,345
NET INCOME/(LOSS) BEFORE DEPREC:						
	(284,751)	(550,601)	265,849	(284,751)	(1,539,169)	1,254,418
Depreciation	(60,000)	(60,000)	-	(60,000)	(65,000)	5,000
NET INCOME/(LOSS):	\$ (344,751)	\$ (610,601)	\$ 265,849	\$ (344,751)	\$ (1,604,169)	\$ 1,259,418

Tax Incentives Closings - 2021

Project Name	Project Amount at Closing	FT Jobs at App	Projected Year 2 FT Jobs	PT Jobs at App	Projected Year 2 PT Jobs	Project City	Induced Date	Est. Project Completion Date
JSCB Series 2011A and 2011B Refunding (Bond)	\$ 109,135,000	0	0	0	0	Buffalo	4/28/2021	N/A
Barcalo Living & Commerce/Barcalo Buffalo, LLC	\$ 30,252,000	9	34	0	10	Buffalo	2/26/2020	9/30/2023
Related Affordable/Elmwood Square	\$ 8,590,000	4	4	0	0	Buffalo	9/23/2020	
Pine Pharmaceuticals	\$ 5,000,000	76	119	7	7	Tonawanda	1/27/2021	3/31/2022
Kamax, LLC/Raine Logistics	\$ 2,237,556	12	13	0	0	West Seneca	6/24/2020	8/1/2022
Derby Warehousing, LLC/KPM Exceptional	\$ 1,332,000	6	7	1	1	Derby	7/24/2019	7/31/2020
3310 Benzing Road, LLC/Marathon Drains	\$ 718,329	15	17	0	0	Orchard Park	3/25/2020	3/31/2021
	\$ 157,264,885	122	194	8	18			
Projects Closed = 7								
FT Projected New Jobs = 72								
PT Projected New Jobs = 10								

July 28, 2021



MEMO:

To: ECIDA Board of Directors

RE: ECIDA’s COVID-19 Disaster Emergency Grant Program Conclusion

In June 2020, Governor Cuomo signed a bill into law giving IDAs the authority to provide grants to businesses and nonprofits with 50 or fewer employees. The grants of up to \$10,000 were to reimburse applicants for the purchase of personal protective equipment and “installing fixtures necessary to prevent the spread of COVID-19.” Key dates:

- July 22, 2020: ECIDA Board approves an allocation of \$500,000 to fund a Grant Program
- August 17 2020: ECIDA launches the “ECIDA COVID 19 Disaster Emergency Grant Program”
- Sept 23, 2020 : ECIDA Board approved its first round of grants
- January 27, 2021: ECIDA Board approves an additional allocation of \$500,000 to the Grant Program
- June 24, 2021: Governor Cuomo lifts the NY State of Emergency therefore ending the program

During the 10-month Grant Program period, the ECIDA Board approved grants for 110 businesses. Program results are listed below:

	Count	% by Count	Grant Amt Approved	% by \$	FTE
Not for Profits - Distressed Location ¹	34	31%	\$194,667.42	28%	348
For Profit Businesses - Distressed Location ²	18	16%	\$120,693.52	17%	282
For Profit Businesses: MBE WBE VET ³	58	53%	\$385,577.69	55%	498
Total	110	100%	700,938.63	100%	1128

¹ These Not for Profit Entities are all located within a distressed census tract

² These For Profit Businesses are all located within a distressed census tract and ARE NOT minority-owned, women-owned and/or veteran owned

³ These For Profit Businesses may or may not be located in a distressed location. All are minority-owned, women-owned and/or veteran owned.

A special thanks goes out to the Grant Committee who met monthly to review all grant applicants and make recommendations to the Board. Grant Committee Members included: **Tuona Batchelor** – Erie County Dept of Environment & Planning, **Ann Enger** – Ibero Buffalo Entrepreneurship Assistance Center, **Mollie Profic** – ECIDA, **Matthew Revere** – Next Street: Beverly Gray and **Tyra Johnson Hux** - LISC.

Requested Action:

None

Date: July 28, 2021
To: ECIDA and RDC Board Members
From: John Cappellino, CEO
Re: Release of Federal Interest in the ECIDA/RDC Revolving Loan Fund

In February 2021, the ECIDA/RDC received notice from the EDA of new federal legislation allowing the release of federal interest in the agency's existing Revolving Loan Fund (RLF). The recently enacted Reinvigorating Lending for the Future Act (the Act) authorizes EDA to release its federal interest in certain RLF awards that have operated satisfactorily for seven years beyond the disbursement of grant funds. By authorizing EDA to release its federal interest in certain RLF awards, the Act will reduce RLF recipient administrative burden and allow RLF award funds to be used for broader economic development purposes.

As a way of brief history, the ECIDA/RDC Revolving Loan Fund was established between 1979-1983 with \$7,000,000 of grants from the EDA that were combined with other local funding sources for a total RLF of approximately \$9,300,000. Since the inception, the RDC has made 659 loans totaling \$129,000,000. The RLF has encouraged private investment of \$875,000,000 and has helped create 1,868 jobs while helping to retain 913 jobs. Since 1979, the capital base of the RLF has nearly doubled to \$17,000,000 due to the repayment of 465 loans totaling \$88,000,000.

The benefits of applying for the release of federal interest in the existing RDC RLF are numerous and range from decreased operating costs to more flexible loan terms. Some of the more specific and potential benefits include:

- Relief of the administrative burden of reporting to the EDA semi-annually (cost savings)
- Relief of Single Audit requirement for the existing RLF (cost savings)
- Allow more flexibility of RLF interest rate and terms
- Use of RLF funds can be expanded to include the refinance of debt, non-profits, etc.
- Waive requirement of a bank declination letter
- Establishment of more targeted loan funds to various sectors of the community including minorities, women, start-ups, industry specific, etc.

The EDA recently contacted the ECIDA/RDC to inform them the approval process for the award may become more complicated as the EDA is migrating the RLF reporting system to a new platform. It is anticipated the process could be more onerous for older RLF programs such as ours, due to the re-certification of data since the initial EDA disbursement back in 1979. The application process involves providing our most recent annual reports, audits, final program reporting, Board Resolution and other miscellaneous documents the ECIDA/RDC can provide expeditiously to receive approval. Therefore, the EDA has recommended the ECIDA/RDC submit their release of federal interest request prior to June 30, 2021, be placed on the approval waiting list and submit the Board Resolution after the July 28, 2021 Board meeting.

After the release of EDA's federal interest future uses of this RLF can range greatly and must continue to comply with the Public Works and Economic Development Act of 1965 (PWEDA). The program goal of PWEDA is to raise the standard of living for all citizens and increase the wealth and overall rate of growth

of the economy by encouraging communities to develop a more competitive and diversified economic base. Future activities of the loan fund would be subject to the broad definitions of this act including:

- Creating an environment that promotes economic activity by improving and expanding public infrastructure
- Promoting job creation through increased innovation, productivity, and entrepreneurship
- Empowering local and regional communities experiencing chronic high unemployment and low per capita income to develop private sector business and attract increased private-sector capital investment

Future changes to the operation of the RLF would not require EDA approval.

The RDC is seeking Board approval of the attached Resolution allowing the ECIDA/RDC to request the release of EDA's federal interest in the Revolving Loan Fund.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

RESOLUTION

The meeting of the Erie County Industrial Development Agency was convened on July 28, 2021 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") REQUESTING THE RELEASE OF THE ECONOMIC DEVELOPMENT ADMINISTRATION (THE "EDA") INTEREST IN THE REVOLVING LOAN FUND

WHEREAS, in 1979, 1982, and 1983, the Agency was the recipient of three EDA grants in the total amount of \$7,000,000 (the "EDA Grants") to capitalize a revolving loan fund (the "RLF") 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; and

WHEREAS, the Agency facilitated the establishment of the Buffalo and Erie County Regional Development Corporation (the "RDC") as an affiliate of the Agency and sub-granted the EDA Grants to the RDC to establish the RLF; and

WHEREAS, the RLF was also capitalized with grants from the County of Erie Community Development Block Grant funds in the amount of \$2,316,000 and the City of Buffalo Community Development Block Grant funds in the amount of \$1,800,000, and has received no other further grant funding since it was started; and

WHEREAS, in October 2016, the County of Erie Community Development Block Grant funds of \$2,316,000 were removed from the RLF after a dispute between the U.S. Department of Housing and Urban Development ("HUD") and EDA related to the County of Erie sub-fund was settled; and

WHEREAS, through the efforts of the RDC, the RLF has grown to total net assets now in excess of \$17,000,000, which includes the EDA and the City of Buffalo grant funding as described above, principal repayments, and interest; and

WHEREAS, the EDA retains a federal interest in the EDA Grants and the Agency and the RDC have submitted a written request that EDA release its federal interest in the RLF; and

WHEREAS, the Agency and the RDC have determined that there are numerous benefits associated with seeking the EDA to release its federal interest in the EDA Grants and the RLF including relief of the administrative burden of reporting to the EDA semi-annually (cost savings), relief of Single Audit requirement of RLF Program (cost

savings), more flexibility of RLF interest rate and terms, use of RLF funds can be expanded to include the refinance of debt, non-profits, etc., requirement of a bank declination letter can be waived, and establishment of more targeted loan funds to various sectors of the community including minorities, women, start-ups, industry specific, etc.; and

WHEREAS, in order to permit the EDA to release its interest in the EDA Grants and in the RLF, the Agency and the RDC have confirmed that 1) more than seven years have passed since the EDA Grants were made to the Agency, 2) the Agency and the RDC have complied with the terms and conditions of the EDA Grants, and 3) the Agency and the RDC intend to, on a going forward basis, utilize the RLF for one or more activities that continue to carry out the economic development purposes of the Public Works and Economic Development Act of 1965, being the authority by which the EDA Grants were initially made; and

WHEREAS, the Agency believes it is in the best interest of the Agency, the RDC, and the residents of Erie County for the Agency and the RDC to seek the EDA release of its federal interest in the RLF.

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

Section 1. The Agency hereby approves and affirms the request to release the EDA's federal interest in the EDA Grants and RLF and confirms that the RLF will continue to be used to carry out activities consistent with the economic development purposes of the Public Works and Economic Development Act of 1965.

Section 2. The Chair, the Vice Chair, the President/Chief Executive Officer, the Executive Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver the appropriate EDA release agreement consistent with the terms as provided for within this resolution and any related documents and 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 as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of this resolution.

Section 3. All actions heretofore undertaken by the Agency are ratified and approved.

Section 4. This resolution shall take effect immediately.

Dated: July 28, 2021



MEMO:

Date: 7/28/2021

To: ECIDA Board of Directors

RE: Contract with professional consultants/service providers to prepare a Comprehensive Economic Development Strategy (CEDs) Update and Economic Recovery Plan for Erie County

History/Background

To maintain Erie County's eligibility for U.S. Department of Commerce, Economic Development Administration (EDA) funding, the ECIDA prepared a Comprehensive Economic Development Strategy (CEDs) for Erie County that was approved by the Erie County CEDs Strategy Committee and the ECIDA Board of Directors and submitted to EDA in 2011 and 2016.

Regions must prepare a new CEDs at least every five years for communities and organizations within the area to qualify for certain U.S. Economic Development Administration (EDA) funding. The CEDs is also necessary to keep the Buffalo and Erie County Regional Development Corporation's federally funded revolving loan funds (RLFs), which are administered in compliance with EDA regulations.

CEDs Update

In accordance with EDA Guidelines, the ECIDA will develop a new 2022-2026 **Comprehensive Economic Development Strategy (CEDs) Update and Economic Recovery Plan** for Erie County, which will supplant the currently adopted 2016-2021 CEDs. The updated CEDs will promote effective economic development in Erie County's towns, villages, and cities through a locally based, regionally driven planning process. The CEDs is a strategy-driven plan for regional economic development and is the result of a regionally owned planning process designed to build capacity and guide the economic prosperity and resiliency of an area or region. It is a key component in establishing and maintaining a robust economic ecosystem by helping to build regional capacity (through hard and soft infrastructure) that contributes to individual, firm, and community success. The CEDs provides a vehicle for individuals, organizations, local governments, institutes of learning, and private industry to engage in a meaningful conversation and debate about what capacity building efforts would best serve economic development in the region.

On July 11, 2021, the ECIDA issued a Request for Qualifications (RFQ) seeking proposals from professional consultants/consulting firms with expertise in research and economic development planning, and data analytics for Comprehensive Economic Development Strategy (CEDs) planning services for Erie County, New York. The CEDs update will also include an Economic Recovery Plan Addendum.

In response to the RFQ, the ECIDA received five (5) quality proposals that were thoroughly evaluated on July 12, 2021, by the seven-member CEDs Consultant Selection Committee, made up of ECIDA staff and economic development stakeholders.

Following a review of the proposals, the ECIDA/Selection Committee granted interviews to the two (2) firms with the highest-ranking RFQ score – the interviews were conducted on Monday, July 19, 2021. As a result of the selection process, the Committee unanimously recommends that the ECIDA select MRB Group in collaboration with Prospect Hill Consulting to prepare the 2022-2026 CEDS Update and Economic Recovery Plan. The CEDS Project will consist of several major components, including plan review and capacity assessment; economic profile; stakeholder engagement; opportunities and challenges assessment; resiliency planning; and action plan development.

The total project costs will not exceed \$100,000. In preparing for this Project, the ECIDA submitted a grant application to the U.S. Economic Development Administration (EDA) through the Local Technical Assistance funding opportunity on May 17, 2021. If funded, this grant will help support the cost of the proposed CEDS Update and Economic Recovery Plan. The application is currently pending, and a determination from EDA is forthcoming. Currently, the ECIDA is proposing to fund this project from the following sources:

Amount	Source/Terms	Status
\$50,000-\$100,000	ECIDA (UDAG Funds) – support CEDS Update required by EDA	Pending Board Approval
\$50,000	US EDA – Local Technical Assistance Program (50/50 matching grant)	Pending

Requested Action:

- Seeking approval to contract with Professional Consultant MRB Group for economic development consulting services to prepare the 2022-2026 CEDS Update and Economic Recovery Plan.
- Seeking approval to contract with U.S. Department of Commerce/EDA for the Local Technical Assistance program grant, if awarded, and the approval to take all actions reasonably necessary to complete the project.
- Seek approval to allocate UDAG funding not to exceed \$100,000 to support the CEDS Update & Economic Recovery Plan.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency (the “Agency”) was convened on Wednesday, July 28, 2021 at 9:00 a.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
AUTHORIZING THE AGENCY (i) TO ENTER INTO A CONTRACT WITH MRB
GROUP TO PROVIDE ECONOMIC DEVELOPMENT CONSULTING SERVICES TO
PREPARE THE 2022-2026 CEDS UPDATE AND ECONOMIC RECOVERY PLAN
AND (ii) TO CONTRACT WITH THE U.S. ECONOMIC DEVELOPMENT
ADMINISTRATION TO RECEIVE A LOCAL TECHNICAL ASSISTANCE
PROGRAM GRANT AWARD TO FUND THE 2022-2026 CEDS UPDATE AND
ECONOMIC RECOVERY PLAN

WHEREAS, the Erie County Industrial Development Agency (the “Agency”) was created in 1970 as a public benefit corporation by act of the New York State Legislature to promote and assist private sector/business development thereby advancing job opportunities for and the economic welfare of the people of Erie County; and

WHEREAS, the Agency served as the applicant for millions of dollars in Federal Economic Development Administration (the “EDA”) grant funds used to set up a County-wide Revolving Loan Fund (the “RLF”) which is administered by the Buffalo and Erie County Regional Development Corporation (the “RDC”); and

WHEREAS, in order to maintain eligibility for EDA funding, the Agency produced and annually updated an Overall Economic Development Plan (“OEDP”) for Erie County, said OEDP having been replaced by a subsequent planning format known as the Comprehensive Economic Development Strategy for Erie County (the “CEDS”); and

WHEREAS, the Agency is defined in 13 CFR Section 303.2 as the Planning Organization that is responsible for the development and implementation of a CEDS for the region and must update the CEDS every five years in order to ensure that the RDC RLF is in compliance with EDA regulations; and

WHEREAS, the Agency last undertook a CEDS update in 2017; and

WHEREAS, in consideration of updating and producing a 2022-2026 CEDS Update and Economic Recovery Plan, the Agency issued a Request for Qualifications (“RFQ”) on July 12, 2021, seeking proposals from professional consultants/consulting firms with expertise in research and economic development planning, and data analytics for CEDS planning services for Erie County, New York; and

WHEREAS, the Agency received five quality proposals in response to the RFQ and established a review committee (the “Review Committee”) to analyze and consider said RFP responses; and

WHEREAS, the Review Committee is recommending that the Agency retain the services of MRB Group to prepare the 2022-2026 CEDS Update and Economic Recovery Plan; and

WHEREAS, the Agency's Urban Development Action Grant Fund ("UDAG Fund") is restricted for specific economic development activities in accordance with Title 1 of the Housing & Urban Development Act of 1974, as amended, however, expenditures necessary to develop a comprehensive community development plan and to develop policy-planning management capacity are permissible expenditures under 42 U.S.C.A. §5305 (a)(12), and as such, UDAG Fund expenditures to prepare the 2022-2026 CEDS Update and Economic Recovery Plan are permissible expenditures; and

WHEREAS, the Agency has budgeted \$50,000 for undertaking the updating and production of the 2022-2026 CEDS Update and Economic Recovery Plan, has applied for a U.S. Economic Development Administration grant in the amount of \$50,000 (the "EDA Grant") for purposes of undertaking the updating and production of the 2022-2026 CEDS Update and Economic Recovery Plan, and confirms that UDAG Funds can be utilized for purposes of undertaking the updating and production of the 2022-2026 CEDS Update and Economic Recovery Plan.

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

Section 1. Subject to the terms of this 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 and execute a contract with MRB Group for economic development consulting services to prepare the 2022-2026 CEDS Update and Economic Recovery Plan in an amount not to exceed \$100,000.

Section 2. Subject to the terms of this 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 and execute a contract/grant assistance award agreement with the U.S. Department of Commerce/EDA for EDA Grant.

Section 3. The officers, employees, and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such checks, 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 so acting, desirable and proper to effect the purposes of the foregoing 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 3. Any and all prior actions taken by the Agency with respect to the contents of this Resolution are hereby ratified and confirmed.

Section 4. These Resolutions shall take effect immediately.

Dated: July 28, 2021

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

- MEETING:** July 1, 2021, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), 95 Perry Street, 5th Floor ESD Conference Room, Buffalo, New York 14203.
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency’s website at www.ecidany.com.
- PRESENT:** Denise Abbott; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie; Glenn Nellis; Laura Smith; David State; and Maria Whyte
- EXCUSED:** Hon. April Baskin; Rev. Mark Blue; Bryon W. Brown; Johanna Coleman; Colleen DiPirro Lavon Stephens; and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Jamee Lanthier, Compliance Officer; Beth O’Keefe, Business Development Officer; Atiqa Abidi, Assistant Treasurer and Robert Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Alex Carducci on behalf of the City of Buffalo; Lisa Hicks on behalf of the City of Buffalo; and James Panepinto on behalf of 132 Dingens St, LLC

There being a quorum present at 9:13 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

SOLAR PILOTS UPDATE

Mr. Cappellino presented a draft off site commercial solar photovoltaic policy and also identified policies that other IDAs have adopted related to same.

General discussion ensued.

MINUTES

The minutes of the June 3, 2021 Policy Committee meeting were presented. Upon motion made by Ms. McDuffie to approve of the minutes, and seconded by Mr. Nellis, the aforementioned Policy Committee meeting minutes were unanimously approved.

MWBE UPDATE

Mr. Lipsitz advised of the upcoming July 13, 2021 Policy Committee meeting to continue the review of and revisions to the draft MWBE Policy.

PROJECT PRESENTATION

132 Dingens St, LLC, 132 Dingens Street, Buffalo, New York 14206. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the construction of an 81,000 sq. ft. facility for lease to warehouse/distribution/light manufacturing tenants. The building will be constructed upon an existing foundation which remains from a fire which occurred in 2010. The property is currently in the brownfield cleanup program.

General discussion ensued.

Mr. Cappellino stated that in exchange for providing the sales and use tax, mortgage recording tax exemption 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 = \$7,450,000 85% = \$6,332,500
Employment	Coincides with 7-year PILOT	Create 85% of Projected Projected = 23 85% = 20 Recapture Employment = 20
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-year PILOT	Adherence to policy
Unpaid Tax	Coincides with 7-year PILOT	Adherence to policy
Recapture Period	7-year PILOT term	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

Ms. McDuffie moved and Ms. Whyte 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.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 10:15 a.m.

Dated: July 1, 2021

Karen M. Fiala, Secretary

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

- MEETING:** July 13, 2021, at Erie County Industrial Development Agency (the “ECIDA” or “Agency”), 95 Perry Street, 5th Floor ESD Conference Room, Buffalo, New York 14203
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency’s website at www.ecidany.com.
- PRESENT:** Denise Abbott; Hon. April Baskin; Johanna Coleman; Hon. William Krebs; Richard Lipsitz; Brenda W. McDuffie Laura Smith; David State; Lavon Stephens and Maria Whyte
- EXCUSED:** Rev. Mark E. Blue; Hon. Bryon W. Brown; Colleen DiPirro; Hon. Glenn R. Nellis and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Karen M. Fiala, Vice President/Secretary; Grant Lesswing, Business Development Officer; Brian Krygier, Systems Analyst; Carrie Hocieniec, Administrative Coordinator; Jamee Lanthier, Compliance Officer; Beth O’Keefe, Business Development Officer; Robbie Ann McPherson, Director, Marketing & Communications; and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** None.

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

REVIEW AND DISCUSSION OF DRAFT POLICY DOCUMENTS

Mr. Cappellino reviewed the draft MWBE Policy and PILOT schedules in comparison to the current PILOT schedules contained within the Uniform Tax Exemption Policy, confirmed various assumptions regarding use of certain abatement percentages used to assist in the preparation of the draft proposed schedules, discussed construction and post-construction construction concepts and scenarios, and provided examples of the PILOT formula payments based on various investment scenarios.

At this point in time, Ms. Baskin joined the meeting.

General discussion ensued regarding whether the construction period goal of 30% should be fixed/required or if “good faith efforts” could be shown to allow satisfaction of this

requirement in the event the 30% figure could not otherwise be obtained. Concern was expressed that for certain trades and work, a 30% goal may not even be practical, and regarding whether a company that could only obtain a certain percentage below 30% may abandon use of all MWBE firms given an inability to comply with a 30% threshold.

At this point in time, Mr. State left the meeting.

Mr. Lipsitz then confirmed that staff will take the discussion in consideration to draft some “good faith” concepts for review by the Policy Committee, and that discussions on post-construction MWBE considerations and compliance will also need to be further discussed.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 10:02 a.m.

Dated: July 13, 2021

Karen M. Fiala, Secretary

132 Dingens Street, LLC
\$7,450,000
INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section - 531110

COMPANY INCENTIVES

- Approximately \$240,000 in real property tax savings.
- Approximately \$393,750 in sales tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$45,000

EMPLOYMENT

- Jobs at Project Site: 23
- Annual payroll: \$782,000
- Estimated salary of jobs to be created: \$34,000

PROJECT HISTORY

- 06/17/2021 - Public hearing held.
- 07/28/2021 - Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA.
- 07/28/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors

Project Title: 132 Dingens Street, LLC
 Project Address: 132 Dingens Street
 Buffalo, New York 14206
 (Buffalo City School District)

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with the construction of an 81,000 sq. ft. warehouse/distribution facility.

New Building Construction	\$6,200,000
Infrastructure	\$ 500,000
Non-Manufacturing Equipment	\$ 500,000
Soft Costs	\$ 250,000
Total Project Cost	\$7,450,000
85%	\$6,332,500

Company Description

132 Dingens, LLC was formed by James Panepinto for the purpose of undertaking the project. Mr. Panepinto is also the owner of Pinto Construction which provides warehousing, office and exterior storage areas to various local industries. Current customers include UPS, Casella Waste Services, DeCarolis Trucking and First Student.

Project Description

The proposed project involves the construction of an 81,000 sq. ft. facility for lease to warehouse/distribution/light manufacturing tenants. The building will be constructed upon an existing foundation which remains from a fire which occurred in 2010. Prior uses for this site were a Tops warehouse, food processing facility and a pallet manufacturing facility. The property is currently in the brownfield cleanup program.

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over 7-Year Abatement Period	Additional Local Revenue over 7-Year Abatement Period	New Yearly Taxes Upon Expiration of Abatement Period
N/A	\$2,000,000	\$15,000	\$50,000	\$65,000
Combined Tax Rate: \$22				

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 = \$7,450,000 85% = \$6,332,500
Employment	Coincides with 7-year PILOT	Create 85% of Projected Projected = 23 85% = 20 Recapture Employment = 20
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-year PILOT	Adherence to Policy
Unpaid Tax	Coincides with 7-year PILOT	Adherence to Policy
Recapture Period	7-year PILOT term	Real Property Taxes State and Local Sales Taxes Mortgage Recording Taxes

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

Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has created 23 jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

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-132 Dingens Street, LLC - 2021

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$6,700,000	\$2,000,000	\$5.04	\$16.75	N/A

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$1,008	\$3,350	\$4,358	\$43,580	\$39,222
2	10%	\$1,008	\$3,350	\$4,358	\$43,580	\$39,222
3	20%	\$2,016	\$6,700	\$8,716	\$43,580	\$34,864
4	20%	\$2,016	\$6,700	\$8,716	\$43,580	\$34,864
5	30%	\$3,024	\$10,050	\$13,074	\$43,580	\$30,506
6	30%	\$3,024	\$10,050	\$13,074	\$43,580	\$30,506
7	30%	\$3,024	\$10,050	\$13,074	\$43,580	\$30,506
TOTAL		\$15,120	\$50,250	\$65,370	\$305,060	\$239,690

***** 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.)
\$7,450,000	\$239,690	\$393,750	\$45,000	\$1,000,000

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 22.5%

ADDENDUM TO PROJECT LOG

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County per capita income: \$33,598 Estimated salary of jobs to be created: \$34,000
Regional Wealth Creation (% sales/customers outside area)	100% of Pinto Construction sales/customers are for the benefit of Erie County.
In Region Purchases (% of overall purchases)	Pinto estimates approximately 85% of its total annual supplies, raw materials and vendor services are being sourced from Erie County vendors.
Research & Development Activities	Not applicable
Investment in Energy Efficiency	Not applicable
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The property was entered into the Brownfield Cleanup Program in June, 2012.
LEED/Renewable Resources	Not applicable
Retention/Flight Risk	Not applicable
MBE/WBE Utilization	See attached statement.
Workforce Access – Proximity to Public Transportation	Facility on bus routes 1, 2 and 19

July 28, 2021



132 DINGENS STREET • BUFFALO, N.Y. 14206 (716) 825-6666 FAX: (716) 825-6773

Pinto Construction Services, Inc. utilizes Minority (MBE), Women (WBE), and Service-Disabled Veteran (SDVOB) enterprises regularly. Pinto has established many long-standing, successful business relationships with these enterprises, owners, and entrepreneurs.

The vast majority of Pinto's work is performed for state and local government agencies, incorporating specific MWBE and SDVOB requirements into all contracts. These requirements can range anywhere from 2% to 30% of the awarded contract price to be sublet to minority businesses.

The City of Buffalo, Buffalo Sewer Authority, and Kaleida Health are just a few clients that have recognized Pinto Construction Services, Inc. for their efforts in compliance with MWBE/SDVOB requirements.

The owner of Pinto Construction and this project, James Panepinto, is presently mentoring two MBE firms (DMYLES Inc, H Miles Construction). H Miles is participating in the CONEX RISE UP program, in which James Panepinto is a volunteer mentor. James Panepinto has been an active volunteer business mentor with the owner of D.Myles Construction for the past two years.

To construct this new warehouse, Pinto Construction will solicit subcontractor and supplier pricing from a wide range of MWBE firms. We have attached the list of MBWE firms with which we regularly perform business.

Pinto Construction will endeavor to achieve a goal of 10% participation for MWBE firms in the construction of this new warehouse.

PINTO CONSTRUCTION SERVICES, INC.

MWBE/SDVOB DIRECTORY

Minority Business Enterprises (MBE)

CAPITAL CONCRETE PRODUCTS
G & J CONTRACTING, INC.
H.MILES ENTERPRISES INC. (Mentor Program)
IROQUOIS BAR CORP.
IYER ENVIRONMENTAL GROUP LLC
ONEIDA SALES AND SERVICE, INC.
PAVILION DRAINAGE SUPPLY COMPANY
RODRIGUEZ CONSTRUCTION GROUP

Women Business Enterprises (WBE)

A. VAILLANCOURT, LLC
AMERICAN ENVIRONMENTAL
B.PARISO TRANSPORT, INC.
BISON CONTRACTING & BUILDERS SUPPLY
BUFFALO CONCRETE ACCESSORIES
CME ASSOCIATES, INC.
COMMERCIAL MATERIAL SERVICES, INC.
COOPER NEON SIGN CO., INC.
CVF, INC
DIG IT OF NEW YORK, LLC
E.J. MILITELLO CONCRETE. INC.
EASTWOOD INDUSTRIES. INC.
FAERY'S LANDSCAPING. INC.
FOIT ALBERT ASSOC. ARCHITECTURAL
HARBISON BROTHERS, INC.
IDEAL CONCRETE, INC.
IRISH PROPANE
JOE THE PAINTER
MALLARE ENTERPRISES, INC
NAPIER NURSERY, LLC
ROY'S PLUMBING
SCOTT LAWN
UPSTATE STEEL
US TRAFFIC CONTROL, INC.
WEYDMAN ELECTRIC.

Service Disabled Veteran Enterprises (SDVOB)

DMYLES INC. (Mentor Program)

Cost-Benefit Analysis for 132 Dingens Street, LLC

Prepared by Erie County IDA using InformAnalytics

Executive Summary

INVESTOR
132 Dingens Street, LLC

TOTAL JOBS
**67 Ongoing;
62 Temporary**

TOTAL INVESTED
\$7.5 Million

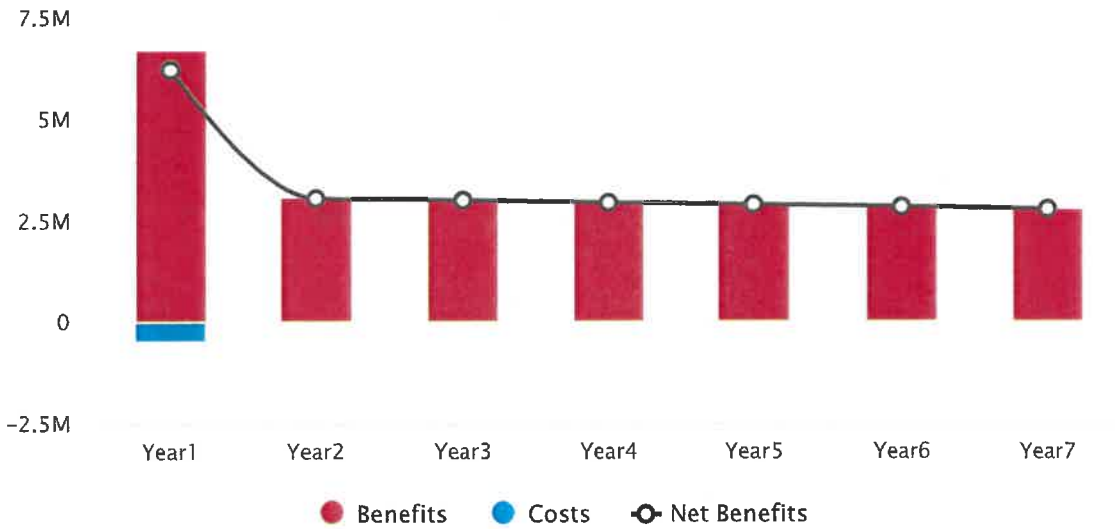
LOCATION
132 Dingens Street, Buffalo, New York 14206

TIMELINE
7 Years

FIGURE 1

Discounted* Net Benefits for 132 Dingens Street, LLC by Year

Total Net Benefits: **\$23,645,000**



Discounted at 2%

FIGURE 2

Total Jobs

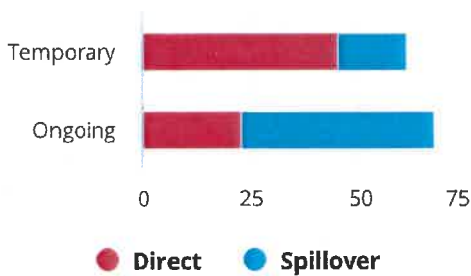
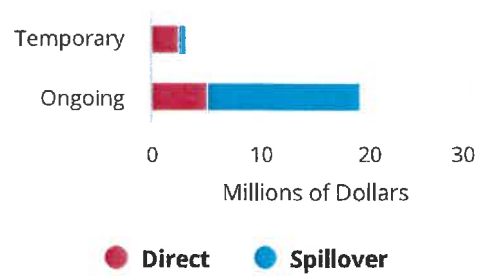


FIGURE 3

Total Payroll



Proposed Investment

132 Dingens Street, LLC proposes to invest \$7.5 million at 132 Dingens Street, Buffalo, New York 14206 over 7 years.

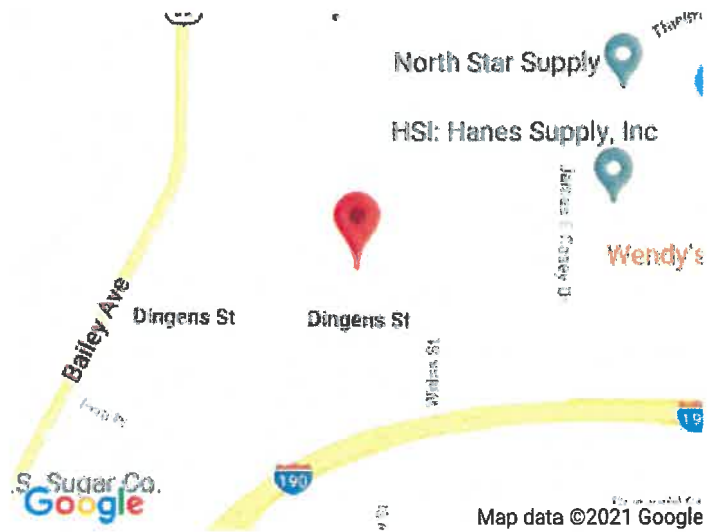
TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$6,200,000
OTHER SPENDING	
Infrastructure	\$500,000
Non-Manufacturing Equipment	\$500,000
Soft Costs	\$250,000
Total Investments	\$7,450,000
Discounted Total (2%)	\$7,450,000

FIGURE 4

Location of Investment



May not sum to total due to rounding.

Cost-Benefit Analysis

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

T2 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for 132 Dingens Street, LLC.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$240,000	\$228,000
Sales Tax Exemption	\$394,000	\$394,000
Mortgage Recording Tax Exemption	\$45,000	\$45,000
Total Costs	\$679,000	\$666,000

May not sum to total due to rounding.

* Discounted at 2%

TABLE 3

State & Regional Impact (Life of Project)

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

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$8,097,000	\$16,042,000	\$24,138,000
To Private Individuals	\$7,857,000	\$15,784,000	\$23,641,000
Temporary Payroll	\$2,383,000	\$827,000	\$3,210,000
Ongoing Payroll	\$5,474,000	\$14,957,000	\$20,431,000
To the Public	\$240,000	\$257,000	\$497,000
Property Tax Revenue	\$66,000	N/A	\$66,000
Temporary Sales Tax Revenue	\$39,000	\$13,000	\$52,000
Ongoing Sales Tax Revenue	\$89,000	\$244,000	\$333,000
Purchases Sales Tax Revenue	\$46,000	N/A	\$46,000
STATE BENEFITS	\$477,000	\$945,000	\$1,422,000
To the Public	\$477,000	\$945,000	\$1,422,000
Temporary Income Tax Revenue	\$116,000	\$40,000	\$157,000
Ongoing Income Tax Revenue	\$209,000	\$682,000	\$891,000
Temporary Sales Tax Revenue	\$34,000	\$12,000	\$45,000
Ongoing Sales Tax Revenue	\$77,000	\$211,000	\$288,000
Purchases Sales Tax Revenue	\$40,000	N/A	\$40,000
Total Benefits to State & Region	\$8,573,000	\$16,987,000	\$25,560,000
Discounted Total Benefits (2%)	\$8,240,000	\$16,071,000	\$24,311,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

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

Description	Benefit*	Cost*	Ratio
Region	\$22,956,000	\$469,000	49:1
State	\$1,355,000	\$198,000	7:1
Grand Total	\$24,311,000	\$666,000	36:1

May not sum to total due to rounding.

* Discounted at 2%

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

VIRTUAL PUBLIC HEARING SCRIPT

**132 Dingens St, LLC and/or Individual(s) or
Affiliate(s), Subsidiary(ies), or Entity(ies)
formed or to be formed on its behalf Project**

Public Hearing to be held on June 17, 2021 at 9:00 a.m.
via Virtual Conference Software

ATTENDANCE:

James Panepinto – 132 Dingens Street, LLC
Annette Grandinetti – 132 Dingens Street, LLC
Carrie Hocienec – ECIDA
Brian Krygier – ECIDA

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

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

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the 132 Dingens St, LLC 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 Tuesday, June 8, 2021.

☒ 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 132 Dingens Street, City of Buffalo, Erie County, New York (the "Land"), (ii) the construction on the Land of an approximately 81,000 sq. ft. warehouse to be constructed on an existing foundation to be utilized for a warehouse/distribution and/or light manufacturing facility (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 proposed financial assistance contemplated by the Agency includes New York State and local sales and use tax exemption benefits, mortgage recording

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

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

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

If you have a written statement or comment to submit for the record, please submit it on the Agency's website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on July 27, 2021. There are no limitations on written statements or comments.

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

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

Good morning my name is James Panepinto. I am representing 132 Dingens Street, LLC. The financial challenges for this project are significant, and the agency's financial assistance is a critical component for this project to become viable for the following reasons: The pandemic had driven costs for materials to significantly higher than anticipated levels when this project was first considered. Material shortages specific to the construction of warehousing, in particular, have risen due to the rise in demand for last-mile warehousing. The shortage of warehousing has created a significant demand for new projects, all competing for scarce materials. The development site is located on a Brownfield. Even with access to NYS Brownfield tax credits, significant additional costs related to legacy environmental conditions exist. These costs make the competitiveness of the warehouse financial proforma more of a challenge. The project construction design relies on reusing an existing foundation of a former warehouse destroyed by a fire several years ago. The use of this foundation provides some construction schedule advantages. However, the remedial work to repair the foundation to today's building code provides another financial challenge to this project, driving up costs that need to be considered in the project proforma. These costs translate into less competitive, projected lease rates. The project is being pursued without the benefit of preconstruction tenants, driving the financing costs higher. I appreciate the consideration of our project. Thank you.

6. ADJOURNMENT:

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

**SIGN IN SHEET
VIRTUAL PUBLIC HEARING**

Public Hearing to be held on June 17, 2021 at 9:00 a.m.
via Virtual Conference Software

**132 Dingens St, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 132 Dingens Street, Buffalo, New York

Name	Company and/or Address	X box to speak/ comment
James Panepinto	Pinto Construction Services 132 Dingens Street Buffalo, New York 14206	X
Annette Grandinetti	Pinto Construction Services 132 Dingens Street Buffalo, New York 14206	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Brian Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

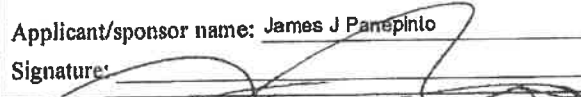
617.20
Appendix B
Short Environmental Assessment Form

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			
132 Dingens Street, LLC			
Name of Action or Project: 132 Dingens Street, LLC			
Project Location (describe, and attach a location map): 132 Dingens Street			
Brief Description of Proposed Action: Reconstruct 81,000 sq ft warehouse destroyed by fire.			
Name of Applicant or Sponsor: James J. Panepinto		Telephone: 716-825-6666	
		E-Mail: jpinto@pintocs.com	
Address: 132 Dingens Street			
City/PO: Buffalo		State: NY	Zip Code: 14206
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 governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 2 acres	
b. Total acreage to be physically disturbed?		_____ <0.25 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 13 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	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: _____ NYS DEC Brownfield COC 2016	NO	YES
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: James J Panepinto	Date: 5/17/2021	
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<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"/>

	No, or small impact may occur	Moderate to large impact may occur
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"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.
<u>Eric County IOA</u>	<u>7-28-21</u>
Name of Lead Agency	Date
<u>Karen M. Fiala</u>	<u>Vice President</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>Karen M. Fiala</u>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

SEQRA Notice of Determination

Non Significance Negative Declaration

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (SEQR – State Environmental Quality Review) of the Environmental Conservation Law.

Lead Agency: City of Buffalo, Planning Board
901 City Hall
65 Niagara Square
Buffalo, NY 14202

As per the provision of SEQR, the Lead Agency has reviewed the following action as it relates to the environment:

Action Title: 132 Dingens Street Warehouse Renovation

Location: 132 Dingens Street, Buffalo, NY

Type of Action: Unlisted – Uncoordinated

Description: The Action involves the construction of a warehouse facility (80,960 square feet), with associated site improvements, on the foundation of a former warehouse on a 13.2 acre parcel at 132 Dingens Street. Vehicular access will utilize an existing driveway connection off of Dingens Street.

As a Result of this Environmental Review: The Lead Agency has determined the undertaking of this action will not have a significant adverse effect on the quality of the environment. No further environmental review will be conducted prior to implementation of the action and a Draft Environmental Impact Statement will not be prepared.

Reasons Supporting This Determination: Potential environmental impacts associated with the action were identified in the Environmental Assessment Form to assess potential adverse environmental impacts compared to the criteria for determining significance identified in 6 NYCRR §617.7(c)(1) and in accordance with §617.7 (c)(2)(3). The potential impacts are not significant.

Impacts on Land

The construction of the warehouse facility and new site improvements will not have any significant adverse environmental impacts on land as the site was previously developed, with construction of the new building occurring on the foundation footprint of the previous warehouse. Environmental remediation work was performed on site in accordance with the New York State Department of Environmental Conservation's (NYSDEC) Brownfield Cleanup Program (BCP) to appropriate remediation standards (see "*Impact to Human Health*" for additional information). No significant adverse environmental impacts are anticipated.

Impacts on Air Quality

The project will not have a significant impact on air and would not require an air permit. No significant adverse environmental impacts are anticipated.

Impacts on Surface Water

The project will not have a significant adverse impact on ground or surface water quality or quantity and will not result in any significant adverse impacts on surface water or groundwater quality or quantity. Any required on-site stormwater

management will comply with applicable stormwater quality and quantity standards. No significant adverse environmental impacts are anticipated.

Impacts on Transportation

The proposed action will not have a substantial adverse change in existing traffic levels or roadway/intersections levels of service. The project is located in a developed urban area and road capacity is adequate to accommodate any increase in traffic generated by the project. The project is also served by public transportation in the form of bus service within the immediate project area. No significant adverse environmental impacts are anticipated.

Impacts on Noise, Odor and Light

The project will not have a substantial adverse change on noise levels. The proposed use is similar to the existing character of the area which consists of commercial, industrial, residential and mixed uses in an urban environment.

The project will not have a substantial increase in solid waste production. The use of the site for commercial uses will not significantly increase waste. Waste from the site will be disposed of in accordance with local and state regulations.

The project will use code compliant lighting and not have an impact on adjacent properties.

No significant adverse environmental impacts are anticipated.

Impacts on Flooding

The proposed action is not located within a 100-year floodplain and therefore no significant adverse environmental impacts are anticipated.

Impacts on Flora and Fauna

The project will not result in the removal or destruction of large quantities of vegetation or fauna; substantially interfere with the movement of any resident or migratory fish or wildlife species; impact on a significant habitat area; impact a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Impacts on a Critical Environmental Areas

The project is located in an urban area and is not within or adjacent to a Critical Environmental Area and will therefore, not impair the environmental characteristics of a Critical Environmental Area.

Consistency with Community Plans and Character

The proposed action is generally consistent with the community's current plans and goals, including redeveloping commercial uses in the project area, and is overall consistent with the existing community and neighborhood character which contains commercial, industrial, residential and mixed uses. No significant adverse environmental impacts are anticipated.

Impacts on Historic and Archeological Resources

The project will not significantly impact the character and quality of a historic resource. The site is not located in or adjacent to a local, state or national historic district, and does not contain any landmarked buildings and/or structures on site. No significant adverse environmental impacts are anticipated.

The project will not impact the character and quality of an archeological resource. There are no known and/or identified significant cultural resources on site or adjacent to the property. Although the proposed action is located within an area designated as sensitive for archaeological sites on the NYSHPO archaeological site inventory, the site was previously

developed and any ground disturbance will occur on previously developed and disturbed areas. No significant adverse environmental impacts are anticipated.

Impacts on Energy

The project will not result in a major change in the quantity or type of energy used. There will be a minor increase in energy consumption consistent with the commercial uses at the site, but these impacts would not be significant and would not require utility upgrades to provide an increase in demand in the service area as adequate capacity currently exists. No significant adverse environmental impacts are anticipated.

Impacts on Human Health

The project will not create a hazard to human health. The proposed use does not involve hazardous materials and/or operations. The site was remediated under NYSDEC's BCP (Site Code: C915263) to allow for restricted commercial uses, with residual contamination in the soil managed under an approved site management plan. All applicable local and state regulations must be adhered to in regards to any environmental contaminants present on site and/or from removed building materials. No significant adverse environmental impacts are anticipated.

Impacts on Aesthetic Resources

The project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. No significant adverse environmental impacts are anticipated.

Additional Considerations

The project will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The project will not create a material demand for other actions that would result in one of the above consequences.

The project will not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The project does not include two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCCR 617.7(c)(1).

For further information relative to this Negative Declaration, contact Ms. Nadine Marrero, AICP, Director of Planning, Room 901 City Hall, Buffalo, New York 14202, (716) 851-5029.

Dated: November 30, 2020

CC: Applicants

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**132 DINGENS ST, LLC, PINTO CONSTRUCTION SERVICES, 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, July 28, 2021 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 132 DINGENS ST, LLC, PINTO CONSTRUCTION SERVICES, 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

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, 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 132 Dingens Street, City of Buffalo, Erie County, New York (the “Land”), (ii) the construction on the Land of an approximately 81,000 sq. ft. warehouse to be constructed on an existing foundation to be utilized for a warehouse/distribution and/or light manufacturing facility (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”); and

WHEREAS, pursuant to General Municipal Law Section 859-a, and pursuant to Governor Cuomo’s Executive Order 202.15 issued on April 9, 2020, and as amended from time to time, authorizing the conduct of public hearings through the use of telephone conference, video conference and/or other similar service, the Agency, on June 17, 2021, at 9:00 a.m., 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”) via live stream web broadcast at www.ecidany.com/streaming, at which the Agency provided interested parties a reasonable opportunity to provide oral comments and/or their views on the Project, and further instructed interested parties on the process to submit written comments with respect to the Project; 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, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit through a seven (7) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the “Financial Assistance”); and

WHEREAS, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act (“SEQR”), the Company has submitted to the Agency a Short Environmental Assessment Form (the “EAF”) with respect to the Project; and

WHEREAS, the City of Buffalo Planning Board (the “Planning 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 uncoordinated review with respect to the Project, established itself as Lead Agency as defined in SEQR, determined that the Project was an Unlisted Action, and issued a negative declaration (“Negative Declaration”) under SEQR on November 30, 2020, 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 and recommendations of the Project and its July 1, 2021 resolution to approve the project subject to the terms and conditions as described herein, 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 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) The Project involves an “Unlisted Action” as said term is defined pursuant to 6 N.Y.C.R.R. Section 617.2(ak) of the SEQR regulations. The Agency has conducted an uncoordinated review of the Project pursuant to 6 N.Y.C.R.R. Section 617.6(b)(4)(i). Based upon a comprehensive and thorough review by the Agency of the EAF and related documents delivered by the Company to the Agency, the City of Buffalo Negative Declaration, the criteria set forth in 6 N.Y.C.R.R. Section 617.7 of the SEQR regulations, and the additional representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that the Project will be constructed upon land previously developed and upon a pre-existing foundation, that the Project will not require an air permit and therefore there will be no impact on air quality, that no ground or surface water quality or quantity will be adversely impacted and the site will utilize on-site stormwater management, that the action will not have a substantial adverse change in existing traffic levels as the site is located in a developed urban area having adequate road capacity and the site is served by public transportation, that there will be no adverse change in noise levels as the use is similar to the existing character of the neighborhood, the Project will not substantially increase solid waste production and lighting will be code compliant and thus will not impact adjacent properties, that there will be no flooding impacts and the Project will not result in the removal or destruction of vegetation or fauna or otherwise impact fish and wildlife species or impact significant habitat areas or threatened or endangered animal or plant species, that the Project is not located within or adjacent to a Critical Environmental Area, that the Project is generally consistent with the community’s current neighbor uses and existing neighborhood character, that the Project will not significantly impact historic or archeological resources, that the Project will not result in a substantial increase in energy consumption, that the Project will not create a hazard to human health and has improved human health due to environmental remediation undertaken via the NY Brownfield Cleanup Program, that no substantial change in use of land, agricultural, open space or recreational resources will result, that the Project will not encourage or attract a large number of people to the site, the Project does not involve changes in two or more elements of the environment, no one of which has a significant adverse impact on the environment, but when considered together results in a substantial adverse impact, the Project does not include two or more related actions, none of which has or would have a significant impact on the environment, and as such, the Agency determines that the Project will not have a potential significant adverse environmental impact warranting the preparation of an environmental impact statement. The Agency thus issues a “negative declaration” as that term is defined pursuant 6 N.Y.C.R.R. Section 617.2(y).

(J) 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):* Erie County per capita income: \$33,598. Estimated salary of jobs to be created: \$34,000.

(ii) *Regional Wealth Creation (% sales/customers outside area):* 100% of Pinto Construction sales/customers are for the benefit of Erie County.

(iii) *In Region Purchases (% of overall purchases):* Pinto estimates approximately 85% of its total annual supplies, raw materials and vendor services are being sourced from Erie County vendors.

(iv) *Research and Development Activities:* Not applicable.

(v) *Investment in Energy Efficiency:* Not applicable.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas:* The property was entered into the Brownfield Cleanup Program in June 2012.

(vii) *LEED/Renewable Resources:* Not Applicable.

(viii) *Retention/Flight Risk:* Not applicable.

(ix) *MBE/WBE Utilization:* See attached statement.

(x) *Workforce Access-Proximity to Public Transportation:* The facility is located on bus routes 1, 2 and 19.

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 appointment of the Company as agent of the Agency, if utilized, 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 \$4,500,000, 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 \$393,750, 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

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit (“mortgage recording tax exemption benefits”) shall not exceed \$45,000; 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 \$239,690, resulting in estimated total PILOT payments of \$65,370 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 mortgage recording 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 mortgage recording 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 mortgage recording 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 \$6,332,500 (which represents the product of 85% multiplied by \$7,450,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 20 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; 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 20 FTE employees [representing the product of 85% multiplied by 23 (being the 2 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.

- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

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: July 28, 2021



132 Dingens

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 132 Dingens Street, LLC
Project Summary Construction of a new warehouse
Applicant Name 132 Dingens Street, LLC
Applicant Address 132 Dingens Street
Applicant Address 2
Applicant City Buffalo
Applicant State New York
Applicant Zip 14206
Phone (716) 825-6666
Fax (716) 825-6773
E-mail jpinto@pintocs.com
Website www.pintoheavyconst.com
NAICS Code 531120

Business Organization

Type of Business Limited Liability Company
Year Established 2012
State in which Organization is established New York

Individual Completing Application

Name James J Panepinto
Title President
Address 132 Dingens Street
Address 2
City Buffalo
State New York

Zip 14206
Phone (716) 825-6666
Fax (716) 825-6773
E-Mail jpinto@pintocs.com

Company Contact (if different from individual completing application).

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

Company Counsel

Name of Attorney Robert Knoer
Firm Name The Knoer Group, PLLC
Address 424 Main Street
Address 2 Ste120
City Buffalo
State New York
Zip 14202
Phone (716) 332-0032
Fax
E-Mail rknoer@knoergroup.com

Benefits Requested (select all that apply).

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

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

Applicant Business Description

Describe in detail company background, history, products and customers. Description is critical in determining eligibility. Also list all stockholders, members, or partners with % ownership greater than 20%.

132 Dingens Street, LLC is the owner of the property and its primary business is providing warehousing, office, and exterior storage areas to various local industries. Current tenants include, UPS, Casella Waste Services, Unicell Body, Amerifleet, DeCarolis Trucking, and First Student. The open space is used for vehicle parking. The ownership is 100% owned by James J Panepinto FBO Lynn M. Panepinto Trust.

Estimated % of sales within Erie County 100 %

Estimated % of sales outside Erie County but within New York State 0 %

Estimated % of sales outside New York State but within the U.S. 0 %

Estimated % of sales outside the U.S. 0 %

(*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?

85

Describe vendors within Erie County for major purchases

Lehigh Construction Group, Inc. - Building superstructure New Enterprise Stone & Lime Co, Inc. - aggregate & concrete United Materials, LLC - Concrete

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

132 Dingens Street

Town/City/Village of Project Site

Buffalo

School District of Project Site

Buffalo

Current Address (if different)

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

SBL Number(s) for proposed Project

112.19-1-14.11

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

17,737

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?

No

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

132 Dingens Street, LLC

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.)

Storage warehouse with office facilities

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)

To meet increased demand from existing and potential new tenants we are proposing to build an approximate 81,000 sq ft warehouse. It will be constructed on an existing foundation remaining from a fire in 2010. The structure will closely resemble the facility that once occupied that footprint. Prior to the fire it was a Tops Warehouse, a food processing facility and a pallet manufacturing facility This property was entered into the Brownfield Cleanup program on 6/18/2012 and a certification of completion was achieved on 12/20/2016. Currently, no specific tenants have been identified for the proposed facility. The new facility will be used for warehouse/distribution and/or light manufacturing.

Municipality or Municipalities of current operations

Buffalo, New York

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:

See Next Question

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)

The financial challenges for this project are significant, and the agency's financial assistance is a critical component for this project to become viable for the following reasons: 1. The pandemic had driven costs for materials to significantly higher than anticipated levels when this project was first considered. Material shortages specific to the construction of warehousing, in particular, have risen due to the rise in demand for last-mile warehousing. The shortage of warehousing has created a significant demand for new projects, all competing for scarce materials. 2. The development site is located on a Brownfield. Even with access to NYS Brownfield tax credits, significant additional costs related to legacy environmental conditions exist. These costs make the competitiveness of the warehouse financial proforma more of a challenge. 3. The project construction design relies on reusing an existing foundation of a former warehouse destroyed by a fire several years ago. The use of this foundation provides some construction schedule advantages. However, the remedial work to repair the foundation to today's building code provides another financial challenge to this project, driving up costs that need to be considered in the project proforma. These costs translate into less competitive, projected lease rates. 4. The project is being pursued without the benefit of preconstruction tenants, driving the financing costs higher.

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?

This development project will not occur without the financial assistance of the agency. The shortage of last-mile warehousing is well documented in the WNY area. This void will be filled by a project somewhere in this area. However, the City of Buffalo and Erie County may not be a benefactor of a project that occurs outside Erie County. Additionally, it will be a missed opportunity to redevelop a project in an area that has been a warehousing hub for quite some time. The loss of more green-fields for a similar, less costly project, will most likely result, as well as the conveniently located City jobs on a bus route. Should this project not move forward, this applicant will lose the NYS brownfield tax credits earned during the environmental cleanup, causing financial hardship for the owner and related companies also located at this development site.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

Construction Equipment

Site Characteristics

Is your project located near public transportation?

Yes

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

We are located at 132 Dingens Street between Bailey Avenue and South Odgen Street. Route#19 runs directly on Dingens Street.

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

Yes

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

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

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

Yes

Describe the present zoning/land use

Code#449 - Other Storage & Warehouse Facilities

Describe required zoning/land use, if different

No Change

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?

Yes

If yes, please explain

The property was entered into a Brownfield Cleanup Program on 6/18/2012 and completed on 12/20/2016.

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?

Yes

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

Heating, cooling, and lighting

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.

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0 square feet acres

2.) New Building Construction

\$ 6,200,000 81,000 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0 square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 500,000

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

\$ 500,000

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

\$ 100,000

9.) Other Cost

\$ 150,000

Explain Other Costs	Environmental Costs
Total Cost	\$ 7,450,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 6,700,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 4,000,000
% sourced in Erie County	95%

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	\$ 4,500,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 393,750

** 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? Yes

If Yes, describe particulars: Engineering and Planning costs

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 450,000
Bank Financing:	\$ 6,000,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 1,000,000
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	0
Total Sources of Funds for Project Costs:	\$7,450,000
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).	6,000,000
Lender Name, if Known	
Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):	\$45,000

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit (485-a, 485-b, other):

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

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

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

Pinto Construction Services, Inc. an affiliate of 132 Dingers Street, LLC (the property owner) has both EEO and MBE/MWBE policies in place and attached. Additionally local hiring preferences will be given as well as union trade participation.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

Construction Equipment

Employment Plan (Specific to the proposed project location)

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

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

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	0	0	23	23
Part time	0	0	0	0
Total	0	0	23	

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	0	\$ 0	\$ 0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	23	\$ 34,000	\$ 6,800	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

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

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

Address			
Full time	0	0	0
Part time	0	0	0
Total	0	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

782,000

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

0

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

0

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

34,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	34,000	To (Full Time)	34,000
From (Part Time)	0	To (Part Time)	0

Section III: Environmental Questionnaire

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

General Background Information

Address of Premises

132 Dingens Street Buffalo, New York 14206

Name and Address of Owner of Premises

132 Dingens St, LLC 132 Dingens Street Buffalo, New York 14206

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

The property is generally flat-lying. The difference in elevation is approximately 5 feet. The property is improved with three structures, an 81,000 square-foot concrete building foundation, concrete, and asphalt paved areas, stone-covered areas, and small areas of vegetation. There are no State or Federal wetlands located on or near the property. The nearest water body is the Buffalo River, located approximately 0.9 miles south of the property.

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

The property consists of an 81,000 square-foot foundation (remaining from an old warehouse that burned down in 2010), a two-story office building renovated in 2018, a 12,000 square-foot storage garage constructed in 2019 small fabric storage building erected in 2020. Construction of a new 81,000 square foot warehouse on top of the existing concrete foundation slab will begin in April 2021.

Describe all known former uses of the Premises

Same-Warehouse & Storage facility

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

Yes

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

132 Dingens St, LLC leases the office building, storage garage, and fabric storage structure to Pinto Construction Services and a large portion of the paved area to Unicell for temporarily parking of new vehicles. The northwestern portion of the property is leased to First Student Bus Services for employee parking.

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

132 Dingens St, LLC entered into a Brownfield Cleanup Agreement (BCA) with the NYSDEC on June 12, 2012, to investigate and remediate the Site based on a long history of industrial/commercial use. The Site was remediated in 2016 to Part 375 commercial soil cleanup objectives (SCOs) described in the October 2016 Final Engineering Report. The remedy included excavation of soil/fill exceeding the site-specific SCOs for the parameters of concern. The Site received a Certificate of Completion (COC) from NYSDEC on December 20, 2016. The Site Management Plan (SMP) provides long-term management of remaining contamination and includes institutional and engineering controls, maintenance, and reporting requirements.

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

N/A

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

N/A

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

No

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

Discharge Into Waterbodies

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

N/A

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

Sanitary and storm sewer discharges to public system.

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

No

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

Air Pollution

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

No

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

Are any of the air emission sources permitted?

No

If yes, attach a copy of each permit.

Storage Tanks

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

(2) 500 Gallon portable fuel tanks

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

No

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

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

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

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

Yes

If yes, relate all the circumstances

Cleaned up as part of the Brownfield.

Do the Premises have any asbestos containing materials?

No

If yes, please identify the materials

Section IV: Facility Type - Single or Multi Tenant

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

Multi-Tenant Facility

Multi-Tenant Facility (to be filled out by developer)

Please explain what market conditions support the construction of this multi-tenant facility

Lack of available warehousing

Have any tenant leases been entered into for this project?

No

If yes, please list below and provide square footage (and percent of total square footage) to be leased to tenant and NAICS Code for tenant and nature of business

Tenant Name	Current Address (city, state, zip)	# of sq ft and % of total to be occupied at new project site	SIC or NAICS-also briefly describe type of business, products services, % of sales in Erie Co.
-------------	------------------------------------	--------------------------------------------------------------	------------------------------------------------------------------------------------------------

*fill out table for each tenant and known future tenants

Section VI: Retail Determination

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

Please answer the following:

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

No

If yes, complete the Retail Questionnaire Supplement below.

Section VII: Adaptive Reuse Projects

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

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

No

Section VIII: Inter-Municipal Move Determination

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

Current Address

132 Dingens Street

City/Town

Buffalo

State

New York

Zip Code

14206

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

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.)

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

No

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

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

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

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

Polymer Conversions, Inc.
\$14,250,000
INDUCEMENT RESOLUTION

ELIGIBILITY
<ul style="list-style-type: none"> • NAICS Section - 326199
COMPANY INCENTIVES
<ul style="list-style-type: none"> • Approximately \$516,000 in real property tax savings. • Approximately \$540,312 in sales tax savings • Up to 3/4 of 1% of the final mortgage amount estimated at \$106,875
EMPLOYMENT
<ul style="list-style-type: none"> • Current Jobs: 125 • New Jobs Projected: 15 • Total Jobs After Project Completion: 140 • Annual payroll: \$8,436,972 • Estimated salary of jobs to be created: \$49,533 • Estimated salary of jobs to be retained: \$48,211
PROJECT HISTORY
<ul style="list-style-type: none"> • 03/30/2021 - Public hearing held. • 07/21/2021 - Resolution presented to Board to ratify and confirm Town's SEQRA declaration • 07/28/2021 - Lease/Leaseback Inducement Resolution presented to the Board of Directors
COMPANY HISTORY
<ul style="list-style-type: none"> • 1989 - \$1,760,000 Tax Incentive • 2006 - \$3,700,000 Tax Incentive • 2007 - \$2,800,000 Collateral Mortgage • 2009- \$370,000 Collateral Mortgage • 2021 - Assignment & Assumption

Project Title: Polymer Conversions, Inc.
Project Address: 5732 Big Tree Road
Orchard Park, New York 14127
(Orchard Park Central School District)

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with a 41,350 sq. ft. expansion.

Building Addition	\$ 8,500,000
Infrastructure	\$ 1,000,000
Manufacturing Equipment	\$ 4,000,000
Non-Manufacturing Equipment	\$ 500,000
Soft Costs	\$ 250,000

Total Project Cost \$14,250,000

85% \$12,112,500

Company Description

Polymer Conversions, Inc. ("PCI") is a premier precision custom plastics injection molder. Since 1979, PCI has specialized in highly technical, tight-tolerance medical devices, medical components, biometric devices, gearing parts, and turnkey product solutions. PCI manufactures, among other products, small part precision Class I & II medical device components/assemblies and other complex critical-to-life injection molded products.

In August 2020, PCI was sold to Medbio Intermediate Holdings, LLC ("Medbio"). Medbio is an outsourced manufacturer specializing in clean room injection molding and assembly for medical, life science and biotechnology devices. The acquisition of PCI creates a premier medical device manufacturing platform of scale and capable of supporting growth for PCI's customers. Medbio is a portfolio company of Graham Partners, a leading private investment firm targeting technology driven manufacturing companies.

75% of company sales are to customers located outside of New York State; 50% of that number representing international sales.

Project Description

PCI currently operates out of a 39,000 sq. ft. of space in the Town of Orchard Park. The current project consists of the expansion of the facility by 41,000 sq. ft.

In addition, the company will be purchasing approximately \$4,000,000 of manufacturing equipment.

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over 10 Year Abatement Period	Additional Town Revenue over 10 Year Abatement Period	New Yearly Taxes Upon Expiration of Abatement Period
	\$1,200,000	\$24,000	\$113,000	\$65,000
Combined Tax Rate: \$54.50				

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 = \$14,250,000 85% = \$12,112,500
Employment	Coincides with 10-year PILOT	Maintain Base = 125 Create 85% of Projected Projected = 15 85% = 13 Recapture Employment = 138
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	10-year PILOT term	Real Property Taxes State and Local Sales Taxes Mortgage Recording Taxes

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

Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 125 jobs and created 15 jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

ADDENDUM TO PROJECT LOG
Polymer Conversions

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Erie County median worker income: \$33,350 Company estimated average salary of jobs to be retained: \$48,211 Company estimated average salary of jobs to be created: \$49,533
Regional Wealth Creation (% sales/customers outside area)	Sales: Outside NYS and within U.S.: 25% International: 50%
In Region Purchases (% of overall purchases)	30% of overall purchases are procured through firms located in Erie County.
Research & Development Activities	Approximately 10% of operating expenses are devoted to research and development.
Investment in Energy Efficiency	\$4,000,000 in new manufacturing equipment is being purchased with the newest energy efficiency.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The project will meet all local zoning and land use requirements.
LEED/Renewable Resources	Not applicable.
Retention/Flight Risk	Recapture criteria currently in place requires a company this size to retain 90% of its base FTE jobs.
MBE/WBE Utilization	Polymer is constantly looking for ways to utilize minority and women business enterprises when those products and services meet the company's specific requirements.
Workforce Access – Proximity to Public Transportation	The facility is near the 72 bus line.

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-: Polymer Conversions, Inc. - 2021

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$9,500,000	\$1,200,000	\$9.68	\$7.77	\$37.06

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	10%	\$1,162	\$932	\$4,447	\$6,541	\$65,412	\$58,871
2	10%	\$1,162	\$932	\$4,447	\$6,541	\$65,412	\$58,871
3	10%	\$1,162	\$932	\$4,447	\$6,541	\$65,412	\$58,871
4	20%	\$2,323	\$1,865	\$8,894	\$13,081	\$65,412	\$52,330
5	20%	\$2,323	\$1,865	\$8,894	\$13,081	\$65,412	\$52,330
6	20%	\$2,323	\$1,865	\$8,894	\$13,081	\$65,412	\$52,330
7	30%	\$3,485	\$1,865	\$8,894	\$19,624	\$65,412	\$45,788
8	30%	\$3,485	\$1,865	\$8,894	\$19,624	\$65,412	\$45,788
9	30%	\$3,485	\$1,865	\$8,894	\$19,624	\$65,412	\$45,788
10	30%	\$3,485	\$1,865	\$8,894	\$19,624	\$65,412	\$45,788
Total		\$24,394	\$19,580	\$93,391	\$137,365	\$654,120	\$516,755

***** 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**

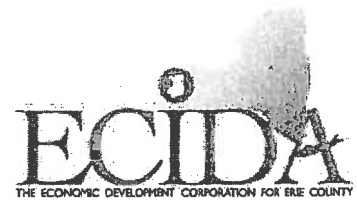
Percentage of Project Costs financed from Public Sector Table Worksheet:

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.)
\$14,250,000	\$516,755	\$540,312	\$106,875	

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 8.2%

MBE/WBE Utilization



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

The Krog Group LLC as the General Contractor adheres to Equal Employment Opportunity guidelines in accordance with the sections below.

A. Equal Employment Opportunity

It is our policy to provide equal employment opportunity to all individuals. We are committed to a diverse workforce. We value each employee's talents and support an environment that is inclusive and respectful. We are strongly committed to this policy and believe in the concept and spirit of the law. Therefore, we will not discriminate against employees or applicants for employment on any basis recognized under federal and New York State law, including but not limited to veteran status, race, color, religion, gender, national origin, age, physical or mental disability, sexual orientation, gender identity, family status, predisposing genetic condition, or marital status.

We are committed to assuring that:

1. All recruiting, hiring, training, promotion, compensation, and other employment-related programs and opportunities are provided fairly to all persons on an equal opportunity basis;
2. Employment decisions are based on the principles of equal opportunity. All personnel actions such as compensation, benefits, transfers, training, and participation in social and recreational programs are administered without regard to any characteristic protected by state, federal, or local law; *and*
3. Employees and applicants will not be subjected to harassment, intimidation, threats, retaliation, coercion, or discrimination based on their membership in a protected class or because they have exercised any right protected by law.

In instances when the company is required to adhere to MBE/WBE guidelines we will utilize efforts and protocols to encourage MBE/WBE participation on projects. Those protocols are outlined below.

1. Obtain a list of the general circulation, trade and MWBE-oriented publications with dates of publications in which solicitations for participation of certified MWBEs as subcontractors/suppliers can be utilized to advertise. Maintain copies of such solicitations and any responses thereto.



2. Obtain the list of the certified MWBEs appearing in the Empire State Development MWBE directory that can be solicited for the contract. Maintain proof of dates or copies of the solicitations and copies along with the responses made by the certified MWBEs. Describe specific reasons that responding certified MWBEs were not selected.
3. Provide descriptions of the contract documents/plans/specifications made available to certified MWBEs when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified MWBEs.
4. Provide a description of the negotiations between the general contractor and certified MWBEs for the purposes of complying with the MWBE goals of the contract.
5. Provide dates of any pre-bid, pre-award or other meetings scheduled by the general contractor with certified MWBEs whom the general contractor determined were capable of fulfilling the MWBE goals set in the contract.

Cost-Benefit Analysis for Polymer Conversions, Inc.

Prepared by Erie County IDA using InformAnalytics

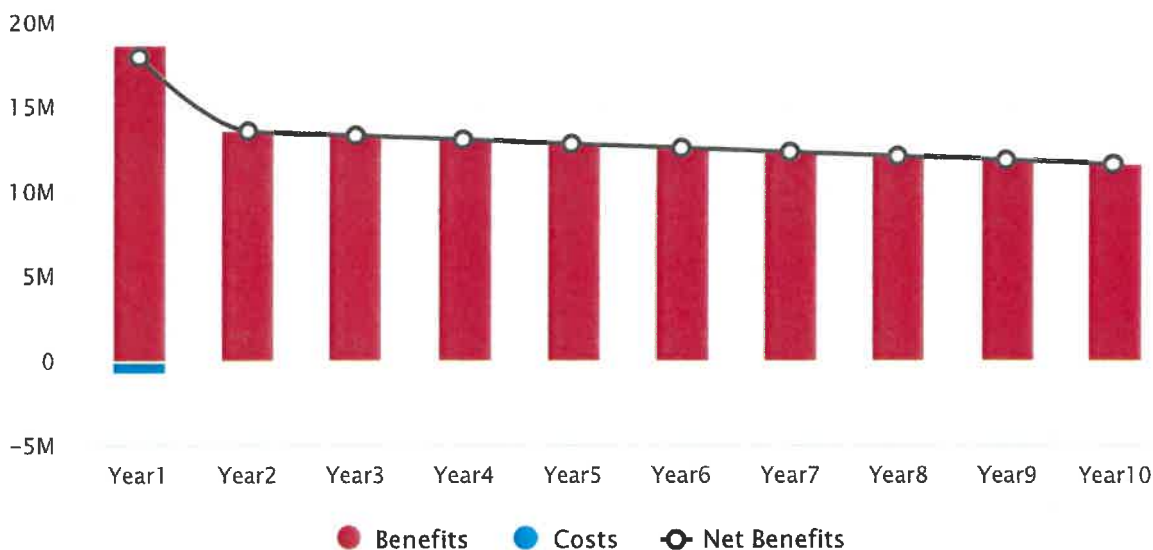
Executive Summary

INVESTOR Polymer Conversions, Inc.	TOTAL JOBS 261 Ongoing; 85 Temporary	TOTAL INVESTED \$14.3 Million	LOCATION 5732 Big Tree Road, Orchard Park, NY 14127	TIMELINE 10 Years
-----------------------------------------------------	-----------------------------------------------------------	------------------------------------------------	----------------------------------------------------------------------	------------------------------------

F1 FIGURE 1

Discounted* Net Benefits for Polymer Conversions, Inc. by Year

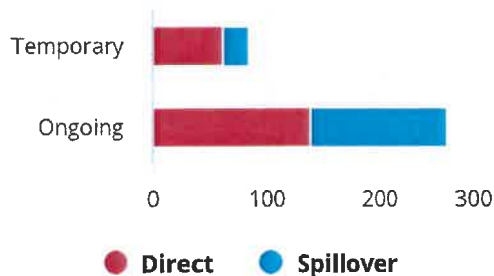
Total Net Benefits: \$131,150,000



Discounted at 2%

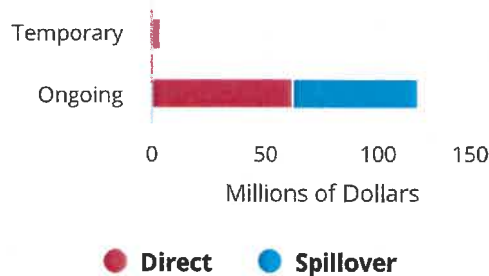
F2 FIGURE 2

Total Jobs



F3 FIGURE 3

Total Payroll



Proposed Investment

Polymer Conversions, Inc. proposes to invest \$14.3 million at 5732 Big Tree Road, Orchard Park, NY 14127 over 10 years.

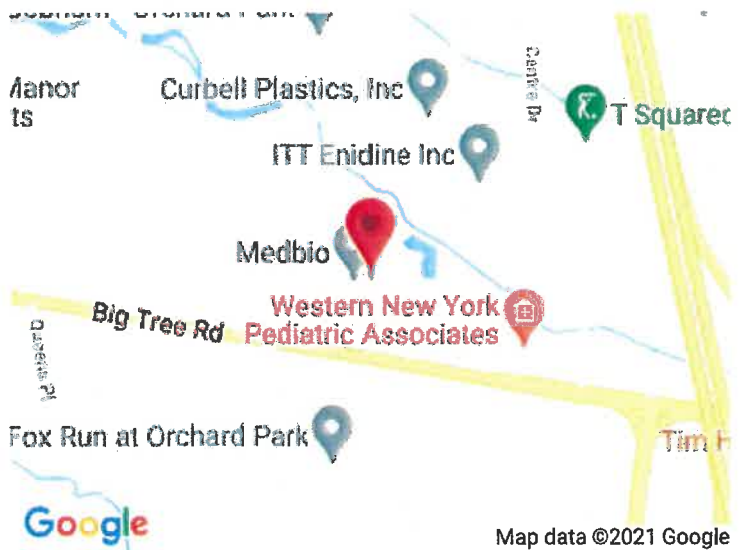
T1 TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Construction	\$8,500,000
OTHER SPENDING	
Infrastructure	\$1,000,000
Manufacturing Equipment	\$4,000,000
Non-Manufacturing Equipment	\$500,000
Soft Costs	\$250,000
Total Investments	\$14,250,000
Discounted Total (2%)	\$14,250,000

T4 FIGURE 4

Location of Investment



May not sum to total due to rounding.

Cost-Benefit Analysis

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

T2 TABLE 2

Estimated Costs or Incentives

Erie County IDA is considering the following incentive package for Polymer Conversions, Inc..

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$515,000	\$475,000
Sales Tax Exemption	\$540,000	\$540,000
Mortgage Recording Tax Exemption	\$107,000	\$107,000
Total Costs	\$1,162,000	\$1,121,000

May not sum to total due to rounding.

* Discounted at 2%

 TABLE 3

State & Regional Impact (Life of Project)

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

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$72,993,000	\$62,886,000	\$135,880,000
To Private Individuals	\$71,688,000	\$61,877,000	\$133,565,000
Temporary Payroll	\$3,267,000	\$1,134,000	\$4,401,000
Ongoing Payroll	\$68,421,000	\$60,743,000	\$129,164,000
To the Public	\$1,306,000	\$1,009,000	\$2,315,000
Property Tax Revenue	\$137,000	N/A	\$137,000
Temporary Sales Tax Revenue	\$53,000	\$18,000	\$72,000
Ongoing Sales Tax Revenue	\$1,116,000	\$990,000	\$2,106,000
STATE BENEFITS	\$4,342,000	\$3,698,000	\$8,040,000
To the Public	\$4,342,000	\$3,698,000	\$8,040,000
Temporary Income Tax Revenue	\$160,000	\$55,000	\$215,000
Ongoing Income Tax Revenue	\$3,170,000	\$2,769,000	\$5,939,000
Temporary Sales Tax Revenue	\$46,000	\$16,000	\$62,000
Ongoing Sales Tax Revenue	\$966,000	\$857,000	\$1,823,000
Total Benefits to State & Region	\$77,335,000	\$66,584,000	\$143,919,000
Discounted Total Benefits (2%)	\$71,163,000	\$61,108,000	\$132,272,000

May not sum to total due to rounding.

TABLE 4

Benefit to Cost Ratio

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

Description	Benefit*	Cost*	Ratio
Region	\$124,882,000	\$835,000	149:1
State	\$7,389,000	\$286,000	26:1
Grand Total	\$132,272,000	\$1,121,000	118:1

May not sum to total due to rounding.

* Discounted at 2%

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

VIRTUAL PUBLIC HEARING SCRIPT

**Polymer Conversions, 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 March 30, 2021 at 10:00 a.m.
via Virtual Conference Software

ATTENDANCE:

Ben Harp – Polymer Conversions
Carrie Hocienec – ECIDA
Brian Krygier – ECIDA
Olivia Hill – Invest Buffalo Niagara

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

Hearing Officer: Welcome. This public hearing is now open; it is 10:00 a.m. My name is Beth O’Keefe. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this virtual public hearing. This public hearing is being live-streamed and made accessible on the Agency’s website at www.ecidany.com. Pre-registration for anyone wishing to speak at today’s public hearing was required through our website. Today I am joined by Brian Krygier, ECIDA Systems Analyst who will be the Hearing Moderator and he will be managing the public comment portion of this hearing.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Polymer Conversions, Inc. 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 Friday, March 19, 2021.

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

Hearing Officer: The proposed project (the "Project") consists of: (i) the acquisition (or retention) by the Agency of a leasehold or other interest in certain property located at 5732 Big Tree Road, Town of Orchard Park, Erie County, New York (the “Land”) and the existing improvements located thereon (the “Existing Improvements”); (ii) the construction on the Land of an

approximately 41,500+/- square-foot expansion to the Existing Improvements for the purpose of expanding and consolidating the Company's cleanroom manufacturing space, warehouse space, engineering offices, tool room space, and meeting space (the "Improvements"); and the acquisition and installation in and around the Existing Improvements and Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility") (the "Facility").

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

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

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

If you have a written statement or comment to submit for the record, please submit it on the Agency's website or mail to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on April 27, 2021. There are no limitations on written statements or comments.

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

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

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

Thank you for this opportunity to go through this process. I think that this is very important for Polymer Conversions, now Medbio, and our community specifically. I have been with the company for 18 years. Again, my name is Ben Harp I am president of this site/location. On September 1, 2020 we were acquired by Medbio. We transferred from the Bertsch family, the founders of Polymer Conversions, to Medbio. We have recently gone through an expansion here on this site 5732 Big Tree Road back in 2012. We finished a 25,000 sq. ft. addition where we applied for incentives and met all aspects of that incentive package on both jobs & investment. We are asking for consideration of incentive support on this expansion because Medbio is adding expansion space because it is needed for business. They have a building on their campus in

Grand Rapids, Michigan that they just acquired within the past quarter; the last couple of months. They are looking at retrofitting that and the expense of re-conditioning that for the purposes of our business which is contract manufacturing for highly technical medical products. We are very busy. The COVID Pandemic has increased that busyness based on the customers that we support. They are all names that you know big healthcare OEM's and we have grown dynamically over the last 9 years from our last expansion. In fact, we have pretty much filled that out.

The expansion that we are proposing to build here is approximately 33,000 sq. ft. There will be 2 buildouts. The first buildout will be approximately 29,000 sq. ft. buildout on the backside of our facility. Half of that will be a condition cleanroom manufacturing space and the other half will be warehouse space to support the products coming off that floor. We have a second bump out going out to the west side of our building that will be approximately 4,000 sq. ft. that will add a tool room addition space as well as additional office space for the professional hires that we will add. We currently have 125 FTE. We expect that this expansion will bring 45 new positions to our community of which approximately 15 would be professional engineer type job descriptions and about 30 production positions. Our operations are 24/7. We are running all the time and making important product for human beings and their health. That is our project, that our ask.

The situation is Medbio led by our CEO Chris Williams is going to make a decision on where to add that space and that capacity. The things that will be considered will be total costs, the amount of space that we can bring onboard as quick as possible. The opportunity here is thankfully we as an organization here at Polymer Conversions prior to even being acquired spent the money to design the additional space so that if and when we got to capacity, we could quickly pull the trigger to support our customers and our growth here in Orchard Park. Thankfully, those architectural plans are done. They were done in early 2020 and now Medbio is asking where we could add the space the quickest and the best possible cost and where is the employment opportunity. Are there better candidates in the Buffalo Area or Grand Rapids. I more or less am championing this site and speed to growth and trying to market that internally to our organization so that the decision and investment is make here in Orchard Park.

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:08 a.m.

**SIGN IN SHEET
VIRTUAL PUBLIC HEARING**

Public Hearing to be held on March 30, 2021 at 10:00 a.m.
via Virtual Conference Software

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

Project Location: 5732 Big Tree Road, Town of Orchard Park, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
Ben Harp	Polymer Conversions 5732 Big Tree Road Orchard Park, New York 14127	X
Olivia Hill	Invest Buffalo Niagara 257 West Genesee Street Buffalo, New York 14203	
Carrie Hocieniec	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	
Bran Krygier	ECIDA 95 Perry Street, Suite 403 Buffalo, New York 14203	

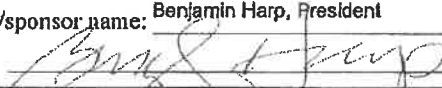
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Appendix B
Short Environmental Assessment Form

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			
Polymer Conversions, Inc.			
Name of Action or Project: 2021 Expansion			
Project Location (describe, and attach a location map): 5732 Big Tree Road, Orchard Park, NY 14127			
Brief Description of Proposed Action: 33,000 square foot expansion of Polymer Conversion's Orchard Park facility, located at 5732 Big Tree Road. The expansion will include 29,000sqft addition on north side of facility, and 4,000sqft expansion on west side of existing facility. The proposed expansion would expand and consolidate Polymer Conversions' cleanroom space, warehouse, and tool room, accommodating future growth and greater operational efficiency.			
Name of Applicant or Sponsor: Polymer Conversions, Inc.		Telephone: 716-622-8550	
		E-Mail: bharp@polymerconversions.com	
Address: 5732 Big Tree Road			
City/PO: Orchard Park		State: NY	Zip Code: 14127
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 type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Orchard Park Planning Board and Town Board			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.75 acres	
b. Total acreage to be physically disturbed?		1-2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		12.56 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" 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			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	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 checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Benjamin Harp, President	Date: 3-8-2021	
Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<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"/>

	No, or small impact may occur	Moderate to large impact may occur
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"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.
<u>Erie County IDA</u>	<u>July 28, 2021</u>
Name of Lead Agency	Date
<u>Karen M. Fiala</u>	<u>Vice President</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>Karen M. Fiala</u>	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

Short Environmental Assessment Form
Part 1 - Project Information

PB #08-21
PARTS 1+2
7-8-21 Signed
by CHAN

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			
Gregory K. Schneider, RA, Aurora Architectural Design PC			
Name of Action or Project: Polymer Conversions Additions 2021			
Project Location (describe, and attach a location map): 5732 Blg Tree Road, Orchard Park, New York 14127			
Brief Description of Proposed Action: 1. Add 28,652 s.f. 1-story addition to the north side of the existing facility for manufacturing and warehouse 2. Add 2,000 s.f. 2-story addition to the west side of the existing facility for restrooms, new employee entrance and elevator for access to 2nd floor office space 3. Add 4,160 s.f. 1-story addition to the west side of the existing facility for tool room and office space 4. Add (36) new parking spaces on west side of property with potential for (53) future parking spaces			
Name of Applicant or Sponsor: Gregory K. Schneider, RA, c/o Polymer Conversions		Telephone: 716-655-3110 E-Mail: greg@auroraarch.com	
Address: 686 Quaker Road			
City/PO: East Aurora	State: New York	Zip Code: 14052	
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 checked="" type="checkbox"/>	YES <input 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: TOOP ZBA Site Plan Approval, TOOP Building Permit, ECIDA		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		13.7 acres	
b. Total acreage to be physically disturbed?		1.2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		13.7 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" 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			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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	
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
		<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input checked="" 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	
100 year flood plane at north side of site along Smokes Creek		<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 checked="" type="checkbox"/>	<input 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: _____ _____ _____				

	No, or small impact may occur	Moderate to large impact may occur
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"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.
<u>ORCHARD PARK PLANNING BOARD</u>	<u>JULY 8, 2021</u>
Name of Lead Agency	Date
<u>MILLER KATZ</u>	<u>CHAIRMAN</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u></u>	<u></u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**POLYMER CONVERSIONS, 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, July 28, 2021 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 POLYMER CONVERSIONS, 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

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, 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 (or retention) by the Agency of a leasehold or other interest in certain property located at 5732 Big Tree Road, Town of Orchard Park, Erie County, New York (the "Land") and the existing improvements located thereon (the "Existing Improvements"); (ii) the construction on the Land of an approximately 41,500+/- square-foot expansion to the Existing Improvements for the purpose of expanding and consolidating the Company's cleanroom manufacturing space, warehouse space, engineering offices, tool room space, and meeting space (the "Improvements"); and the acquisition and installation in and around the Existing Improvements and Improvements of certain items of equipment, machinery and other tangible personal property (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, pursuant to General Municipal Law Section 859-a, and pursuant to Governor Cuomo's Executive Order 202.15 issued on April 9, 2020, and as amended from time to time, authorizing the conduct of public hearings through the use of telephone conference, video conference and/or other similar service, the Agency, on March 30, 2021 at 10:00 a.m., 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") via live stream web broadcast at www.ecidany.com/streaming, at which the Agency provided interested parties a reasonable opportunity to provide oral comments and/or their views on the Project, and further instructed interested parties on the process to submit written comments with respect to the Project; 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, (b) a mortgage recording tax exemption benefit for the financing related to the Project, and (c) a partial abatement from real property taxes benefit through a ten (10) year term PILOT Agreement for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, the mortgage recording tax exemption benefit, and the partial abatement from real property taxes benefit, are hereinafter collectively referred to as the "Financial Assistance"); and

WHEREAS, pursuant to and in accordance with applicable provisions of the State Environmental Quality Review Act ("SEQR"), the Company has submitted to the Agency a Short Environmental Assessment Form (the "EAF") with respect to the Project; and

WHEREAS, the Town Planning Board of the Town of Orchard Park (the "Town Planning Board"), in accordance SEQR, undertook uncoordinated review with respect to the Project, and issued a negative declaration on July 8, 2021 (the "Negative Declaration") under SEQR 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 and recommendations of the Project and its April 15, 2021 resolution to approve the project subject to the terms and conditions as described herein, 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 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; and

(I) The Project involves an "Unlisted Action" as said term is defined pursuant to 6 N.Y.C.R.R. Section 617.2(ak) of the SEQR regulations. The Agency has conducted an uncoordinated review of the Project pursuant to 6 N.Y.C.R.R. Section 617.6(b)(4)(i). Based upon a comprehensive and thorough review by the Agency of the EAF and related documents delivered by the Company to the Agency, the Town Planning Board's Negative Declaration, the criteria set forth in 6 N.Y.C.R.R. Section 617.7 of the SEQR regulations, and the additional representations made by the Company to the Agency in connection with the Project, the Agency: (i) hereby finds that the Project constitutes an "Unlisted Action" within the meaning of SEQR and a coordinated review is optional; (ii) confirms that the Agency has conducted an uncoordinated review of the Project under SEQR; (iii) determines that the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (iv) determines that construction related impacts are short term and do not have a significant magnitude or effect; (v) determines that the Project will not have a "significant effect on the environment" as such quoted term is defined in SEQR; and (vi) determines that no "environmental impact statement" as such quoted term is defined in SEQR, need be prepared for this action. The Agency thus issues a "negative declaration" as that term is defined pursuant 6 N.Y.C.R.R. Section 617.2(y); and

(J) 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)*: Erie County median worker income: \$33,350. Company estimated average salary of jobs to be retained: \$48,211. Company estimated average salary of jobs to be created: \$49,533.

(ii) *Regional Wealth Creation (% sales/customers outside area)*: Sales outside of NYS and within U.S.: 25%, International: 50%

(iii) *In Region Purchases (% of overall purchases)*: 30% of overall purchases are procured through firms located in Erie County.

(iv) *Research and Development Activities*: Approximately 10% of operating expenses are devoted to research and development.

(v) *Investment in Energy Efficiency*: \$4,000,000 in new manufacturing equipment is being purchased with the newest energy efficiency.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas*: The project will meet all local zoning and land use requirements.

(vii) *LEED/Renewable Resources*: Not Applicable.

(viii) *Retention/Flight Risk*: Recapture criteria currently in place requires a company this size to retain 90% of its base FTE jobs.

(ix) *MBE/WBE Utilization*: Polymer is constantly looking for ways to utilize minority and women business enterprises when those products and services meet the company's specific requirements.

(x) *Workforce Access-Proximity to Public Transportation*: The facility is near the 72 bus line.

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 appointment of the Company as agent of the Agency, if utilized, 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 \$6,175,000, 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 \$540,312, 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

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit (“mortgage recording tax exemption benefits”) shall not exceed \$106,875; 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 \$516,755, resulting in estimated total PILOT payments of \$137,365 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 mortgage recording 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 mortgage recording 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 mortgage recording 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 \$12,112,500 (which represents the product of 85% multiplied by \$14,250,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 125 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 138 FTE employees [representing the sum of (x) 125 Baseline FTE and (y) 13 FTE employees, being the product of 85% multiplied by 15 (being the 15 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

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: July 28, 2021



Polymer Conversions, Inc. 2021 Expansion

[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	2021 Expansion
Project Summary	Polymer Conversions proposes a 41,000 square foot expansion of its Orchard Park facility, located at 5732 Big Tree Road, Orchard Park. The expansion, on the north side of the facility, would expand and consolidate Polymer's cleanroom space, accommodating future growth and also leading to greater operational efficiency. The expansion, on the west side of the facility, would expand Polymer's engineering offices and meeting space as well as increase the size of the tool room.
Applicant Name	Polymer Conversions, Inc.
Applicant Address	5732 Big Tree Road
Applicant Address 2	
Applicant City	Orchard Park
Applicant State	New York
Applicant Zip	14127
Phone	(716) 622-8550
Fax	
E-mail	bharp@polymerconversions.com
Website	https://polymerconversions.com/
NAICS Code	326199

Business Organization

Type of Business	Corporation
Year Established	1979
State in which Organization is established	New York

Individual Completing Application

Name	Benjamin J. Harp
Title	President
Address	5732 Big Tree Road
Address 2	
City	Orchard Park

State New York
Zip 14127
Phone (716) 913-4701
Fax
E-Mail bharp@polymerconversions.com

Company Contact (if different from individual completing application)

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

Company Counsel

Name of Attorney Christopher H. Brown, Jr., Esq.
Firm Name Roach Lennon & Brown, PLLC
Address 535 Washington Street, Suite 1000
Address 2
City Buffalo
State New York
Zip 14203
Phone (716) 235-3025
Fax (716) 235-3026
E-Mail chbrown@rlbattorneys.com

Benefits Requested (select all that apply)

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

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

Applicant Business Description

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

Polymer Conversions, Inc. (PCI) is a premier precision custom plastics injection molder located in Orchard Park, New York. Since 1979, PCI has specialized in highly technical, tight-tolerance medical devices, medical components, biometric devices, gearing parts, and turnkey product solutions. PCI manufactures, among other products, small-part precision Class I & II medical device components/assemblies and other complex critical-to-life injection molded products. It excels on projects that are highly technical and require engineering horsepower, robust tooling, stringent validations, and ultra-consistent quality. PCI's molded products are used in the manufacture of critical-to-life medical device, life science, pharmaceutical, biomedical, veterinary, and dental industries. PCI's capabilities include offering customers full-service plastic part manufacturing, including Program/Project Management, Product Design Review, and Tooling Design Review. PCI also offers secondary operations include pad printing, testing, joining, labeling, specialty packaging and other value-added services, including sophisticated robotic assembly. In addition to plastic injection, PCI offers liquid silicon rubber (LSR) molding, located at a different facility, a highly complementary technology in the medical device space. End markets for PCI products include respiratory care, pharmaceutical filtration, drug delivery, pharmaceutical and personal care, ENT devices, blood diagnostics and enteral feeding. PCI was founded in 1979. In August 2020, PCI was sold to Medbio Intermediate Holding LLC ("Medbio"). Medbio is an outsourced manufacture specializing in clean room injection molding and assembly for medical, life science, and biotechnology devices. The acquisition of PCI creates a premier medical device manufacturing platform of scale and capable of supporting growth for PCI's customers. Medbio is a portfolio company of Graham Partners, a leading private investment firm targeting technology-driven advanced manufacturing companies. PCI's main manufacturing facility at 5732 Big Tree Road (the "Facility") is fully equipped with Computer Integrated Manufacturing (CIM)-monitored systems that apply Six Sigma principles to its 32 injection molding presses ranging from 55 to 390 tons of clamping force, and 2 liquid silicon rubber molding machines. The Facility includes a clean room molding area, and secondary operations with decorating, assembly, custom automation, packaging capabilities and a full-service tool room with mold making capabilities. PCI was initially ISO registered in 1997 and currently holds ISO 13485:2016 and ISO 9001:2015. PCI has occupied the Facility since 1990, when the first phase of construction was completed (approximately 37,000 square feet). In 2012, PCI completed a 27,300 square foot addition on the north side of the building (the "2012 Expansion") and the current footprint comprises approximately 65,000 square feet and sits on nearly 15 acres of land. The Agency sponsored the 2012 Expansion with an Agreement for Payment in Lieu of Real Estate Taxes, dated April 1, 2008, Company Lease, dated April 1, 2008, and Agency Lease Agreement, dated April 1, 2008 (the "2008 IDA").

Estimated % of sales within Erie County	10 %
Estimated % of sales outside Erie County but within New York State	15 %
Estimated % of sales outside New York State but within the U.S.	25 %
Estimated % of sales outside the U.S.	50 %

(*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?

30

Describe vendors within Erie County for major purchases

MJ Mechanical - Clean Room Cintas - Clean Room Garments

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

5732 Big Tree Road

Town/City/Village of Project Site

Orchard Park

School District of Project Site

Orchard Park

Current Address (if different)

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

SBL Number(s) for proposed Project

161.18-2-15 and 161.18-2-15./A

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

Subject to 2008 IDA PILOT

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

Land

\$ 94,020.00

Building(s)

\$ 2,061,856.00

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.)

Advanced Manufacturing facility for Polymer Conversions, Inc.

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)

34,200SqFt expansion on the north side will add to PCI's cleanroom manufacturing space and increased warehouse space to support manufacturing. 7,150SqFt expansion on west side will add to PCI's tool room capability and increased office space for engineering. All expansion space is designed to support Polymer's continued growth in contract manufacturing services for the medical device industry.

Municipality or Municipalities of current operations

Town of Orchard Park

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

Yes

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of

the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the state?

No

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

No

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

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

Yes

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

MedBio corporate headquarters is based in Grand Rapids, Michigan. MedBio Grand Rapids location has acquired a building contiguous to their property and is evaluating construction costs, labor markets, customer need, and State/Local incentives at both locations to determine growth decision. While Medbio has remained committed to the existing PCI facility, local financial assistance in Western New York is necessary to the growth and expansion of PCI's existing facility.

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

Yes

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

Michigan

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)

PCI is competing with several out-of-state and international competitors, both of which have lower tax burden on their respective business and employees. The ECIDA's tax incentive program will assist PCI in maintaining and growing its world-class facility and state-of-the-science manufacturing equipment and automation necessary to support its business. The tax incentives sought under this Application enables PCI to continue its growth and investment in Orchard Park and Erie County, at large, including the ability to increase its local labor force in highly specialized and well-paying manufacturing jobs.

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?

It could jeopardize the long term feasibility of PCI's current facility and the operations of Polymer and Silikon Technologies, which involve 125 highly competitive jobs located in Erie County. In addition, the 2021 expansion would add 45 new jobs to PCI's existing payroll. Without financial assistance, PCI would lose the opportunity to increase its local Western New York workforce by approximately 36%.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

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

No

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

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

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

Yes

Describe the present zoning/land use

I-1, Industrial District

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?

No

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

Yes

If yes, describe the efficiencies achieved

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

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

Yes

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

10%

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

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility No Assisted Living No 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 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	16,652 square feet	\$	4,300,000	51%
Warehouse	12,000 square feet	\$	2,200,000	26%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	8,818 square feet	\$	800,000	9%
Specify Other	4,200 square feet	\$	1,200,000	14%

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

No

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

<BLANK>

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

Will project result in significant utility infrastructure cost or uses Yes

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

4/26/2021

End date : Estimated completion date of project

10/1/2021

Project occupancy : estimated starting date of occupancy

10/1/2021

Project Information

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0 square feet acres

2.) New Building Construction

\$ 0 square feet

3.) New Building addition(s)

\$ 8,500,000 41,000 square feet

4.) Reconstruction/Renovation

\$ 0

square feet

5.) Manufacturing Equipment

\$ 4,000,000

6.) Infrastructure Work

\$ 1,000,000

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

\$ 500,000

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

\$ 250,000

9.) Other Cost

\$ 0

**Explain Other
Costs****Total Cost** \$ 14,250,000Construction Cost Breakdown:

Total Cost of Construction	\$ 9,500,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 6,175,000.00
% sourced in Erie County	%

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	\$ 6,175,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 540,312

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

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

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

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$
Bank Financing:	\$ 14,250,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 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: \$14,250,000

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). 14,250,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$106,875

Real Property Tax Benefit:

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

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

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

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

Polymer Conversions utilize MBE/WBE contractors and suppliers when appropriate and competitive.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

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

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

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

					years) after project completion **
Full time	125	125	15		15
Part time	0	0	0		0
Total	125	125	15		

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	8	\$ 122,314	\$ 24,000	\$ 0	\$ 0
Professional	17	\$ 73,000	\$ 14,600	\$ 0	\$ 0
Administrative	7	\$ 57,200	\$ 11,440	\$ 0	\$ 0
Production	108	\$ 40,000	\$ 8,000	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

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

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

Address			
		3176 Abbot Rd Hamburg, NY	
Full time	0	6	0
Part time	0	0	0
Total	0	6	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

8,436,972

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

48,211

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

0

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

49,533

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

0

Estimated salary range of jobs to be created

From (Full Time)	30,000	To (Full Time)	90,000
From (Part Time)	0	To (Part Time)	0

Section III: Environmental Questionnaire

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

General Background Information

Address of Premises

5732 Big Tree Road, Orchard Park, New York 14127

Name and Address of Owner of Premises

Birch Run Inc. 5732 Big Tree Road, Orchard Park, New York 14127

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

Industrial park, with wooded terrain, detention pond, and South Branch of Smokes Creek to Casenovia Creek located on the north part of the parcel

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

Initial construction of Facility- 1990 27,000 square foot addition to existing Facility- 2012 Injection molding manufacturing operations, office, and warehouse space.

Describe all known former uses of the Premises

Undeveloped

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

Yes

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

Polymer Conversions, Inc.- Injection molding manufacturing operations, office, and warehouse space. Polymer Conversions, Inc. is the wholly-owned subsidiary of Birch Run Inc.

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

No

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

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum,

petroleum-related products, solid and hazardous wastes or hazardous substances?

Yes

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

NYS Small Quantity Waste Generator EPA ID # NYD 094 167 608

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**

Republic Services

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

Scrap resin and thermoplastic material recycled with Republic Services.

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**

N/A

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

Sewage discharged into municipal sewer system.

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

No

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the wasteAir Pollution**Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises?**

No

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source**Are any of the air emission sources permitted?**

No

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

tanks

One 55 gallon drum (Isopropyl alcohol)

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

No

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

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

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

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

No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?

No

If yes, please identify the materials

Section IV: Facility Type - Single or Multi Tenant

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

Single Use Facility

For Single Use Facility.

Occupant Name Polymer Conversions, Inc.
Address 5732 Big Tree Road
Contact Person Benjamin J. Harp
Phone (716) 622-8550
Fax
E-Mail bharp@polymerconversions.com
Federal ID # 20-2706624
SIC/NAICS Code 326199

SS

Section VI: Retail Determination

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

Please answer the following:

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

No

If yes, complete the Retail Questionnaire Supplement below.

Section VII: Adaptive Reuse Projects

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

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

No

Section VIII: Inter-Municipal Move Determination

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

Current Address

5732 Big Tree Road

City/Town

Orchard Park

State

New York

Zip Code

14127

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.)

N/A

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

No

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

PCI has been a leading advanced manufacturing facility in Western New York for over 30 years, and has continually grown its facility and footprint in Orchard Park. The assistance of the ECIDA, and other local agencies, throughout the years, has assisted and incentivized the company to remain in Orchard Park and continue its growth and expansion at its existing facility.

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