

**Erie County Industrial Development Agency
Meeting of the Membership
December 21, 2022
at 12:00 p.m.**



**Northland Workforce Training Center, Community Room
683 Northland Ave, Buffalo, NY 14211**

1.0 Call to Order

1.1 Call to Order Meeting of the Membership

2.0 Approval of Minutes:

2.1 Minutes of the November 30, 2022 Meeting of the Membership (Action Item) (Pages 2-5)

3.0 Reports / Action Items / Information Items:

3.1 Financial Report (Informational) (Pages 6-9)

3.2 2022 Tax Incentives Induced/Closing Schedule (Informational) (Pages 10-11)

3.3 PFRAP Grant Approval (Action Item) (Pages 12-13)

3.4 Policy Committee Update (Informational) (Pages 14-16)

4.0 Inducement Resolution(s):

		ECIDA Incentives	Private Investment	Municipality
4.1	132 Dingens Street, LLC/Warehouse #2 (Pages 17-60)	\$985,798	\$9,300,000	Buffalo
4.2	Highway Rehabilitation Corp (Pages 61-98).	\$700,857	\$5,225,000	Alden

5.0 Management Team Report:

5.1

6.0 Adjournment - Next Meeting – January 25, 2023 @ 12:00 p.m.

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

DATE AND PLACE: November 30, 2022, at Center of Excellence in Bioinformatics and Life Sciences (CBLS), 701 Ellicott Street, Conference Room B2-205, Second Floor, Buffalo, New York 14203

PRESENT: Denise Abbott, Hon. Diane Benczkowski, Rev. Mark E. Blue, Hon. Joseph Emminger, Michael P. Hughes, Hon. Howard Johnson, Tyra Johnson, Richard Lipsitz, Jr., Denise McCowan, Hon. Glenn R. Nellis; Kenneth A. Schoetz and Paul Vukelic

EXCUSED: Hon. Bryon W. Brown, James Doherty, Dottie Gallagher, Hon. Brian Kulpa, Brenda W. McDuffie, Hon. Mark C. Poloncarz and Hon. Darius G. Pridgen

OTHERS PRESENT: John Cappellino, President & CEO; Beth O’Keefe, Vice President of Operations; Gerald Manhard; Chief Lending Officer/Secretary; Grant Lesswing, Director of Business Development; Soma Hawramee, Compliance Portfolio Manager, Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant/Assistant Secretary; Laurie Hendrix, Administrative Coordinator; Robert G. Murray, Esq., General Counsel/Harris Beach PLLC and Christopher C. Canada, Bond Counsel/Hodgson Russ LLP

GUESTS: Zachary Evans and Daniel Castle on behalf of Erie County; Alex Carducci on behalf of the City of Buffalo; Linda Goodman, Stormy Diaz, Ivan Rodriguez, Tina Matthews on behalf of Norstar; Kellena Kane, Michael Montante, Allison Carroll, David Tyka on behalf of Uniland Development; Steve Helms on behalf of Perry’s Ice Cream; James Fink on behalf of Business First; Jonathan Epstein on behalf of Buffalo News and J. Dale Shoemaker on behalf of Investigative Post

There being a quorum present at 12:03 p.m., the meeting of the members of the Erie County Industrial Development Agency (the “ECIDA” or “Agency”), was called to order by Vice Chair, Mr. Lipsitz, who presided over the meeting in the absence of the Chair.

MINUTES

The minutes of the October 26, 2022 meeting of the members were presented. Ms. Abbott moved and Mr. Johnson seconded to approve of the minutes. Mr. Lipsitz called for the vote and the minutes were unanimously approved.

REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Mr. Cappellino presented the October 2022 financial report. The balance sheet shows the month ended with total assets of \$30.3M and net assets of \$20.5M. There weren't any major shifts on the balance sheet line items from September. Operating revenue of \$103,000 was below the monthly budget by \$120,000, due mainly to \$19,000 of administrative fees collected during the month. Operating expenses were \$217,000 and overall below our monthly budget by \$10,000. After depreciation, there was net loss of \$217,000 for the month. The year-to-date Income Statement shows revenues of \$1.9M, including administrative fee revenue of \$1.1M. We are at 61% of our 2022 administrative fee budget through October, and at this point we are expecting to end the year at about \$1.3M or 70% of our budgeted fee revenue. Expenses of \$2.3M are \$56,000 under budget for the year. Special project grant revenue nets to \$198,000. After strategic investments and depreciation, there is currently a net loss of \$408,000 for the year. Mr. Lipsitz directed that the report be received and filed.

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

Modification to 2009 Bond for Norstar. Mr. Cappellino reviewed the Shoreline Apartments LLC request to obtain ECIDA consent to its proposed acquisition of Norstar's 0.005% membership interest in the Shoreline Apartments project. Mr. Cappellino noted there is no change to any financial components related to the ECIDA bonds issued for the benefit of this project in 2009 but confirmed the ECIDA must consent to a change in ownership pursuant to the underlying bond documents.

Ms. Goodman spoke on behalf of the project and on behalf of Beacon Communities, LLC. At this point in time, Mr. Blue joined the meeting Mr. Johnson moved to approve the consent requested. Mr. Emminger seconded the motion. General discussion ensued. At this point in time, Ms. Johnson joined the meeting.

Mr. Lipsitz called for the vote and the following resolution was unanimously approved:

RESOLUTION (A) THE CONSENT OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "ISSUER") TO THE REPLACEMENT OF THE MANAGING MEMBER OF SHORELINE APARTMENTS LLC RELATING TO THE ISSUER'S TAX-EXEMPT REVENUE BOND (SHORELINE APARTMENTS LLC PROJECT), SERIES 2009A AND THE ISSUER'S TAX-EXEMPT REVENUE BOND (SHORELINE APARTMENTS LLC PROJECT), SERIES 2009B ISSUED BY THE ISSUER ON JUNE 9, 2009; (B) THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS; AND (C) MAKING A FINDING IN COMPLIANCE WITH THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT.

Videoconferencing Procedures. Mr. Cappellino reviewed the proposed Videoconferencing Policy and some of the important components of the Policy. General discussion ensued.

Mr. Nellis moved and Ms. Johnson seconded to approve the Videoconferencing Policy. Mr. Lipsitz called for the vote and the following resolution was unanimously approved:

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”) APPROVING THE USE OF VIDEO CONFERENCING UNDER EXTRAORDINARY CIRCUMSTANCES PURSUANT TO SECTION 103-A OF THE NEW YORK PUBLIC OFFICERS LAW

INDUCEMENT RESOLUTIONS

Renaissance 6, LLC, 10 Dona Street, Lackawanna, New York. Ms. O’Keefe reviewed this proposed sales tax exemption, mortgage recording tax exemption and real property tax benefit project which consists of the construction and leasing of a 151,200 sq. ft. speculative high bay industrial building for prospective businesses with advanced manufacturing or regional distribution warehousing operations and related site requirements.

Ms. Kane spoke on behalf of the Company and generally described the contemplated project. Mr. Blue spoke in favor of the project.

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

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

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$16,738,840 (which represents the product of 85% multiplied by \$19,692,754, being the total project cost as stated in the Company’s application for Financial Assistance).
- (ii) Employment Commitment –that within two (2) years of Project completion, the Company has created and maintained FTE employment at the Facility equal to 34 FTE employees [representing the product of 85% multiplied by 41 (being the 41 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company’s employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency’s “Quarterly Employment Survey” form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency’s Local Labor Workforce Certification Policy on a quarterly basis during the construction period.

- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency’s Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency’s Unpaid Real Property Tax Policy.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY: (i) ACCEPTING THE APPLICATION OF RENAISSANCE 6, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE “COMPANY”) IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT; (iv) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (v) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (vi) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

MANAGEMENT TEAM REPORTS

Mr. Cappellino presented an update on the ECIDA MWBE PILOT Policy and upcoming events related thereto.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting of the Agency at 12:34 p.m.

Dated: November 30, 2022

Elizabeth A. O’Keefe, Secretary

Erie County Industrial Development Agency
Financial Statements
As of November 30, 2022

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Balance Sheet
November 30, 2022

	November 2022	October 2022	December 2021
ASSETS:			
Cash *	\$ 7,310,913	\$ 7,452,024	\$ 7,851,664
Restricted Cash & Investments *	19,836,026	19,818,713	19,656,732
Due from Affiliates	652,256	616,447	755,496
Due from Buffalo Urban Development Corp.	100,173	90,023	105,721
Other Receivables	79,657	90,881	35,629
Total Current Assets	<u>27,979,025</u>	<u>28,068,087</u>	<u>28,405,242</u>
Grants Receivable	644,183	644,183	863,473
Venture Capital Investments, net of reserves	506,886	506,886	506,886
Capital Assets	1,057,043	1,067,043	1,164,083
Total Long-Term Assets	<u>2,208,111</u>	<u>2,218,111</u>	<u>2,534,441</u>
TOTAL ASSETS	<u>\$ 30,187,136</u>	<u>\$ 30,286,199</u>	<u>\$ 30,939,684</u>
LIABILITIES & NET ASSETS			
Accounts Payable & Accrued Exp.	\$ 198,687	\$ 170,666	\$ 452,629
Deferred Revenues	660,706	660,706	872,993
Funds Held on Behalf of Others	8,974,148	8,966,701	8,717,606
Total Liabilities	<u>9,833,541</u>	<u>9,798,073</u>	<u>10,043,228</u>
Net Assets	20,353,595	20,488,126	20,896,455
TOTAL LIABILITIES & NET ASSETS	<u>\$ 30,187,136</u>	<u>\$ 30,286,199</u>	<u>\$ 30,939,684</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 November 2022

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Administrative Fees, net of refunds	\$ 7,000	\$ 154,583	\$ (147,583)
Affiliate Management Fees	43,950	45,125	(1,175)
Interest Income - Cash & Investments	14,691	1,042	13,649
Rental Income	21,408	20,617	792
Other Income	-	833	(833)
Total Revenues	87,049	222,200	(135,151)
EXPENSES:			
Salaries & Benefits	\$ 167,701	\$ 169,542	\$ (1,841)
General Office Expenses	19,491	23,880	(4,389)
Building Operating Costs	18,669	20,312	(1,642)
Professional Services	2,189	5,583	(3,394)
Public Hearings & Marketing	2,091	5,000	(2,909)
Travel, Mileage & Meeting Expenses	1,509	2,917	(1,408)
Other Expenses	930	625	305
Total Expenses	212,580	227,858	(15,279)
SPECIAL PROJECT GRANTS:			
Revenues	\$ 1,000	\$ 80,945	\$ (79,945)
Expenses	-	(75,261)	75,261
	1,000	5,683	(4,683)
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:			
	(124,531)	25	(124,556)
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:			
Bethlehem Steel Industrial Park Grant	-	(8,333)	8,333
Angola Ag Park Grant	-	(8,333)	8,333
	-	(16,667)	16,667
NET INCOME/(LOSS) BEFORE DEPRECIATION:			
	(124,531)	(16,642)	(107,889)
Depreciation	(10,000)	(10,000)	-
NET INCOME/(LOSS):	\$ (134,531)	\$ (26,642)	\$ (107,889)

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Year to Date: November 30, 2022

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Administrative Fees, net of refunds	\$ 1,136,661	\$ 1,700,417	\$ (563,755)	\$ 1,136,661	\$ 1,960,942	\$ (824,280)
Affiliate Management Fees	490,725	496,375	(5,650)	490,725	475,766	14,959
Interest Income - Cash & Investments	34,426	11,458	22,968	34,426	6,725	27,701
Rental Income	330,153	324,783	5,370	330,153	313,354	16,799
Other Income	24,510	33,917	(9,407)	24,510	24,423	87
UDAG Venture Investment Reflow	-	-	-	-	2,425	(2,425)
Total Revenues	2,016,476	2,566,950	(550,474)	2,016,476	2,783,634	(767,158)
EXPENSES:						
Salaries & Benefits	1,834,977	1,921,959	(86,983)	1,834,977	1,739,813	95,163
General Office Expenses	254,108	262,680	(8,572)	254,108	234,098	20,010
Building Operating Costs	203,015	223,428	(20,414)	203,015	197,496	5,518
Professional Services	151,302	89,517	61,785	151,302	118,263	33,039
Public Hearings & Marketing	53,669	55,000	(1,331)	53,669	66,632	(12,964)
Travel, Mileage & Meeting Expenses	13,527	32,083	(18,557)	13,527	17,307	(3,780)
Other Expenses	9,169	6,875	2,294	9,169	6,148	3,021
Total Expenses	2,519,766	2,591,542	(71,777)	2,519,766	2,379,757	140,009
SPECIAL PROJECT GRANTS:						
Revenues	776,781	890,390	(113,609)	776,781	5,336,536	(4,559,755)
Expenses	(577,738)	(827,873)	250,134	(577,738)	(5,889,174)	5,311,435
	199,042	62,517	136,526	199,042	(552,638)	751,680
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:						
	\$ (304,248)	\$ 37,924	\$ (342,172)	\$ (304,248)	\$ (148,761)	\$ (155,487)
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:						
Zero Net Energy costs (Z7+)	\$ -	\$ (573,757)	\$ 573,757	\$ -	\$ -	\$ -
Bethlehem Steel Industrial Park Grant	(8,055)	(100,000)	91,945	(8,055)	(163,091)	155,036
Angola Ag Park Grant	(49,183)	(100,000)	50,817	(49,183)	(49,860)	677
Bethlehem Steel Industrial Park Grant Reimb	103,625	250,000	(146,375)	103,625	104,500	(875)
Buffalo Urban Development Corporation	(100,000)	(100,000)	-	(100,000)	-	(100,000)
Other Strategic Initiatives	(75,000)	(125,000)	50,000	(75,000)	(75,000)	-
	(128,613)	(748,757)	620,144	(128,613)	(183,451)	54,838
NET INCOME/(LOSS) BEFORE DEPRECIATION:	(432,860)	(710,833)	277,972	(432,860)	(332,212)	(100,648)
Depreciation	(110,000)	(110,000)	-	(110,000)	(110,000)	-
NET INCOME/(LOSS):	\$ (542,860)	\$ (820,833)	\$ 277,972	\$ (542,860)	\$ (442,212)	\$ (100,648)

Tax Incentives Approved - 2022

Approval Date	Project Name	Project City/Town	Private Investment/Project Amount	Minimum Investment Commitment	FT Jobs Retained	PT Jobs Retained	FT Jobs to be Created	PT Jobs to be Created	Job Creation	Const. Jobs	Spillover Jobs	Length of Term	Incentive Amount	Cost Benefit Ratio
Jan-22	791 Washington Street, LLC ¹	Buffalo	\$107,950,000	85% threshold \$91,800,000	0	0	5	0	85% -New 4 jobs	571	433	Period of PILOT 10 Years	\$3,719,000	1:20
Jan-22	Arbor Multifamily Lending, LLC	Tonawanda	\$2,100,000	85% threshold \$1,785,000	168	0	25	0	85% -New 21 jobs	0	158	project completion date + 2 yrs	\$183,750	1:304
Jan-22	Broadway Development & Management ¹	Buffalo	\$12,500,000	85% threshold \$10,625,000	2	0	8	0	85% -New 7 jobs	56	55	project completion date + 2 yrs	\$693,500	1:14
Jan-22	Lactalis American Group, Inc.	Buffalo	\$1,436,697	85% threshold \$1,221,192	334	0	27	0	85% -New 22 jobs	5	1390	project completion date + 2 yrs	\$126,793	1:9994
Mar-22	471 Elmwood, LLC ¹	Buffalo	\$3,590,000	85% threshold \$3,051,500	0	0	1	0	85% -New 1 job	20	10	project completion date + 2 yrs	\$122,500	1:15
Apr-22	WorkSport, Ltd.	West Seneca	\$15,006,887	85% threshold \$12,755,854	0	0	6	10	85% -New 9 jobs	30	33	project completion date + 2 yrs	\$103,562	1:67
Jul-22	380 Vulcan	Tonawanda	\$7,145,000	85% threshold \$6,073,250	4	2	3	2	85% -New 3 jobs	25	26	Period of PILOT 7 Years	\$1,610,699	1:6
Jul-22	Perry's Ice Cream	Akron	\$18,000,000	85% threshold \$15,300,000	365	14	15	0	85% -New 12 jobs	79	690	Period of PILOT 7 Years	\$684,891	1:490
Jul-22	Spaulding Business Park	Tonawanda	\$2,055,000	85% threshold \$1,746,750	0	0	20	0	85% -New 17 jobs	8	24	Period of PILOT 7 Years	\$403,241	1:27
Jul-22	A & A Union Road, LLC	West Seneca	\$3,110,729	85% threshold \$2,644,119	12	1	2	0	85% -New 1 job	13	33	Period of PILOT 7 Years	\$521,790	1:31
Aug-22	Laborers Way 1	Buffalo	\$27,800,000	85% threshold \$23,630,000	0	0	20	34	85% -New 37 jobs	119	141	Period of PILOT 15 Years	\$3,087,290	1:28
Sep-22	950 Broadway, LLC ¹	Buffalo	\$11,653,862	85% threshold \$9,905,783	0	0	34	4	85% -New 30 jobs	55	51	project completion date + 2 yrs	\$592,040	1:25
Oct-22	Ellicott Park Townhomes ²	Buffalo	\$54,664,295	85% threshold \$46,664,295	2	1	2	2	85% -New 3 jobs	210	161	project completion date + 2 yrs	\$1,280,856	1:22
Oct-22	Tonawanda Towers ³	City of Tonawanda	\$25,040,720	85% threshold \$21,284,612	3	1	0	1	85% -New 1 PT Job	59	47	project completion date + 2 yrs	\$89,003	1:98
Nov-22	10 Dona Street/Uniland Development	Lackawanna	\$19,692,754	85% threshold \$16,738,840	0	0	41	0	85% -New 34 jobs	84	95	Period of PILOT 10 Years	\$3,090,403	1:14

Totals:	Totals:	Private Investment/Project Amount	FT Jobs Retained	PT Jobs Retained	FT Jobs Created	PT Jobs Created	Constion Jobs	Spillover Jobs	Incentive Amount

Adaptive Reuse Subtotal	4	\$135,693,862	2	0	48	4	702	549	\$5,127,040
2022 Total	15	\$311,745,944	890	19	209	53	1334	3347	\$16,309,318

¹ Adaptive Reuse
² Bond \$33,000,000
³ Bond \$13,000,000

Tax Incentives Closings - 2022

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
Unifrax Line 7	\$ 36,000,000	27	37	0	0	Tonawanda	3/27/2019	12/31/2021
Laborers Way !	\$ 27,800,000	0	20	0	34	Buffalo	8/24/2022	12/31/2024
Workspport	\$ 15,666,887	0	6	0	10	West Seneca	4/27/2022	12/31/2027
Calspan Corporation	\$ 15,092,000	143	163	3	3	Cheektowaga	6/1/2022	12/31/2022
Sucro Real Estate, LLC	\$ 7,625,000	5	50	0	0	Lackawanna	1/27/2021	4/30/2023
380 Vulcan/Carrier Terminal Services	\$ 7,145,000	5	7	2	2	Kenmore	7/27/2022	12/31/2024
Eastman Machine Company	\$ 1,749,062	126	129	0	0	Buffalo	2/24/2021	12/21/2023
	\$ 111,077,949	306	412	5	49			
Projects Closed = 7								
FT Projected New Jobs = 106								
PT Projected New Jobs = 44								

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESOLUTION**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, December 21, 2022, at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING THE AGENCY TO NEGOTIATE AND ENTER INTO A GRANT AGREEMENT BETWEEN THE AGENCY AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (THE "DOT") RELATIVE TO CERTAIN RAILROAD INFRASTRUCTURE IMPROVEMENTS, CONSTRUCTION AND MAINTENANCE ACTIVITIES TO BE UNDERTAKEN AT THE RENAISSANCE COMMERCE PARK IN AN AMOUNT OF \$1,703,553

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

WHEREAS, the Agency currently holds a leasehold interest in certain railroad properties owned by the County of Erie ("County"), more commonly known as USRA 1424 and USRA 1246, which are part of the Buffalo Southern Railroad (the "Railway Facilities"); and

WHEREAS, the Agency desires to undertake certain restoration work on the Railway Facilities, including, but not limited to restoring five (5) bridges and seven (7) miles of track on the Railway Facilities by replacing failing timber decks and missing stone ballast, to bring the Railway Facilities to a Class One status (the "Rehabilitation Work"); and

WHEREAS, in compliance with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Agency has reviewed the scope of the Rehabilitation Work and has determined that the Rehabilitation Work would be considered "maintenance or repair involving no substantial changes in an existing structure or facility" as defined in 6 N.Y.C.R.R. Part 617.5(c)(1); and

WHEREAS, the People of the State of New York, acting by and through the Department of Transportation, administers the Passenger and Freight Rail Assistance Program ("PFRAP") which provides financial assistance for capital-based projects intended to maintain and modernize

freight rail and port infrastructure across New York State with a focus on synergies among investment in transportation infrastructure, job creation and economic growth; and

WHEREAS, on or about April 20, 2021, the Agency applied for PFRAP funds to be utilized for the Rehabilitation Work; and

WHEREAS, on or about February 4, 2022, the Agency received notification of award from the DOT in the amount of \$1,703,553 (the “PFRAP Grant”) to complete the Rehabilitation Work (the “Project Funding Grant Arrangement”); and

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

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

Section 1. The Agency hereby determines that no further SEQR compliance is required pursuant to 6 N.Y.C.R.R. Section 617.5(a), as the contemplated Rehabilitation Work is considered a Type II Action which will not result in a significant impact on the environment.

Section 2. In accordance with the Agency’s goals and purposes set forth above, the Agency is hereby authorized to enter into the Project Funding Grant Agreement with the DOT in amounts not to exceed a total of \$1,703,553 for the purpose of completing the contemplated Rehabilitation Work.

Section 3. The Agency hereby authorizes the President/Chief Executive Officer (the “Authorized Officer”) to do all acts and things required and to negotiate, execute the Project Funding Grant Agreement with such changes as may be required by the Authorized Officer in consultation with the Agency’s counsel, and to deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the Authorized Officer so acting, desirable and proper to effect the purposes of this Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

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

Section 5. This Resolution shall take effect immediately.

Dated: December 21, 2022

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

- DATE AND PLACE:** December 8, 2022 at the Erie County Industrial Development Agency, 95 Perry Street, 4th Floor Conference Room, Buffalo, New York 14203
- PRESENT:** Denise Abbott; Hon. April Baskin; Zachary Evans; Richard Lipsitz, Jr.; Brenda W. McDuffie; Hon. Glenn R. Nellis; Laura Smith, and Lavon Stephens
- EXCUSED:** Rev. Mark E. Blue; Hon. Bryon W. Brown; Colleen DiPirro; David J. State; Hon. John Tobia and Paul Vukelic
- OTHERS PRESENT:** John Cappellino, Chief Executive Officer; Beth O’Keefe, Vice President of Operations; Grant Lesswing, Director of Business Development; Andy Federick, Business Development Officer; Soma Hawramee, Compliance Portfolio Manager; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; and Robert G. Murray, General Counsel/Harris Beach PLLC
- GUESTS:** Alex Carducci on behalf of the City of Buffalo; Tom Colella on behalf of Highway Rehab Corp and James Panepinto on behalf of 132 Dingens Street, LLC

There being a quorum present at 9:16 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

Mr. Lipsitz introduced new Policy Committee member, Zachary Evans.

MINUTES

The minutes of the October 6, 2022 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.

PROJECT MATRIX

Mr. Cappellino reviewed the Agency’s 2022 Tax Incentives Project Matrix. Mr. Lipsitz directed that the report be received and filed.

PROJECT PRESENTATIONS

132 Dingens Street, LLC, 132 Dingens Street, Buffalo, New York 14206. Ms. O’Keefe presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the construction of an approximately 81,000+/- sq. ft. addition to a newly constructed spec warehouse intended for both warehouse and light manufacturing uses.

General discussed ensued.

Ms. O’Keefe confirmed that 132 Dingens Street, LLC is seeking approximately \$985,798 in assistance including sales tax exemption, mortgage tax exemption and real property tax exemption. Total payroll is projected at \$12,669,797 for the direct and indirect jobs created including 41 construction jobs. The resulting cost benefit is 13:1 so for every \$1 of incentives the community benefit is \$13 in payroll & tax revenue. Erie County: for every \$1 of incentives the community benefit is \$19 in benefits to the community.

Ms. O’Keefe 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 = \$9,300,000 85% = \$7,905,000
Employment	Coincides with 7-year PILOT	Create 85% of Projected Projected = 18 85% = 15 Recapture Employment = 15 FTE
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-Year PILOT	Adherence to policy
Unpaid Tax	Coincides with 7-Year PILOT	Adherence to policy
Recapture Period	Coincides with 7-Year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

Ms. McDuffie moved, and Ms. Baskin 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.

Highway Rehabilitation Corporation, 11061 Walden Avenue, Alden, New York 14004. Ms. O’Keefe presented this proposed sales tax, mortgage recording tax and real property tax abatement

benefits project involving the construction of an approximately 23,000+/- sq. ft. building to be used to manufacture and maintain equipment.

General discussed ensued.

Ms. O’Keefe confirmed that Highway Rehabilitation Corporation is seeking approximately \$700,587 in assistance including sales tax exemption, mortgage tax exemption and real property tax exemption. Total payroll is projected at \$78,588,597 for the direct and indirect jobs created including 20 construction jobs. The resulting cost benefit is 1:114 so for every \$1 of incentives the community benefit is \$114 in payroll & tax revenue. Erie County: for every \$1 of incentives the community benefit is \$143 in benefits to the community.

Ms. O’Keefe 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 = \$5,225,000 85% = \$4,441,250
Employment	Coincides with 7-year PILOT	Maintain Base = 67 FTE Create 85% of Projected Projected = 15 FTE 85% = 12 FTE Recapture Employment = 79 FTE
Local Labor	Construction Period	Adherence to policy including quarterly reporting
Pay Equity	Coincides with 7-Year PILOT	Adherence to policy
Unpaid Tax	Coincides with 7-Year PILOT	Adherence to policy
Recapture Period	Coincides with 7-Year PILOT	Recapture of state and local sales taxes, mortgage recording tax and real property taxes

Ms. Abbott moved, and Mr. Evans 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 9:44 a.m.

Dated: December 8, 2022

Elizabeth A. O’Keefe, Secretary

132 Dingens Street, LLC (Pinto Construction)
\$ 9,300,000
PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 531120

COMPANY INCENTIVES

- Approximately \$ 285,798 in real property tax savings
- Approximately \$647,500 in sales tax savings
- 3/4 of 1% of the final mortgage amount up to \$ 52,500

JOBS & ANNUAL PAYROLL

- Current Jobs: 0
- Annual Payroll: \$ 0
- Projected new jobs: 18 FTE
- Est. salary/yr. of jobs created: \$36,000
- Total jobs after project completion: 18 FTE
- Construction Jobs: 41

PROJECTED COMMUNITY BENEFITS*

- Term: 7 YEARS
- NET Community Benefits: \$13,522,893
- Spillover Jobs: 45

Total Payroll: \$12,669,797

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

Incentives: \$965,548

Community Benefit: \$12,907,347

Cost: Benefit Ratio

- 1:13

Project Title: Warehouse #2

Project Address: 132 Dingens St, Buffalo, NY 14206
 (City of Buffalo School District)

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with the addition of 81,000 sq ft of spec space to a newly constructed warehouse.

Building Addition	\$ 7,950,000
Infrastructure	\$ 700,000
Non- Manufacturing Equipment	\$ 400,000
Soft Costs/Other	\$ 250,000
 Total Project Cost	 \$ 9,300,000
 85%	 \$ 7,905,000

Company Description

132 Dingens, 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: Unicell, Amerifleet, First Student, Magellan Technology, Pinto Construction Services, Inc.

Project Description

The company is proposing an approx. 81,000 sq ft addition to a newly constructed spec warehouse intended for both warehouse and light manufacturing uses. This project is aimed at meeting the increased demand from existing and potential new tenants. No specific tenants have been identified.

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

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

Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	\$285,798
	Sales	\$647,500
	Mortgage Recording	\$52,500
	Total	\$985,798
	Discounted at 2%	\$965,548

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	\$5,967,882
			Payroll Permanent	\$6,701,915
		Public	Property Taxes	\$71,449
			Sales Taxes	\$105,318
			Other Muni Revenue (NFTA)	\$17,500
	New York State	Public	Income Taxes	\$570,141
			Sales Taxes	\$88,688
			Total Benefits to EC + NYS***	\$13,522,893
			Discounted at 2%	\$12,907,347

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

Discounted Cost \$965,548
 Discounted Benefit \$12,907,347
 Ratio 13:1

Conclusion: The Cost Benefit for this project is: 13:1. For every \$1 in costs (incentives), this project provides \$13 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$19 in benefits to the community.**

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$29,476	\$ 2,229,476	\$ 15,487	\$ 55,962	\$ 51,719
Combined Tax Rate: \$ 23.198				

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 = \$ 9,300,000 85% = \$ 7,905,000
Employment	Coincides with 10-year PILOT	Create 85% of Projected Projected = 18 85% = 15 Recapture Employment = 15 FTE
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
<u>Recapture Period</u>	Coincides with 7-year PILOT	Recapture of Mortgage recording tax, state and local sales taxes, real property 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 jobs and created jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

Project ECIDA History

- 11/29/22: Public hearing held.
- 12/21/22: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 12/21/22: Lease/Leaseback Inducement Resolution presented to the Board of Directors

Company ECIDA History

7/28/21: \$7,450,000 private investment to construct an approximately 81,000 sq ft warehouse facility at 132 Dings

**EVALUATIVE CRITERIA
MANUFACTURING/WAREHOUSE/DISTRIBUTION**

Project: Warehouse #2 / 132 Dingens Street, LLC

Wage Rate (above median wage for area)	Average annual salary for jobs being created = \$36,000
Regional Wealth Creation (% sales/customers outside area)	100% of sales expected within Erie County
In Region Purchases (% of overall purchases)	85% construction materials purchased from outside the region.
Research & Development Activities	N/A
Investment in Energy Efficiency	Company is purchasing new energy efficient equipment for heating, cooling and lighting.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	Brownfield site - received a certificate of completion on 12/20/16.
LEED/Renewable Resources	LEED = N/A.
Retention/Flight Risk	N/A.
MBE/WBE Utilization	See MBE/WBE Utilization info including Affirmative Action Policy, MWBE construction goal, minority construction mentoring program and minority & women subcontractor partnership listing.
Workforce Access – Proximity to Public Transportation	NFTA Metro # 19 runs directly on Dingens Street.

DATE OF INDUCEMENT: 12/21/22

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 (warehouse #2)

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate + School Rate
\$8,650,000	2,200,000	5.028272	18.169375

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$701	\$2,534	\$3,236	\$51,719	\$48,483
2	0.1	\$1,254	\$4,533	\$5,787	\$51,719	\$45,931
3	0.15	\$1,808	\$6,531	\$8,339	\$51,719	\$43,380
4	0.2	\$2,361	\$8,530	\$10,891	\$51,719	\$40,828
5	0.25	\$2,914	\$10,529	\$13,442	\$51,719	\$38,276
6	0.3	\$3,467	\$12,527	\$15,994	\$51,719	\$35,724
7	0.35	\$4,020	\$14,526	\$18,546	\$51,719	\$33,173
Total		\$16,525	\$59,711	\$76,235	\$362,030	\$285,795

***** 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.)
\$9,300,000	\$285,795	647,500	52,500	1,500,000

Note: special district taxes are not subject to PILOT abatement

Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mtg Tax+ Other)/Total Project Costs: 26.7%

Erie County Industrial Development Agency

MRB Cost Benefit Calculator

Date: November 17, 2022
 Project Title: Warehouse #2 @ 132 Dingens Street, LLC (Pinto Construction)
 Project Location: 132 Dingens St, Buffalo, NY 14206



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

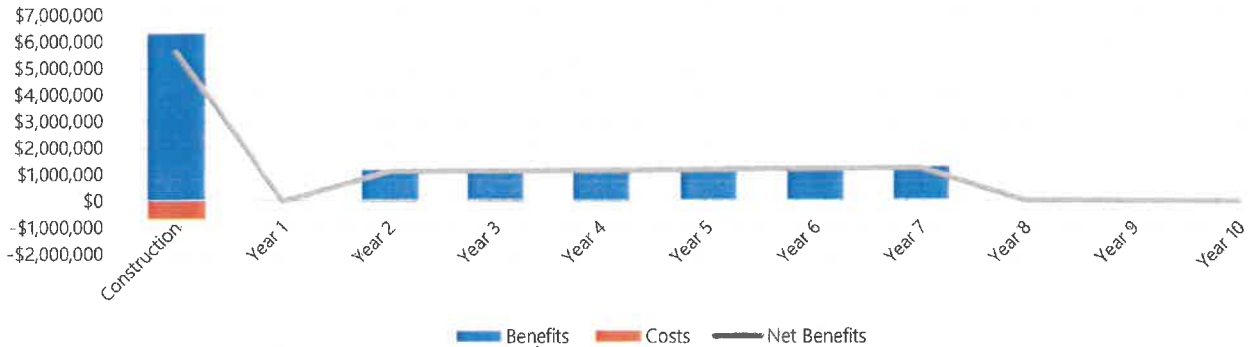
Project Total Investment
 \$9,300,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	41	37	78
Earnings	\$3,845,892	\$2,121,990	\$5,967,882
Local Spend	\$9,300,000	\$6,584,366	\$15,884,366

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	18	8	26
Earnings	\$4,020,218	\$2,681,697	\$6,701,915

Figure 1

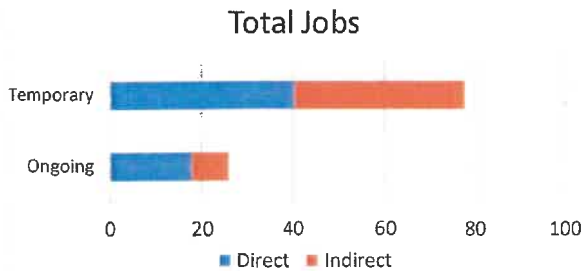
Net Benefits



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

Figure 2

Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$285,798	\$265,548
Sales Tax Exemption	\$647,500	\$647,500
Local Sales Tax Exemption	\$351,500	\$351,500
State Sales Tax Exemption	\$296,000	\$296,000
Mortgage Recording Tax Exemption	\$52,500	\$52,500
Local Mortgage Recording Tax Exemption	\$17,500	\$17,500
State Mortgage Recording Tax Exemption	\$35,000	\$35,000
Total Costs	\$985,798	\$965,548

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$12,864,064	\$12,278,360
To Private Individuals	<u>\$12,669,797</u>	<u>\$12,095,904</u>
Temporary Payroll	\$5,967,882	\$5,967,882
Ongoing Payroll	\$6,701,915	\$6,128,022
Other Payments to Private Individuals	\$0	\$0
To the Public	<u>\$194,266</u>	<u>\$182,456</u>
Increase in Property Tax Revenue	\$71,449	\$64,752
Temporary Jobs - Sales Tax Revenue	\$49,608	\$49,608
Ongoing Jobs - Sales Tax Revenue	\$55,710	\$50,939
Other Local Municipal Revenue	\$17,500	\$17,157
State Benefits	\$658,829	\$628,987
To the Public	<u>\$658,829</u>	<u>\$628,987</u>
Temporary Income Tax Revenue	\$268,555	\$268,555
Ongoing Income Tax Revenue	\$301,586	\$275,761
Temporary Jobs - Sales Tax Revenue	\$41,775	\$41,775
Ongoing Jobs - Sales Tax Revenue	\$46,913	\$42,896
Total Benefits to State & Region	\$13,522,893	\$12,907,347

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$12,278,360	\$634,548	19:1
State	\$628,987	\$331,000	2:1
Grand Total	\$12,907,347	\$965,548	13:1

*Discounted at 2%

Additional Comments from IDA

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

MBE/WBE Utilization



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

****See Attached Affirmative Action Policy for 132 Dingens Street, LLC**

132 DINGENS STREET, LLC

132 Dingens Street
Buffalo, NY 14206
716-825-6666

AFFIRMATIVE ACTION POLICY STATEMENT

TO:	All Employees
FROM:	James J. Panepinto, President/EEO Officer

132 Dingens Street, LLC has and will continue to be an equal opportunity employer. To assure full implementation of this policy, 132 Dingens Street, LLC will assure that:

- A. Persons are recruited and hired, and promoted for all jobs without regard to race, religion, color, national origin, sex, age or disability.
- B. Placement decisions are based solely on individual's qualifications in the positions being filled.
- C. Other personnel actions, such as compensation, benefits, transfers, layoffs, returns from layoffs, company-sponsored training, education tuition assistance, and social and recreation programs, are administered without regard to race, religion, color, national origin, sex, age or disability.

132 Dingens Street, LLC will periodically analyze its personnel actions to ensure compliance with this policy.

132 Dingens Street, LLC and its' subcontractors agree to be bound by all equal opportunity requirements which are included in Executive Order 11246 and FHWA-1273 on any federal aid contracts.

132 Dingens Street, LLC has in the past; and will continue in the future to make every effort to utilize Minority (MBE) Women (WBE) and Service-Disabled Veteran (SDVOB) owned businesses in the normal operation of our business.

I ask your continued assistance and support in attaining this company's objective of equal employment opportunity.

Sincerely,

James J. Panepinto

James J. Panepinto
President



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.

In 2021, we were granted incentives for phase 1 of this development with a pledged goal of 10% M/WBE and DBE participation. We are happy to report that we achieved 10.4% participation. The percentage increases to 16.7% if you discount the cost of the metal building package. Four different WBEs, three MBEs, one DBE and one SDVOB participated in phase 1.

To construct this new warehouse (phase2), Pinto Construction will solicit subcontractors and supplier pricing from a wide range of MWBE/ DBE and SDVOB firms including but not limited to those who participated in phase 1. We have attached the list of the firms with which we regularly perform business for reference. We have also included the phase 1 score card that outlines the details of the participation for phase 1.

Pinto Construction will endeavor to once again achieve a goal of 10% participation for MWBE/DBE /SDVOB firms in the construction of this new warehouse (phase 2).

PINTO CONSTRUCTION SERVICES, INC.

MWBE/SDVOB/MENTOR 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.
HYBRID BUILDING SYSTEMS
IDEAL CONCRETE, INC.
IRISH PROPANE
JOE THE PAINTER
NAPIER NURSERY, LLC
REXIS TECHNOLOGY SERVICES
ROY'S PLUMBING
SCOTT LAWN
UPSTATE STEEL
US TRAFFIC CONTROL, INC.
WEYDMAN ELECTRIC

Service Disabled Veteran Enterprises (SDVOB)

DMYLES INC. (Mentor Program)
ENCOURUS GROUP ENGINEERING

DISAVANTAGED BUSINESS ENTERPRISE (DBE)

UPSTATE REBAR



October 13, 2022

TO: Construction Companies Started within the Last Five Years
RE: RISE UP Initiative Application Period Open

10 Startup Construction Companies Will Be Selected for Transformational Program!

According to the U.S. Bureau of Labor Statistics, a quarter of construction companies fail in their first year, and after five years, only one third remain open. These startup businesses play a vital role in construction and the industry benefits when they are a knowledgeable and competent part of project teams.

The Construction Exchange RISE UP Initiative will provide 10 startup construction companies with the resources they need to grow and increase their chances of long-term success. To promote increased participation of underrepresented communities in the construction industry, MWBE companies are encouraged to apply.

Through this initiative the 10 companies will be assigned a one-on-one mentor, receive access to project information and education, and will build relationships with the help of experienced industry professionals. There will be no cost for companies to participate.

The program length is one year and culminates in a graduation ceremony at the Construction Exchange Annual General Member meeting.

Construction companies in business five years or less are eligible to apply. Email completed applications with supporting documentation to jbenedict@conexbuff.com by December 1, 2022. To thank you for applying, any company that applies but is not accepted into the program will be eligible for Construction Exchange membership at half price for one year.

This year's RISE UP mentors are:

Omar Abdallah, DV Brown & Associates
Shaun Burke, Cavlee Development
Frank Ciminelli, Arc Building Partners
Susanne Kelley, Sienna Environmental
Joe Mannarino, Buffalo Construction Consultants

Jim Panepinto, Pinto Construction
Tom Saia and Arnie Collier, Iroquois Bar
Sal Sciandra, Frey Electric
Matt Sikora, Turner
Kyle Tuttle, Montante Construction

Please contact me at (716)874-3435 or jbenedict@conexbuff.com with any questions.

Sincerely,
Joe Benedict
Executive Director

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 November 29, 2022 at 10:00 a.m.,
at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203

ATTENDANCE:

James Panepinto – 132 Dingens Street, LLC

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 Andrew Federick. 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 public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com.

2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on 132 Dingens Street, 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 Friday, November 18, 2022.

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+/-square-foot addition to a newly construction spec warehouse facility to be utilized for the warehousing and light manufacturing (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 in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. Everyone who has registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency's website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on December 20, 2022. There are no limitations on written statements or comments.

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

Hearing Officer: If anyone is interested in making a statement or comment, please raise your hand, state your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

My name is James Panepinto. I represent 132 Dingens Street, LLC and a sister company Pinto Construction Services. My family has operated our construction company in Buffalo for close to 100 years and are proud to have made our home in the city for all those years and through four generations. In 2021 we asked the ECIDA for assistance in the development of an 81,000-sf warehouse to be constructed at 132 Dingens Street in the City of Buffalo, on a NYS DEC brownfield site. The initial project faced many challenges, including impacts with the pandemic and the supply chain material shortages, along with related cost escalations. Due to the support of the ECIDA and the City of Buffalo, we were able to successfully complete the project and attract a single tenant, who is currently still moving into this new facility. Along with this tenant, comes the related jobs into the city. This first phase cost approximately \$7 million and proved to be a success. This property was a former environmental liability and is now a thriving multitenant facility.

We are proposing to build a second 81,000 sf building, immediately adjacent to phase I. Once again, no tenants are currently identified. This is being constructed on speculation to meet the demand that we are forecasting for similar space. This final phase should complete the redevelopment of this entire parcel.

Today we seek support for this development. This project faces many similar financial challenges as phase I. Redevelopment costs are exasperated by the brownfield expenses, rising interest rates and a significant rise in the cost of construction, materials, and labor. All of which have outpaced the rise in lease rates. The cost of this project is almost \$9.3 million and substantially more than the \$7 million for phase I, for a nearly identical building. These costs translate into less competitive projected lease rates. Support by the ECIDA will help nullify, in part, these financial challenges we face today and help complete the redevelopment of this facility and create up to 18 jobs. We are excited to build on the momentum of the first phase and respectfully request your consideration today.

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:05 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

November 29, 2022 at 10:00 a.m.,
at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203
regarding:

**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, City of Buffalo, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
James Panepinto	132 Dingens Street, LLC 132 Dingens Street Buffalo, New York 14206	X

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**132 DINGENS ST, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S),
SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS
BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, December 21, 2022 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, 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, 132 DINGENS ST, LLC or on behalf of an affiliated entity formed or to be formed (the “Company”) has submitted an application to the Agency (the “Application”)

requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 132 Dingens Street, City of Buffalo, Erie County, New York (the "Land"), (ii) the construction on the Land of an approximately 81,000+/-square-foot addition to a newly construction spec warehouse facility to be utilized for the warehousing and light manufacturing (the "Improvements"), and (iii) the acquisition by the Company in and around the Improvements of certain items of machinery, equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"). The Facility will be initially operated and/or managed by the Company; and

WHEREAS, it is contemplated that the Agency will (i) designate the Company as its agent for the purpose of undertaking the Project pursuant to an Agent and Financial Assistance Project Agreement (the "Agent Agreement"), (ii) negotiate and enter into a lease agreement (the "Lease Agreement") and related leaseback agreement (the "Leaseback Agreement") with the Company, pursuant to which the Agency will retain a leasehold interest in the Land, the Existing Improvements, the Improvements, the Equipment and personal property constituting the Facility; and (iii) provide Financial Assistance to the Company in the form of (a) an exemption benefit from all New York State and local sales and use taxes for purchases and rentals related to the Project with respect to the qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction, reconstruction and/or renovation, rehabilitation or equipping of the Facility, (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 "payment in lieu of tax agreement" (the "PILOT Agreement") with the Company for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, 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 General Municipal Law Section 859-a, on November 29, 2022, at 10:00 a.m., at the Agency's offices, at 95 Perry Street, Suite 403, Buffalo, NY 14203, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, 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;

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, 2022, with respect to the Project; and

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

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review of and recommendations related to the Project and its December 21, 2022 resolution to approve the Project subject to the terms and conditions as described herein, the Policy Committee and Agency board member review of the Project's cost benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

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

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

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

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

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

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

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

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

(I) The Project involves an “Unlisted Action” as said term is defined pursuant to 6 N.Y.C.R.R. Section 617.2(al) 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 not impact the land as the construction will occur on the foundation footprint of the previous warehouse, no air permits are required so there will be no impact on air quality, on-site storm water management will comply with storm water quality and quantity standards so there will be no adverse impacts on ground or surface water, road capacity is adequate to accommodate any increases in traffic generated by the Project and the site is also served by public transportation, the Project will comply with City of Buffalo lighting requirements and there will not be any adverse changes in noise levels or odors, the Project is not located within a 100-year floodplain and there will be no flooding impacts, the site is within an urban area and not within or adjacent to a Critical Environment Area and there will be no impacts on flora or fauna, the Project is generally consistent with the existing community and neighborhood character and the community’s current plans and goals, the site will not impact any historic or archeological resources, minor increases in energy uses will not increase demand beyond current capacity, the site has been remediated and no hazardous materials remain on site impacting the contemplated use of the site, no impacts on aesthetic resources will result from the Project, a large number of people will not be attracted to the site, the Project will not involve changes in two or more elements of the environment no one of which has a significant impact but when considered together results in a substantial adverse impact, and the Project does not include two or more related actions none of which has or would have a significant impact but when considered cumulatively would produce a significant impact, and as such, 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(z); 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):* Average annual salary for jobs being created = \$36,000.

(ii) *Regional Wealth Creation (% sales/customers outside area):* 100% of sales expected within Erie County.

(iii) *In Region Purchases (% of overall purchases):* 85% construction materials purchased from outside the region.

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

(v) *Investment in Energy Efficiency:* Company is purchasing new energy efficient equipment for heating, cooling and lighting.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas:* Brownfield site – received a certificate of completion on 12/20/2016.

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

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

(ix) *MBE/WBE Utilization:* See MBE/WBE Utilization info including Affirmative Action Policy, MWBE construction goal, minority construction mentoring program and minority & women subcontractor partnership list.

(x) *Workforce Access-Proximity to Public Transportation:* NFTA Metro #19 runs directly on Dingens Street.

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

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

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

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$7,400,00, 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 \$647,500, 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 \$52,500; 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 \$285,795, resulting in estimated total PILOT payments of \$76,235 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 \$7,905,000 (which represents the product of 85% multiplied by \$9,300,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 18 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 15 FTE employees [being the product of 85% multiplied by 18 (being the 18 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: December 21, 2022



Warehouse#2 - 132 Dingens St

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	Warehouse#2
Project Summary	An approx. 81,000 sq ft addition to a newly constructed spec warehouse, intended for both warehouse and light manufacturing uses
Applicant Name	132 Dingens Street, LLC
Applicant Address	132 Dingens Street
Applicant Address 2	
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14206-2308
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 Panepinto
Title	Managing Member
Address	132 Dingens Street
Address 2	
City	Buffalo
State	New York
Zip	14206-2308
Phone	(716) 825-6666

Fax (716) 825-6773
E-Mail jpinto@pintocs.com

Company Contact - Authorized Signer for Applicant

Contact is same as individual completing application No

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 Ste 120
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 Unicell, Amerifleet, First Student, Magellan Technology, Inc, Pinto Construction Services, Inc. The open space is used for vehicle parking. The ownership is 100% owned by James 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 and 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

29,476

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 an approximate 81,000 sq ft addition to a newly constructed spec warehouse, intended for both warehouse and light manufacturing uses. The addition will closely resemble that of the existing facility. This property 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 addition. It is anticipated that the new building will be used for warehouse distribution and or light manufacturing. Based on feedback from our leasing agent we learned the high stacking height of this proposed building as well as a warehouse industry moving towards more robotic/automation operations, results in the need for less employees to operate a facility of this size. In order to make a commitment of job creation to match the current trend of warehousing we are willing to commit to 18 jobs for this Phase 2 project. We ask for some consideration of this in order to keep this project competitive in today's market.

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:

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 has driven cost for materials and labor significantly higher than anticipated then when Phase 1 was completed. 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 cost of financing has increased dramatically over the last 12 months.

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, City of Buffalo and Erie County may not be a benefactor of a project that occurs outside of 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 Enviromental cleanup, causing financial hardship for the owner and related companies 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. Also, please indicate in the box below when you anticipate receiving site plan approval for your project.

11/30/-0001

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 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

\$ 7,950,000 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0 square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 700,000

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

\$ 400,000

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

\$ 250,000

9.) Other Cost

\$ 0

**Explain Other
Costs**

Total Cost \$ 9,300,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 8,650,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 7,000,000
% 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 \$ 7,400,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 647,500

** 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):	\$ 800,000
Bank Financing:	\$ 7,000,000
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):	\$ 1,500,000
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	Brownfield Tax Credit
Total Sources of Funds for Project Costs:	\$9,300,000
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).	7,000,000
Lender Name, if Known	
Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%):	\$52,500

Real Property Tax Benefit:

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

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

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

Is project necessary to expand project employment?

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).

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	18	18
Part time	0	0	0	0
Total	0	0	18	

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	18	\$ 36,000	\$ 7,500	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

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

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

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

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

Payroll Information

Annual Payroll at Proposed Project Site upon completion

648,000

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)

36,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	36,000	To (Full Time)	36,000
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, NY 14206

Name and Address of Owner of Premises

132 Dingens Street, LLC 132 Dingens Street Buffalo, NY 14206

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

This property is generally flat laying. The difference in elevation is approximately 5 feet. The property is improved with three structures, an 81,000 square-foot metal building, concrete, and asphalt paved areas, stone-covered area, and small areas of vegetation. There are no State or Federal wetlands located on or near the property. The nearest water of 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 sq ft warehouse newly completed in 2022, a two-story office building renovated in 2018, a 12,000 sq ft storage garage construction in 2019, small fabric storage building erected in 2020. Construction of a new 81,000 square foot warehouse addition scheduled to be completed in 2023.

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 Street, LLC leases the office building, storage garage, and fabric storage structure to Pinto Construction Services, Inc and a large portion of the paved area to Unicell for temporary parking of new vehicles. The Northwest portion of the property is leased to First Student; bus services for employee parking. The newly constructed 81,000 sq. ft. warehouse is occupied by Magellan Technology, Inc.

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 Street, 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 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

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

Section VII: Adaptive Reuse Projects

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

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

No

Section VIII: Inter-Municipal Move Determination

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

Current Address

132 Dingens Street

City/Town

Buffalo

State

New York

Zip Code

14206-2308

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?

<BLANK>

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

N/A

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

Highway Rehab Corporation
\$ 5,225,000
PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 237310

COMPANY INCENTIVES

- Up to \$ 308,875 in sales tax savings
- Approximately \$362,462 in real property tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$ 29,250

JOBS & ANNUAL PAYROLL

- Current Jobs: 67 FTE
- Annual Payroll: \$ 6,927,000
- Projected new jobs: 15 FTE (85%) = 12 FTE
- Est. salary/yr jobs created: \$ 67,200
- Projected retained jobs: 67
- Est. salary/yr jobs retained: \$88,340
- Total jobs after project completion: 79 FTE
- Construction Jobs: 20

PROJECTED COMMUNITY BENEFITS*

- Term: 7 YEARS
- NET Community Benefits: \$ 83,428,838
- Spillover Jobs: 95
- Total Payroll: \$ 78,588,597

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

Incentives: \$ 674,905
 Community Benefit: \$ 77,196,293
 Cost: Benefit Ratio 1:114

Project Title: Alden NY Shop

Project Address: 11061 Walden Ave. Alden, NY 14004
 (Alden Central School District)

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with the construction of a 23,000 sq ft facility

Land Acquisition	\$ 550,000
New Building Construction	\$ 4,150,000
Infrastructure	\$ 350,000
Manufacturing Equipment	\$ 85,000
Non- Manufacturing Equipment	\$ 15,000
Soft Costs/Other	\$ 75,000
Total Project Cost	\$ 5,225,000
 85%	 \$ 4,441,250

Company Description

Highway Rehab Corp is a Hot in Place asphalt recycling company that was started in 1981. Hot In-Place recycling is an on-site, in-place recycling method that rehabilitates and restores deteriorated asphalt pavement minimizing the use of new materials, extends pavement life, and improves safety and motorist satisfaction. In 2020 the company was purchased by two long time employees who were determined to keep the company in WNY and to retain its WNY workforce. Owners Thomas Colella and Michael Haggerty have grown Highway Rehab to a company that is in the forefront of Hot in Place recycling, with a process that is used by the NY DOT, Mass DOT, Maine DOT, Vermont DOT and other towns and municipalities throughout the Northeast. Thomas and Michael each hold 50% of the stock in Highway Rehab Corp.

Project Description

Highway Rehab Corp. has outgrown the current space they lease in Cheektowaga and began on year long search for a new facility. Although several sites in the Town of Cheektowaga and the surrounding communities were considered, Highway Rehab was unable to find a facility that met their needs. Therefore they have decided to build a 23,000 sq ft building in the Town of Alden that will be used to manufacture and maintain equipment. The facility will allow them to retain and grow their workforce in WNY, to address their current backlog of work and allow them to take on additional work they previously had to turn down. The company has complied with the ECIDA's Inter-Municipal Move Policy as outlined in the Uniform Tax Exemption Policy.

* Cost Benefit Analysis Tool powered by MRB Group

Economic Impact: Inform Analytics Cost-Benefit Analysis

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

Cost: Incentives

COSTS	Tax Exemption	Amount
	Property	362,462
	Sales	308,875
	Mortgage Recording	29,250
	Total	700,587
	Discounted at 2%	674,905

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	2,984,102
			Payroll Permanent	75,604,496
		Public	Property Taxes	90,616
			Sales Taxes	653,267
			Other Muni (NFTA)	9,750
	New York State	Public	Income Taxes	3,536,487
			Sales Taxes	550,120
			Total Benefits to EC + NYS***	83,428,838
			Discounted at 2%	77,196,293

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

Discounted Cost \$ 674,905
 Discounted Benefit \$77,196,293
 Ratio 1:114

Conclusion: The Cost Benefit for this project is: 1:114. For every \$1 in costs (incentives), this project provides \$ 114 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$ 143 in benefits to the community.**

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value	Additional County Revenue over abatement period	Additional Local Revenue Over abatement period	Additional School Revenue Over abatement period	New Yearly Taxes Upon Expiration of Abatement Period
\$3,676	\$ 2,500,000	\$ 20,052	\$ 6,853	\$63,711	\$64,725
Combined Tax Rate: \$ 25.89					

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 = \$ 5,225,000 85% = \$ 4,441,250
Employment	Coincides with 7-year PILOT	Maintain Base = 67 FTE Create 85% of Projected Projected = 15 FTE 85% = 12 FTE Recapture Employment = 79 FTE
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
<u>Recapture Period</u>	Coincides with 7-year PILOT	Recapture of Mortgage recording tax, state and local sales taxes

Recapture applies to:

State and Local Sales Taxes
Real Property Tax
Mortgage Recording Tax

Recapture

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

At completion of the project company must certify i) total investment amount is equal to or greater than 85% of the anticipated project amount; ii) company has maintained 67 jobs and created 12 jobs (85% of projected), iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.

Project ECIDA History

- 11/3/22: Public hearing held.
- 12/21/22: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 12/21/22: Lease/Leaseback Inducement Resolution presented to the Board of Directors

Company ECIDA History

1/8/20: \$1.6 Mil Regional Development Corp (RDC) participation loan to Highway Rehab Corporation – part of a \$9 M owner buyout aimed to retain / grow the company in WNY. The company has handled their loan as agreed.

EVALUATIVE CRITERIA
MANUFACTURING/WAREHOUSE/DISTRIBUTION
Highway Rehab Corporation

Wage Rate (above median wage for area)	Average annual salaries for retained and created workers are \$88,340 and \$67,200 respectively – above the median wage for the area.
Regional Wealth Creation (% sales/customers outside area)	90% of sales are outside of Erie County (75% outside EC but within NYS, 15% outside NYS).
In Region Purchases (% of overall purchases)	N/A.
Research & Development Activities	N/A.
Investment in Energy Efficiency	Company is currently in discussions regarding energy efficiency options such as LED lighting and radiant heat flooring for their new facility.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	N/A.
LEED/Renewable Resources	N/A.
Retention/Flight Risk	Highway Rehab would consider locations outside of Erie County if a suitable EC location could not be found. Niagara County or expanding at their Brewster, NY location are considerations but would not be preferred.
MBE/WBE Utilization	Links to the NYS and Erie County MBE/WBE certified businesses were provided to Highway Rehab for consideration for construction (through GC) and for other purchasing activities.
Workforce Access – Proximity to Public Transportation	N/A.

DATE OF INDUCEMENT: 12/21/22

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-Alden NY Shop – Highway Rehab Center

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
\$ 4,150,000	\$2,500,000	5.729096	1.957956	18.203108

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$1,530	\$523	\$4,860	\$6,913	\$68,402	\$61,489
2	0.1	\$2,246	\$768	\$7,136	\$10,149	\$68,402	\$58,253
3	0.15	\$2,962	\$1,012	\$9,411	\$13,385	\$68,402	\$55,017
4	0.2	\$3,678	\$1,257	\$11,686	\$16,621	\$68,402	\$51,780
5	0.25	\$4,394	\$1,502	\$13,962	\$19,858	\$68,402	\$48,544
6	0.3	\$5,110	\$1,746	\$16,237	\$23,094	\$68,402	\$45,308
7	0.35	\$5,826	\$1,991	\$18,513	\$26,330	\$68,402	\$42,072
TOTAL		\$25,747	\$8,799	\$81,805	\$116,350	\$478,813	\$362,462

***** 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.)
5,225,000	362,462	\$ 308,875	\$ 29,250	

Note: special district taxes are not subject to PILOT abatement

Calculate % = Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Cost: 13.4%

Erie County Industrial Development Agency MRB Cost Benefit Calculator



Date: September 20, 2022
 Project Title: Highway Rehab Corporation
 Project Location: 11061 Walden Ave., Alden, NY 14004

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

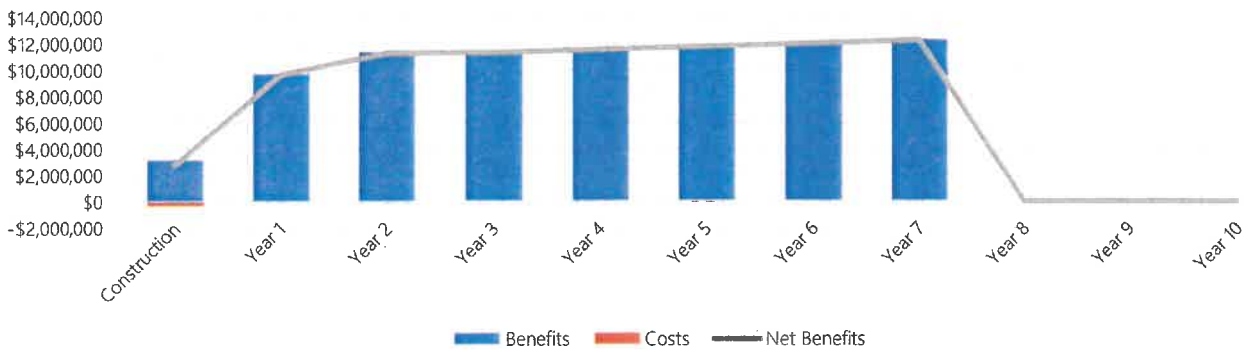
Project Total Investment
 \$5,225,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		20	19	39
Earnings		\$1,923,049	\$1,061,052	\$2,984,102
Local Spend		\$4,650,250	\$3,292,360	\$7,942,610

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		82	76	158
Earnings		\$48,892,801	\$26,711,694	\$75,604,496

Figure 1

Net Benefits

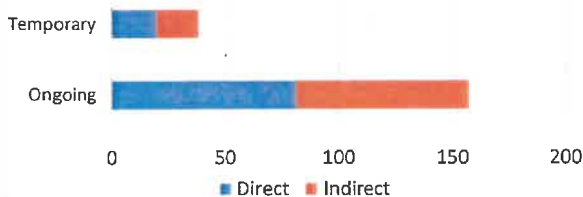


Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

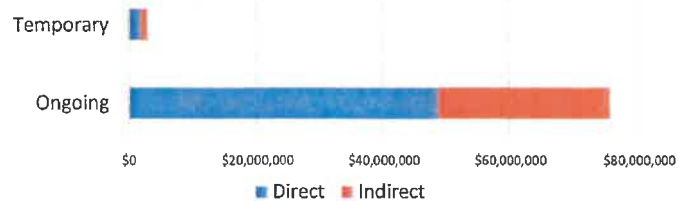
Figure 2

Figure 3

Total Jobs



Total Earnings



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$362,462	\$336,780
Sales Tax Exemption	\$308,875	\$308,875
Local Sales Tax Exemption	\$167,675	\$167,675
State Sales Tax Exemption	\$141,200	\$141,200
Mortgage Recording Tax Exemption	\$29,250	\$29,250
Local Mortgage Recording Tax Exemption	\$9,750	\$9,750
State Mortgage Recording Tax Exemption	\$19,500	\$19,500
Total Costs	\$700,587	\$674,905

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$79,342,231	\$73,414,918
To Private Individuals	\$78,588,597	\$72,718,762
Temporary Payroll	\$2,984,102	\$2,984,102
Ongoing Payroll	\$75,604,496	\$69,734,661
Other Payments to Private Individuals	\$0	\$0
To the Public	\$753,633	\$696,155
Increase in Property Tax Revenue	\$90,616	\$82,122
Temporary Jobs - Sales Tax Revenue	\$24,805	\$24,805
Ongoing Jobs - Sales Tax Revenue	\$628,462	\$579,669
Other Local Municipal Revenue	\$9,750	\$9,559
State Benefits	\$4,086,607	\$3,781,376
To the Public	\$4,086,607	\$3,781,376
Temporary Income Tax Revenue	\$134,285	\$134,285
Ongoing Income Tax Revenue	\$3,402,202	\$3,138,060
Temporary Jobs - Sales Tax Revenue	\$20,889	\$20,889
Ongoing Jobs - Sales Tax Revenue	\$529,231	\$488,143
Total Benefits to State & Region	\$83,428,838	\$77,196,293

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$73,414,918	\$514,205	143:1
State	\$3,781,376	\$160,700	24:1
Grand Total	\$77,196,293	\$674,905	114:1

*Discounted at 2%

Additional Comments from IDA

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

PUBLIC HEARING SCRIPT

**Highway Rehabilitation Corp. 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 November 3, 2022 at 10:00 a.m.,
at the Town of Alden Town Hall Conference Room, located at 3311 Wende Road,
Alden, New York 14004

ATTENDANCE:

Tom Colella – Highway Rehab Corp.
Paul Roll – Alden Central School District BOE
William Sivecz – Town of Alden
Sarah Miller – Town of Alden

☒ 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 Andy Federick. 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 public hearing. This public hearing is being live-streamed and made accessible on the Agency's website at www.ecidany.com.

☒ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the {Company} and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Wednesday, October 19, 2022.

☒ 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 11061 Walden Avenue, Town of Alden, Erie County, New York (the "Land"), (ii) the construction on the Land of an approximately 23,000+/-square-foot facility to be utilized for the manufacture and maintenance of asphalt machinery and equipment together with 2,000+/- square-foot of office space (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 in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. Everyone who has registered will be given an opportunity to make statements and/or comments on the Project.

If you have a written statement or comment to submit for the record, you may leave it at this public hearing, submit it on the Agency’s website or deliver it to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. The comment period closes on November 29, 2022. There are no limitations on written statements or comments.

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

Hearing Officer: If anyone is interested in making a statement or comment, please raise your hand, state your name and address; if you are representing a company, please identify the company. I request that speakers keep statements and/or comments to 5 minutes, and if possible, 3 minutes.

Tom Colella – President, Highway Rehab Corp. We do Hot in-place Asphalt Recycling, which is basically we heat a road, we cut it, we add new oil and screed it back out. It replaces a milling fill. It’s a greener method. There has been a big demand for that. The company is growing, and we’ve outgrown the facility in Cheektowaga, NY. We’ve been looking for over a year now to expand and we couldn’t find any property in Cheektowaga. There was no room for us to expand there. We found a piece of property here in Alden that we are looking to build on and with the increased costs of materials we ran into some problems and that’s why we are looking for the County to help us in Alden with the taxes. We are hoping to have this project completed around May 2023.

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:05 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

November 3, 2022 at 10:00 a.m.,
at the Town of Alden Town Hall Conference Room, located at 3311 Wende Road,
Alden, New York 14004, regarding:

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

Project Location: 11061 Walden Avenue, Town of Alden, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
Tom Colella	Highway Rehab Corporation 100 Stradtman Street Cheektowaga, New York 14206	X
Paul Roll	Alden Central School District BOE 13190 Park Street Alden, NY 14004	
William Sivecz	Town of Alden Assessor 3311 Wende Road Alden, New York 14004	
Sarah Miller	Town of Alden, Deputy Supervisor 3311 Wende Road Alden, New York 14004	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**HIGHWAY REHABILITATION CORP., 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, December 20, 2022 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 HIGHWAY REHABILITATION CORP., 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, HIGHWAY REHABILITATION CORP. or on behalf of an affiliated entity formed or to be formed (the "Company") has submitted an application to the Agency (the

“Application”) requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 11061 Walden Avenue, Town of Alden, Erie County, New York (the “Land”), (ii) the construction on the Land of an approximately 23,000+/-square-foot facility to be utilized for the manufacture and maintenance of asphalt machinery and equipment together with 2,000+/-square-foot of office space (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, 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 “payment in lieu of tax agreement” (the “PILOT Agreement”) with the Company for the benefit of each municipality and school district having taxing jurisdiction over the Project, (collectively, the sales and use tax exemption benefit, 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 General Municipal Law Section 859-a, on November 3, 2022, at 10:00 a.m., at the Town of Alden Town Hall Conference Room, located at 3311 Wende Road, Alden, New York 14004, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, 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 Board of the Town of Alden (the “Town Board”) in accordance with Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto in 6 N.Y.C.R.R. Part 617 (collectively referred to as the “State Environmental Quality Review Act” and/or “SEQR”), undertook coordinated review with respect to the Project, established itself as Lead Agency as defined in SEQR, determined that the Project was an Unlisted Action, and issued a negative declaration (“Town Board Negative Declaration”) under SEQR on December 5, 2022 with respect to the Project; and

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

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

Section 1. The Company has presented an application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application and any other correspondence submitted by the Company to the Agency, public hearing comments, if any, Agency Policy Committee review of and recommendations related to the Project and its December 8, 2022 resolution to approve the Project subject to the terms and conditions as described herein, the Policy Committee and Agency board member review of the Project's cost benefit ratio, the costs of incentives so applied for, the anticipated new tax revenues to be generated by the Project, as well as the Project's contemplated community benefits, and Agency board member review, discussion, and consideration of same, the Agency hereby finds and determines that:

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

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

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

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

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

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

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

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

(I) Based upon a thorough and complete review of the Application and its accompanying materials and information, the EAF submitted by the Company, and the proceedings conducted by the Agency and the Town Board and the Town Board Negative Declaration, the Agency hereby:

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

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

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

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

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

(A) 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):* Average annual salaries for retained and created workers are \$88,340 and \$67,200 respectively – above the median wage for the area.

(ii) *Regional Wealth Creation (% sales/customers outside area)*: 90% of sales are outside of Erie County (75% outside EC but within NYS, 15% outside NYS).

(iii) *In Region Purchases (% of overall purchases)*: N/A.

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

(v) *Investment in Energy Efficiency*: Company is currently in discussions regarding energy efficiency options such as LED lighting and radiant heat flooring for their new facility.

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

(vii) *LEED/Renewable Resources*: N/A.

(viii) *Retention/Flight Risk*: Highway Rehab would consider locations outside of Erie County if a suitable EC location could not be found. Niagara County or expanding at their Brewster, NY location are considerations but would not be preferred.

(ix) *MBE/WBE Utilization*: Links to the NYS and Erie County MBE/WBE certified businesses were provided to Highway Rehab for consideration for construction (through GC) and for other purchasing activities.

(x) *Workforce Access-Proximity to Public Transportation*: N/A.

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

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

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

(i) authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount estimated up to \$3,515,000, 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 \$308,875, 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 \$29,250; 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 \$362,462, resulting in estimated total PILOT payments of \$116,350 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 \$4,441,250 (which represents the product of 85% multiplied by \$5,225,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 67 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 79 FTE employees [representing the sum of (x) 67 Baseline FTE and (y) 12 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: December 20, 2022



Alden NY Shop

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	Alden NY Shop
Project Summary	Build new 23000 square foot building on in Alden NY . 21,000 square feet of shop and 2000 square feet of office space.
Applicant Name	Highway rehab corp
Applicant Address	100 stradtman st
Applicant Address 2	
Applicant City	Cheektowaga
Applicant State	New York
Applicant Zip	14206
Phone	(845) 721-4094
Fax	
E-mail	tom@highwayrehab.com
Website	www.highwayrehab.com
NAICS Code	237310

Business Organization

Type of Business	Corporation
Year Established	1981
State in which Organization is established	New York

Individual Completing Application

Name	Thomas Colella
Title	President
Address	100 Stradtmen st
Address 2	
City	Cheektowaga
State	New York
Zip	14206
Phone	(845) 721-4094

Fax (716) 462-5387
E-Mail tom@highwayrehab.com

Company Contact - Authorized Signer for Applicant

Contact is same as individual completing application Yes

Name

Title

Address

Address 2

City

State

Zip

Phone

Fax

E-Mail

Company Counsel

Name of Attorney Benjamin Burge
Firm Name Rupp,Baase , Pfalzgrafa , cunningham LLC
Address 1600 Liberty Building
Address 2 424 Main st
City Buffalo
State New York
Zip 14202
Phone (716) 854-3400
Fax
E-Mail

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%.

Highway Rehab Corp is a Hot In-place Asphalt Recycling Company that was started by Ken Carr in 1981. Ken owned and operated the company for nearly 40 years before developing pancreatic cancer. After becoming sick Ken took a step back and trusted Mike and Myself to run day to day operations. Ken received treatment and was cancer free for sometime but it would later return. This is when he realized he had to sell the company. Everyone who looked at Highway Rehab Corp wanted to close our facility in buffalo where we manufacture and maintenance the recycling equipment. This meant a large part of his Highway Rehab family would loose their jobs and the companies legacy would end. I was with Ken for almost 20 years at this point and Knew I had to do something. This is when Mike and I partnered up and with the help of Erie county and key bank we were able to purchase the company . No one lost their job and we were able to grow and add 10 more full time employees. Highway Rehab has tirelessly worked on improving the techniques and equipment for Hot In-Place Asphalt Recycling. Today Highway Rehab is in the forefront of Hot IN-Place Recycling. Hot In-place is a one of most cost effective and energy efficient processes in road maintenance. Our process is currently used by NY DOT , Mass DOT , Maine DOT , Vermont DOT , as well as numerous towns and counties through out the Northeast. Here we are almost 3 years later and we have out grown our facility in Cheektowaga NY. Us building a new facility will allow us to add another 12 to 15 jobs over the next year. Michael Haggerty and Thomas Colella each hold 50% stock in Highway Rehab Corp.

Estimated % of sales within Erie County	10 %
Estimated % of sales outside Erie County but within New York State	75 %
Estimated % of sales outside New York State but within the U.S.	15 %
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?

0

Describe vendors within Erie County for major purchases

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

11061 Walden Ave

Town/City/Village of Project Site

Alden

School District of Project Site

Alden

Current Address (if different)

100 StradtMan St

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

Cheektowaga

SBL Number(s) for proposed Project

96.00-4-6.1 and 96.00-4-5

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

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

Land

\$ 550,000

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

Yes

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

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

Yes

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

Vacant Land

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)

New 23000 Square foot Building. This facility will be used to manufacture and maintenance equipment . There will be 2000 square foot of office space within the building . 1 plow ,skid steer and mower will be purchased to maintain the property. Highway Rehab Corp will be the only tenant .

Municipality or Municipalities of current operations

Cheektowaga NY

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

No

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

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?

Yes

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

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

No

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

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

No

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

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

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

Given the rise of interest rates and the increased cost of materials and fuel we are in need of assistance to complete the proposed project. Highway Rehab would otherwise have to put the project on hold . Without this new facility we will not be able to store or service any more equipment stopping our growth and causing us to reduce the number of employees we have. We already have a back log from this year and had to turn down work from repeat customers for the 2nd year in a row. We would have to turn down a fair amount of new work and completing the work we promised would be tight. We have several new agencies looking to work with us in 2023 . This new building is critical to our growth.

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?

If the project does not take place it will force us to reduce our staff and force us to sign a lease that is going up 30%. Further more we will need to remove some of our equipment from the property given the limited amount of space we have We have spent over \$500,000 building equipment to add another crew. Without the space to store and maintain this equipment it will become a financial burden. By adding a crew we buy more materials, trucks, tools and consumables . This will benefit local businesses and the sales tax we pay goes to the county. The added crew will require another 12 positions be filled. We provide a Green and more cost effective process for Government agencies through out the Northeast and they would also be hurt without this project moving forward. We also need to hire 3 full time positions for the office.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

We would need to lease a new Hamm Roller and Cat Fork truck.

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?

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. Also, please indicate in the box below when you anticipate receiving site plan approval for your project.

11/30/-0001

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

Yes

Describe the present zoning/land use

Industrial

Describe required zoning/land use, if different

Industrial

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

N/A

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

No

If yes, please explain

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

Yes

If yes, please provide a copy.

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

No

If yes, please provide copies of the study.

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

No

If yes, describe the efficiencies achieved

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

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

No

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

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

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

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

Retail Sales No Services Yes

Please check any and all end uses as identified below.

No Acquisition of Existing Facility No Assisted Living Yes Back Office
No Civic Facility (not for profit) No Commercial No Equipment Purchase

No Facility for the Aging	Yes Industrial	No Life Care Facility (CCRC)
No Market Rate Housing	No Mixed Use	No Multi-Tenant
No Retail	No Senior Housing	Yes Manufacturing
No Renewable Energy	No Other	

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

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

			Cost	% of Total Cost
Manufacturing/Processing	19,000 square feet	\$	3,428,170	83%
Warehouse	2,000 square feet	\$	360,860	8%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	2,000 square feet	\$	360,970	9%
Specify Other	square feet	\$	0	0%

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

No

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

<BLANK>

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

Will project result in significant utility infrastructure cost or uses No

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

10/1/2022

End date : Estimated completion date of project

5/1/2023

Project occupancy : estimated starting date of occupancy

6/1/2023

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 550,000 square feet 18 acres

2.) New Building Construction

\$ 4,150,000 23,000 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0 square feet

5.) Manufacturing Equipment

\$ 85,000

6.) Infrastructure Work

\$ 350,000

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

\$ 15,000

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

\$ 75,000

9.) Other Cost

\$ 0

Explain Other Costs

Total Cost \$ 5,225,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 4,500,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 3,515,000
% sourced in Erie County	60%

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	\$ 3,515,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 308,875

** 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):	\$ 1,350,000
Bank Financing:	\$ 3,900,000
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,	0

ESD, other public sources)

Total Sources of Funds for Project Costs: \$5,250,000

Have you secured financing for the project? Yes

Mortgage Recording Tax Exemption Benefit:

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

Mortgage Amount (include sum total of construction/permanent/bridge financing). 3,900,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$29,250

Real Property Tax Benefit:

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

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

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

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

We would need to lease a new Hamm Roller and Cat Fork truck.

Employment Plan (Specific to the proposed project location).

The Labor Market Area consists of the following six counties: Erie, Niagara, Chautauqua, Cattaraugus, Wyoming and Genessee.

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

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time	67	0	15	15
Part time	0	0	0	0

Total 67 0 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	5	\$ 260,000	\$ 33,996	\$ 0	\$ 0
Professional	8	\$ 91,750	\$ 15,250	\$ 0	\$ 0
Administrative	2	\$ 63,202	\$ 1,460	\$ 0	\$ 0
Production	67	\$ 76,200	\$ 40,500	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	0	\$ 0	\$ 0	\$ 0	\$ 0

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

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

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

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

Payroll Information

Annual Payroll at Proposed Project Site upon completion

6,927,000

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

88,340

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

0

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

67,200

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

0

Estimated salary range of jobs to be created

From (Full Time)	60,000	To (Full Time)	110,000
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

11061 Walden ave Alden NY 14004

Name and Address of Owner of Premises

HRC Properties 2258 Route 22 Brewster NY 10509

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

18 Acres of vacant land . No wetlands . Zoned industrial.

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

We will have a 23000 square foot building with a fenced in parking area for securely storing equipment and supplies . There will also be parking in the front of building for employees and visitors.

Describe all known former uses of the Premises

There is a foundation on the lot from a building that burned down some years ago. Prior use unknown.

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

No

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

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

No

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

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

No

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

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

No

If yes, describe in full detail

Solid And Hazardous Wastes And Hazardous Substances

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

No

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

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

No

If yes, please provide copies of the permits.

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

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

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

No

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

Discharge Into Waterbodies

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

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

- sewer to municipal sewer system- storm water runs to retention basin then to state discharge system - Clean water from county water 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

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 Highway Rehabilitation Corp
Address
Contact Person Thomas Colella
Phone (845) 721-4094
Fax
E-Mail tom@higwayrehab.com
Federal ID # 22-2355196
SIC/NAICS Code 237310

SS

Section VI: Retail Determination

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

Please answer the following:

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

No

If yes, complete the Retail Questionnaire Supplement below. **If no, proceed to the next section.**

Section VII: Adaptive Reuse Projects

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

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

No

Section VIII: Inter-Municipal Move Determination

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

Current Address

100 stradtman st

City/Town

Cheektowaga

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

Yes

Within Erie County

Yes

If Yes to either question, please, explain

Highway Rehab corp. has out grown the current facility in Cheektowaga and needs more space to operate. We did spend more than a year looking for properties in Cheektowaga as well as the surrounding areas but were unable to find a adequate facility.

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.)

minimum parking 400 ft x 250 ft plus 12 front office parking spots, minimum of 20 ft ceilings, minimum of 16,000 square feet of shop space consisting of 4 bays with doors 16 ft x 14 ft . Must be zoned industrial. Must have a minimum of 1500 square foot office space.

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

Yes

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

A majority of our vendors and service shops are located within County . A majority of our employees are also located 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?

The current facility will more than likely be leased to key safety who already occupies a large part of the industrial complex we reside 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.

100 Stradtman St , Cheektowaga NY our current location , not adequate space to expand. The Bic recycling facility at 4284walden Ave in Cheektowaga needed too much work and lacked parking. We also looked at 5636 Transit Rd , Depew NY . This property need block work , tons of electrical work, the headers were rotted out above doors, buried fuel tanks were of concern to us , and the parking lot was not large enough. We also contacted Uniland and inquired about property they have in Cheektowaga NY off Walden Ave. They wanted 65K an acre and that was out of our price range.

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