

Erie County Industrial Development Agency
Meeting of the Membership



July 27, 2022
at 12:00 p.m.

1.0 Call to Order

1.1 Call to Order Meeting of the Membership

2.0 Approval of Minutes:

2.1 Minutes of the June 22, 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 Resolution to Adopt the 2022-2026 Comprehensive Economic Development Strategy (CEDS) for Erie County (Action Item) (Pages 12-22)

3.4 Resolution for Recapture Waiver (Action Item) (Pages 23-26)

3.5 Policy Committee Update (Informational) (Pages 27-32)

4.0 Inducement Resolution(s):

	ECIDA	Private	Municipality
	Incentives	Investment	
4.1 A&A Union Road (Pages 33-77)	\$521,790	\$3,110,729	Town of West Seneca
4.2 380 Vulcan (Pages 78-122)	\$1,520,894	\$7,145,000	Town of Tonawanda
4.3 Perry's Ice Cream (Pages 123-153)	\$699,933	\$18,000,000	Village of Akron
4.4 Spaulding Business Park (Pages 154-191)	\$403,241	\$2,055,000	City of Tonawanda

5.0 Management Team Report:

5.1

6.0 Adjournment - Next Meeting August 24, 2022 @ 12:00 p.m.

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

- MEETING:** June 22, 2022
- LIVE STREAMED:** This meeting is being live-streamed and made accessible on the ECIDA's website at www.ecidany.com.
- PRESENT:** Denise Abbott, Hon. Diane Benczkowski, Rev. Mark E. Blue, Hon. Bryon W. Brown, Dottie Gallagher, Michael Hughes, Hon. Howard Johnson, Hon. Brian Kulpa, Richard Lipsitz, Hon. Glenn R. Nellis, Kenneth A. Schoetz and Paul Vukelic
- EXCUSED:** James Doherty, Hon. Joseph Emminger, Tyra Johnson, Brenda W. McDuffie, Hon. Mark C. Poloncarz, Hon. Darius G. Pridgen, and Renee Wilson
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer/Assistant Secretary; Atiqa Abidi, Assistant Treasurer; Gerald Manhard, Chief Lending Officer/Assistant Secretary; Andrew Federick, Business Development Officer, Soma Hawramee, Compliance Portfolio Manager; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; Sean Fallon, Project Manager; Robbie Ann McPherson, Director of Marketing & Communications; Pat Smith, Senior Bookkeeper; Lori Szewczyk, Director of Grants; Phil Riggs, Rail & Site Management and Robert G. Murray, Esq., General Counsel/Harris Beach PLLC
- GUESTS:** Maria Whyte, Erie County; Zachary Evans, Erie County; Alex Carducci on behalf of the City of Buffalo; Julius Aebly on behalf of A&A Associates; Paul D'Orlando on behalf of Erie County; Dan Castle on behalf of Erie County and Denise M. Juron, on behalf of Uniland

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 Chair McDuffie.

Mr. Lipsitz welcomed new member, Michael Hughes, who is the new chair of the NFTA, and as such, and is replacing Sister Denise as a member of the ECIDA. Mr. Lipsitz also thanked Sister Denise for her service.

MINUTES

The minutes of the April 27, 2022 meeting of the members were presented. Mr. Blue moved and Ms. Benczkowski seconded to approve of the minutes. Mr. Lipsitz called for the vote and the minutes were unanimously approved.

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

REPORTS/ACTION ITEMS/INFORMATION ITEMS

Financial Report. Ms. Profic presented the May 2022 financial report. The balance sheet shows the month ended with total assets of \$29.8M (includes unrestricted cash of \$7.5M available for Agency operations) and net assets of \$20.5M. The monthly income statement shows net loss of \$140,000 for May. Operating revenue of \$136,000 was below the monthly budget by \$87,000, due mainly to timing of administrative fees received during the month. Operating expenses of \$241,000 were about \$14,000 over our monthly budget. Variances in Public Hearings and Marketing were due to timing of events and professional Services due to consulting costs associated with annual reporting. Under Special Project Grants, \$4,000 of net revenue was recognized in May. After strategic investments and depreciation, there was a net loss of \$140,000 for the month. The year-to-date Income Statement shows revenues of \$749,000, including administrative fee revenue of \$415,000. We are at about 22% of our 2022 annual budget through May. Expenses of \$1.2M are \$5,000 above budget, this is due mainly to CEDS update costs recognized in 2022 which are included in Professional Services. Special project grant revenue nets to \$146,000. After strategic investments and depreciation, there is currently a net loss of \$441,000 for the year. Mr. Lipsitz directed that the report be received and filed.

Governance Committee Update. Ms. Profic advised the joint Governance Committee meeting was held on June 2, 2022. The ECIDA/RDC/ILDC's current agreements with legal counsel for general, tax-exempt bonds and loan counsel (both primary and conflict counsels) were discussed and the Committee approved extensions for one-year through May 2023, under the terms of the current contracts in place. 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.

Approval of Resolution to Receive UDAG Funds for CAMU Area Development Plan. Mr. Cappellino discussed the contemplated grant for purposes of undertaking a landscaping/passive use recreation plan, on lands potentially to be acquired by the ILDC adjacent to lands within the RCP currently owned by the ILDC, as an amenity for ILDC RCP tenants and for the benefit of residents of the City of Lackawanna.

Mr. Johnson moved and Mr. Vukelic seconded to approve of the use of the ECIDA UDAG grant funds for the CAMU Area Development Plan. Mr. Lipsitz called for the vote, and the following resolution was unanimously approved.

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT
AGENCY ("AGENCY") TO ENTER INTO A FUNDING AGREEMENT WITH

THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION TO GRANT UP TO \$75,000 IN THE FORM OF A GRANT FROM THE AGENCY'S U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT URBAN DEVELOPMENT ACTION GRANT ("UDAG") REFLOW FUND

Policy Committee Update. Mr. Lipsitz provided members with an update of the most recently completed Policy Committee meeting. Mr. Lipsitz directed that the report be received and filed.

INDUCEMENT RESOLUTION

A&A Union Road LLC, 1471 Union Road, West Seneca, New York. Mr. Cappellino reviewed the proposed sales tax exemption, mortgage recording tax exemption and real property tax benefit project which consists of the construction of a 6,000 sq. ft. professional office building to improve operating efficiencies and offer an updated state of the art office environment.

Ms. Gallagher stated she would not be voting in favor of the project because she believes incentivizing new office space construction is something to be analyzed within the larger context of current available space in existing office buildings. General discussion ensued.

No motion was made to approve the project.

Mr. Kulpa queried if the Board can send back to Policy Committee for consideration of the foregoing.

Mr. Cappellino stated ECIDA has a practice of approving eligible projects that were submitted under current, policies, and if the Board desires to change its policy, it can do so as well, so one option is to approve of this project under current eligible policies, and then the Board can review and consider revising its policies.

Mr. Kulpa stated the Board may need to consider a new policy in recognition of changes to the office building/project, to better address office end users.

Mr. Nellis motioned to approve of the Project as proposed and refer the general office issue back to the Policy Committee to consider a new office space policy. Mr. Blue seconded the motion.

Mr. Brown stated that he believes it is better to table the project and send back to the Policy Committee rather than perhaps having the motion fail.

Mr. Schoetz stated that he agreed that the Project as proposed should go back to the Policy Committee for additional consideration, and that he would be voting no on the motion.

Mr. Lipsitz asked if the motion could be amended to refer the Project back to the Policy Committee and ask the Policy Committee to clarify its position of an office policy.

Mr. Nellis agreed to amend the resolution motion and Mr. Blue agreed to amend the resolution.

Mr. Kulpa then made the motion to refer the Project back to the Policy Committee so the Policy Committee can review the ECIDA office policy. Mr. Hughes seconded the motion. Mr. Lipsitz called for the vote, and the motion was unanimously approved.

Mr. Cappellino noted 25-year ECIDA employee, Phil Riggs, will be retiring. Mr. Cappellino informed members of Mr. Riggs project history and his railroad work. Mr. Cappellino thanked Mr. Riggs for his service and thanked him for all his excellent work.

Mr. Cappellino also introduced and welcomed new ECIDA Compliance Portfolio Manager, Soma Hawramee, to the Agency.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting of the Agency at 12:57 p.m.

Dated: June 22, 2022

Elizabeth A. O'Keefe, Secretary

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

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Balance Sheet

June 30, 2022

	June 2022	May 2022	December 2021
ASSETS:			
Cash *	\$ 7,708,187	\$ 7,471,027	\$ 7,851,664
Restricted Cash & Investments *	19,353,801	19,307,903	19,656,732
Due from Affiliates	470,652	434,732	755,496
Due from Buffalo Urban Development Corp.	60,457	127,588	105,721
Other Receivables	126,877	127,996	35,629
Total Current Assets	<u>27,719,974</u>	<u>27,469,247</u>	<u>28,405,242</u>
Grants Receivable	699,964	699,964	863,473
Venture Capital Investments, net of reserves	506,886	506,886	506,886
Capital Assets	1,107,043	1,114,083	1,164,083
Total Long-Term Assets	<u>2,313,893</u>	<u>2,320,933</u>	<u>2,534,441</u>
TOTAL ASSETS	<u><u>\$ 30,033,867</u></u>	<u><u>\$ 29,790,179</u></u>	<u><u>\$ 30,939,684</u></u>
 LIABILITIES & NET ASSETS			
Accounts Payable & Accrued Exp.	\$ 184,830	\$ 192,424	\$ 452,629
Deferred Revenues	693,165	694,920	872,993
Funds Held on Behalf of Others	8,423,940	8,447,673	8,717,606
Total Liabilities	<u>9,301,934</u>	<u>9,335,017</u>	<u>10,043,228</u>
Net Assets	20,731,933	20,455,162	20,896,455
TOTAL LIABILITIES & NET ASSETS	<u><u>\$ 30,033,867</u></u>	<u><u>\$ 29,790,179</u></u>	<u><u>\$ 30,939,684</u></u>

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

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Month of June 2022

	Actual vs. Budget		
	Actual	Budget	Variance
REVENUES:			
Administrative Fees, net of refunds	\$ 263,621	\$ 154,583	\$ 109,038
Affiliate Management Fees	45,475	45,125	350
Interest Income - Cash & Investments	295	1,042	(746)
Rental Income	19,278	20,617	(1,339)
Other Income	5,593	7,083	(1,491)
Total Revenues	334,262	228,450	105,812
EXPENSES:			
Salaries & Benefits	\$ 178,381	\$ 169,542	\$ 8,839
General Office Expenses	20,468	23,880	(3,412)
Building Operating Costs	16,619	20,312	(3,693)
Professional Services	7,295	5,583	1,712
Public Hearings & Marketing	2,173	5,000	(2,827)
Travel, Mileage & Meeting Expenses	2,858	2,917	(58)
Other Expenses	580	625	(45)
Total Expenses	228,375	227,858	517
SPECIAL PROJECT GRANTS:			
Revenues	\$ 350,900	\$ 80,945	\$ 269,956
Expenses	(170,016)	(75,261)	(94,755)
	180,884	5,683	175,200
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:			
	286,770	6,275	280,495
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:			
	286,770	(10,392)	297,162
Depreciation	(10,000)	(10,000)	-
NET INCOME/(LOSS):			
	\$ 276,770	\$ (20,392)	\$ 297,162

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")

Income Statement

Year to Date: June 30, 2022

	Actual vs. Budget			Actual vs. Prior Year		
	Actual	Budget	Variance	Actual	Prior Year	Variance
REVENUES:						
Administrative Fees, net of refunds	\$ 678,574	\$ 927,500	\$ (248,926)	\$ 678,574	\$ 1,116,475	\$ (437,901)
Affiliate Management Fees	270,350	270,750	(400)	270,350	259,600	10,750
Interest Income - Cash & Investments	1,789	6,250	(4,461)	1,789	5,278	(3,489)
Rental Income	117,812	123,700	(5,888)	117,812	118,641	(829)
Other Income	14,783	23,500	(8,718)	14,783	12,928	1,855
Total Revenues	1,083,307	1,351,700	(268,393)	1,083,307	1,512,922	(429,614)
EXPENSES:						
Salaries & Benefits	1,034,801	1,074,250	(39,449)	1,034,801	897,158	137,643
General Office Expenses	148,758	143,280	5,478	148,758	126,474	22,284
Building Operating Costs	105,247	121,870	(16,623)	105,247	105,012	235
Professional Services	116,839	61,600	55,239	116,839	58,817	58,022
Public Hearings & Marketing	36,175	30,000	6,175	36,175	49,466	(13,291)
Travel, Mileage & Meeting Expenses	11,546	17,500	(5,954)	11,546	6,064	5,482
Other Expenses	4,533	3,750	783	4,533	1,630	2,903
Total Expenses	1,457,898	1,452,250	5,648	1,457,898	1,244,621	213,277
SPECIAL PROJECT GRANTS:						
Revenues	590,947	485,667	105,280	590,947	3,243,710	(2,652,763)
Expenses	(263,641)	(451,567)	187,926	(263,641)	(3,583,811)	3,320,170
	327,306	34,100	293,206	327,306	(340,101)	667,407
NET INCOME/(LOSS) BEFORE OTHER STRATEGIC INVESTMENTS & DEPRECIATION:						
	\$ (47,285)	\$ (66,450)	\$ 19,165	\$ (47,285)	\$ (71,801)	\$ 24,516
OTHER STRATEGIC INVESTMENTS AND INITIATIVES:						
Zero Net Energy costs (Z7+)	\$ -	\$ (312,958)	\$ 312,958	\$ -	\$ -	\$ -
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	-	250,000	(250,000)	-	-	-
Buffalo Urban Development Corporation	-	(100,000)	100,000	-	-	-
Other Strategic Initiatives	-	(125,000)	125,000	-	-	-
	(57,238)	(487,958)	430,721	(57,238)	(212,951)	155,713
NET INCOME/(LOSS) BEFORE DEPRECIATION:						
	(104,523)	(554,409)	449,886	(104,523)	(284,751)	180,229
Depreciation	(60,000)	(60,000)	-	(60,000)	(60,000)	-
NET INCOME/(LOSS):						
	\$ (164,523)	\$ (614,409)	\$ 449,886	\$ (164,523)	\$ (344,751)	\$ 180,229

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
1 Jan-22	791 Washington Street, LLC ¹ Arbor Multifamily Lending, LLC	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 Jan-22	Broadway Development & Management ¹	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 Jan-22	Lactalis American Group, Inc.	Buffalo	\$12,500,000	85% threshold \$10,625,000	2	0	8	0	85% -New 7 jobs	56	55	project completion date + 2 yrs	\$693,750
1 Jan-22	471 Elmwood, LLC ¹	Buffalo	\$1,436,697	85% threshold \$1,221,192	334	0	27	0	85% -New 22 jobs	5	1390	project completion date + 2 yrs	\$121,441
1 Mar-22	Workspport, Ltd.	West Seneca	\$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 Apr-22			\$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
Totals:													
			Private Investment/ Project Amount		FT Jobs Retained	PT Jobs Retained	FT Jobs Created	PT Jobs Created					Incentive Amount
Adaptive Reuse Subtotal			3	\$124,040,000	2	0	14	0		647	498		\$4,535,250
2022 Total			6	\$142,583,584	504	-	72	10		682	2079		\$4,944,003

¹ Adaptive Reuse

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
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
	\$ 74,383,887	175	256	3	13			
Projects Closed = 4								
FT Projected New Jobs = 81								
PT Projected New Jobs = 10								



MEMO:

Date: July 27, 2022
To: ECIDA Board of Directors

RE: Approve and Adopt the 2022-2026 Comprehensive Economic Development Strategy (CEDS) Update and Economic Recovery Plan for Erie County

History/Background

In 1979 the ECIDA served as an applicant for millions of dollars in Federal Economic Development Administration (EDA) grant funds used to establish a County-wide Revolving Loan Fund (RLF), which is administered by the Buffalo and Erie County Regional Development Corporation (RDC). The EDA defines the ECIDA as the Planning Organization (as per 13 CFR Section 303.2) that is responsible for the development and implementation of a CEDS for the region.

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

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

CEDS Update

In July 2021, the ECIDA began to develop a new **2022-2026 Comprehensive Economic Development Strategy (CEDS) Update and Economic Recovery Plan** for Erie County, which supplants the previously adopted 2016 CEDS. The updated CEDS promotes effective economic development in Erie County’s towns, villages, and cities through a locally based, regionally driven planning process. The CEDS is a strategy-driven plan for regional economic development and is the result of a regionally owned planning process designed to build capacity and guide the economic prosperity and resiliency of an area or region. It is a key component in establishing and maintaining a robust economic ecosystem by helping to build regional capacity (through hard and soft infrastructure) that contributes to individual, firm, and community success.

In accordance with EDA Guidelines for preparing a CEDS, Erie County’s 2022 draft CEDS document was posted on the Agency website for a 30-day public comment period from April 22, 2022, thru May 23, 2022. The ECIDA did not receive any negative comments or objections regarding the proposed 2022 CEDS.

Requested Action: Seeking approval to adopt the 2022 CEDS as presented thereby replacing the 2016 CEDS in compliance with EDA regulations.

Erie County Industrial Development Agency

Overview: Comprehensive Economic Development Strategy (CEDS) Update

What & Why

Due to its ongoing relationship with the US EDA, ECIDA has the responsibility of keeping and updating a Comprehensive Economic Development Strategy (CEDS) for Erie County. The US EDA requires that each CEDS be updated every five years. This ensures that the County maintains an up-to-date strategy to establish economic goals, address challenges facing the region, and guide development priorities.

This CEDS builds on existing relevant planning documents and is grounded in the current capacities of ECIDA and its partners. The heart of this CEDS is the Action Plan Matrix, which represents the culmination of a broad strategic planning process that led to stakeholder consensus on goals, measurable objectives, and prioritized tasks. **Resilience, equity and inclusion** are incorporated throughout the matrix, with several actions reinforcing the County’s resilience and economic justice through enhanced economic vitality, connectivity, and capacity building.

Key Policy Considerations

Key themes emerged through the community engagement process that should be considered in local policy making, including:

- The interconnection between **economic and community development** activities for the purpose of talent attraction and retention.
 - Activities that enhance quality of life, safe and affordable housing, childcare, diversity and inclusion; financial security, etc. are all critical to economic development.
- The dire need for **speculative development** of industrial sites and buildings.
- The importance of modern and robust **logistics infrastructure**.

Strategic Framework

The Action Plan Matrix is organized into four goal areas, each of which are supported by a series of objectives. Specific actions are then categorized under each objective. The primary topics of the goals and objectives are as follows (see pages 11 and 12 of the CEDS document for full language):

Goal 1: Infrastructure

- water and wastewater
- broadband internet
- energy systems
- transportation systems

Goal 2: Business & Industry Support

- access to capital and resources
- shovel-ready sites
- access and opportunity for workforce
- target and tradeable industry sectors
- emerging industry sectors
- logistics
- U.S.-Canadian border

Goal 3: Quality of Life

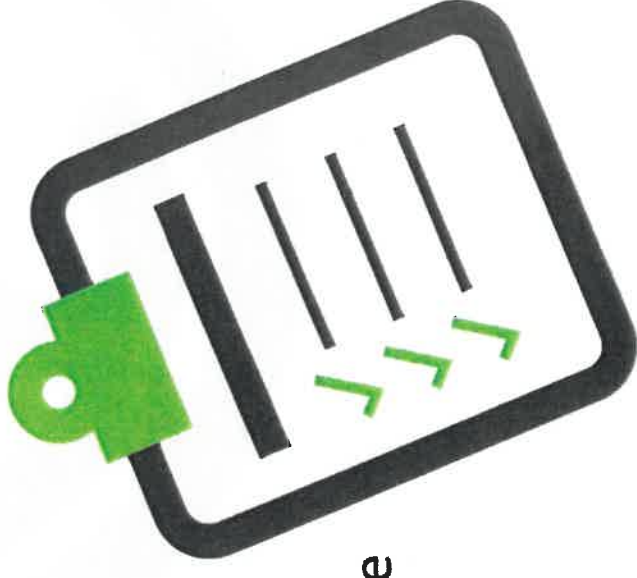
- safe, affordable housing.
- financial security
- affordable childcare and elder care
- recreational opportunities

Goal 4: Regional Collaboration

- improve and align outward messaging
- collaboration among various partners
- programs, initiatives, and information for rural areas

PLANNING PROCESS

- Project Initiation: Complete
- Plan Review and Capacity Assessment: Complete
- Economic Profile: Complete
- Stakeholder Engagement: Complete
- Opportunities and Challenges Workshop: Complete
- Resiliency Planning Workshop: Complete
- Action Plan Matrix: Complete
- CEDS Report and Committee Review: Complete
- Public Comment Period: Complete

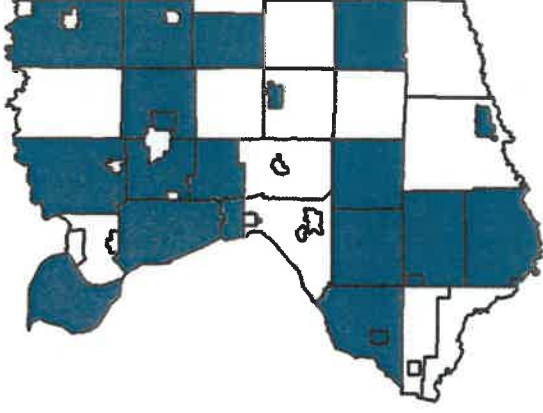


STAKEHOLDER SURVEY

- Distributed to all municipalities in Erie County
- Survey received from 22 municipalities:

Town of Alden
Town of Amherst
Village of Angola
Town of Boston
City of Buffalo
Town of Cheektowaga
Town of Collins
Village of East Aurora
Town of Eden
Town of Evans
Village of Gowanda

Town of Grand Island
Town of Holland
City of Lackawanna
Town of Lancaster
Village of Lancaster
Town of Marilla
Town of Newstead
Town of North Collins
Village of North Collins
Village of Springville
Town of West Seneca



STAKEHOLDER SURVEY

Top Priorities

- Priority 1: Infrastructure (20/22)
 - Water & Sewer (x11)
 - Broadband (x8)
 - Transportation (x15)
- Priority 2: Business Support (16/22)
 - Small business support and access to capital (x11)
 - Dealing with COVID-19 impacts on existing businesses (x7)

Priority 3: Housing (7/22)

- Senior Housing (x5)
- Housing Affordability (x2)

Priority 4: Preserving & Expanding Recreational Resources (6/22)

OPPORTUNITIES & CHALLENGES WORKSHOP

- Date: January 10, 2022
- Attendees: 28 (+3 ECIDA and 5 consultants)
- Key Challenges:
 - Workforce Challenges (childcare, skills gap, brain drain, “mass resignation”)
 - Transportation and barriers to connectedness
 - Lack of success attracting new residents
 - Lack of consistent messaging and communication
- Key Opportunities:
 - Workforce solutions (leverage higher ed, career pathways, hidden talent pools)
 - Transit-oriented development and transportation modernization
 - Cross-agency collaboration/convening
 - Create & promote consistent messaging about quality of life in WNY, leverage it for placemaking, visitor attraction, and talent attraction

RESILIENCY WORKSHOP

- Date: February 7, 2022
- Attendees: 31 (+2 ECIDA and 5 consultants)
- Key Resiliency Threats:
 - Workforce shocks (automation, shifting trends)
 - Pandemic
 - Utility/Internet/Electricity Grid Failure, Cyber Security
 - Severe Storm
 - Flooding & Stormwater



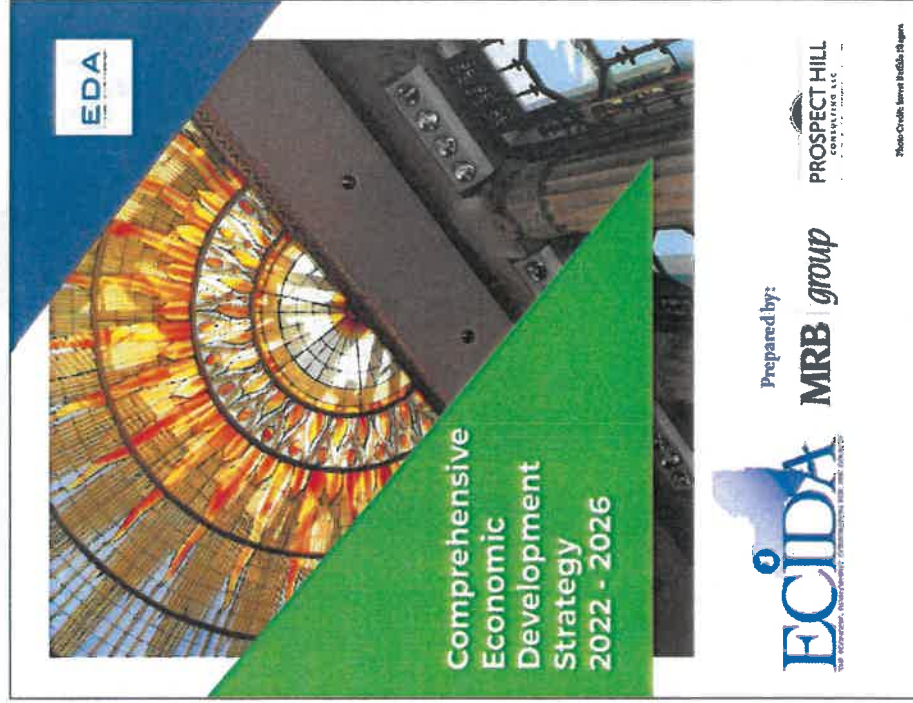
INITIAL GOALS IDENTIFIED

Goals based on stakeholder engagement to date

- Goal 1: Erie County has strong, future-ready **infrastructure** that effectively serves residents, businesses, and visitors.
- Goal 2: Erie County is properly resourced and able to support all **entrepreneurs, businesses, and prospects**.
- Goal 3: Residents and working families are empowered and supported in achieving a stable, sustainable, and thriving **quality of life**.
- Goal 4: Development efforts are **coordinated** and messaging to the general public is streamlined and consistent.

NEXT STEPS

- ECIDA Board Approval
- Submission to US EDA



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESOLUTION**

(Approval of 2022 Comprehensive Economic Development Strategy for Erie County)

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, July 27, 2022 at 12:00 pm.

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

**RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
APPROVING REVISIONS AND UPDATES WITH REGARD TO THE 2022 REGIONAL
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY**

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

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

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

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

WHEREAS, the Agency last undertook a CEDS update in 2016 and at that that time based the 2016 CEDS on an extraction and combination of the primary findings and strategic directives of several current (at that time) planning studies and reports undertaken by County and City governments, economic development organizations, and major institutions in recognition that considerable time and money had been spent on these studies and reports and that, taken together, they provided a comprehensive and current set of guidelines for action in 2016; and

WHEREAS, in consideration of updating and producing a 2022 CEDS, a CEDS Strategy Committee was established and convened, consisting of representatives of the main economic interests of the region, including, public, private and nonprofit entities that have the capability to influence economic development in the region; and

WHEREAS, the CEDS Strategy Committee has thoroughly reviewed the 2016 CEDS and the rationale upon which it was prepared and now supplements the 2016 CEDS with the Action Plan Matrix representing the culmination of a broad strategic planning process including a Strength, Weakness, Opportunity and Threat analysis, an Opportunities and Challenges Workshop, Resiliency

Workshop, with a focus on infrastructure, business support, quality of life and regional collaboration, as well as taking into consideration a number of other relatively recent bi-county and local plans and strategic documents; and

WHEREAS, in addition to the abovementioned regional strategies, a number of other bi-county and local plans and strategic documents were also reviewed and where appropriate, incorporated into this 2022 CEDS update, including the Agency's Comprehensive Economic Development Strategy, Greater Buffalo Niagara Region Transportation One Region Forward Plan, Western New York Regional Economic Development Council 2020 Recovery Strategy, Visit Buffalo Niagara Tourism Master Plan and Strategic Plan, and the Buffalo Niagara Partnership 2021 Advocacy Agenda; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA prior to undertaking the action as described herein; and

WHEREAS, the action contemplated herein involved and involve the conducting of and approval of economic studies necessary to the create the 2022 CEDS update, do not otherwise commit the Agency to commence or engage in any activity and pursuant to 6 N.Y.C.R.R. §617.5(c)(27) of the SEQRA regulations, the action contemplated is a Type II Action as defined thereunder and no findings or determination of significance are required under SEQRA; and

WHEREAS, the Agency now desires to adopt the revisions and recommendations to the regional CEDS as proposed by the CEDS Strategy Committee.

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

Section 1. The Agency ratifies and confirms the creation and establishment of the CEDS Strategy Committee.

Section 2. The Agency adopts the 2022 CEDS as prepared by the CEDS Strategy Committee and presented to the members of the Agency thereby updating the 2016 CEDS in compliance with EDA regulations.

Section 3. The officers, employees and agents ("Authorized Agents") of the Agency are hereby authorized to perform any such acts, including execution of any and all documents, and submission of the 2022 CEDS to the EDA for EDA purposes, as such Authorized Agents shall deem necessary or advisable, and to carry out the purposes and intent of this resolution in the most expeditious and cost-effective manner possible.

Section 4. Any and all actions heretofore taken or authorized by the Agency and/or its Authorized Agents with respect to this resolution including the establishment of the are hereby ratified, approved and confirmed in all aspects.

Section 5. This resolution shall take effect immediately.

Dated: July 27, 2022



Memorandum

To: ECIDA Board of Directors
Re: COVID 19 Pandemic Impact Status Update

July 27, 2022

Background

On March 7, 2020, NYS declared a public health emergency due to the emergence and public health threat of COVID-19. The impacts of the global pandemic have been truly historic resulting in a public health and economic crisis not seen in over 100 years. Throughout 2020 and 2021, the pandemic has taken a terrible toll on our region resulting in a horrific loss of life and an unprecedented economic disruption.

Throughout 2020 the Buffalo Niagara region experienced severe economic disruptions with unemployment reaching over 19% as the economy was shut down. The economic impacts were unprecedented and far reaching. The new realities of the pandemic and post pandemic economy included, supply chain disruption, commodity shortages, rising prices, and workforce disruption.

By the beginning 2021 the region began to recover as employment levels began to rise, companies continued to struggle with commodity and supply issues which hampered their ability to meet production and or sales goals. Additionally, workforce issues continued to hamper business recover efforts with many local businesses being unable to find workers to fill open positions. The regions tourism, restaurant and hospitality sectors continued to be the most challenged and slowest to recover.

The public health and economic disruptions continued through much of 2021 as the region saw varying waves of infection. Case numbers continued to be significant through the winter and spring months and most notably the Delta variant caused rising infection rates through the fall of 2021. NYS and the region continued to be in a public health state of emergency as declared by the Governor throughout 2021.

Job retention/creation requirements continued to be monitored throughout 2021 utilizing the Agency's quarterly employment reporting procedures. Of the 93 Companies that are subject to the Agency's recapture policy 89% continued to meet job goals as required. Ten companies reported employment shortfalls. The Companies which did not maintain or meet employment goals were contacted by Agency staff to document and determine the reasons for missing their job creation/retention

requirements. Several companies were in the heavily impacted tourism and hospitality sectors, several others indicated continuing decline in sales, supply chain impacts, and difficulty in finding workers. Some of the companies indicated that they had open positions and have been unable or struggled to fill them. Several of the companies did show positive gains in reaching employment goals through the first quarter of 2022, although some are still experiencing business disruptions.

Recommendation

The impacts of the COVID-19 pandemic continued to cause significant business disruption to Erie County businesses throughout 2021. It is recommended that the Agency continue the "Special COVID Waiver" with respect to the potential recapture of Agency financial assistance for the 2021 calendar year. The agency should continue to monitor business employment impacts and disruptions throughout 2023 as the region continues to see recovery but still faces challenges as a result of long-term economic disruptions caused by the pandemic.

The Special COVID Waiver would waive implementation of recapture procedures for companies that suffered employment losses or that were unable to meet required job creation goals due to documented COVID-19 impacts. Job retention/creation shortfalls will continue to be verified utilizing the Agency's quarterly employment reporting procedures. Companies which did not maintain or meet employment goals would continue to be monitored by Agency staff to document and determine that reasons for missing such job creation/retention requirements were related to COVID-19 impacts. Company specific and overall industry impacts would be taken into consideration and upon a determination by the Agency's President/CEO, in consultation with the Chair, that 2021 job retention/creation requirements were not met due to documented COVID-19 impacts, implementation of Agency recapture protocols would continue to be waived for the 2021 calendar year.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

RESOLUTION

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, July 27, 2022 at 12:00 p.m.

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

RESOLUTION OF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“AGENCY”) TO EXTEND THE TEMPORARY MODIFICATION OF THE AGENCY’S POLICY FOR TERMINATION AND/OR MODIFICATION OF AGENCY FINANCIAL ASSISTANCE AND RECAPTURE OF AGENCY FINANCIAL ASSISTANCE PREVIOUSLY GRANTED

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 established a Policy for Termination and/or Modification of Agency Financial Assistance and Recapture of Agency Financial Assistance Previously Granted in January 29, 2014, and amended and restated same on May 25, 2016 (the “Recapture Policy”); and

WHEREAS, the Recapture Policy permits the Agency, on a case by case basis, via resolution, to terminate, modify, and/or recapture Financial Assistance in the event a recipient of Agency Financial Assistance fails to meet certain material terms and conditions, including, amongst other items, job retention and/or job creation commitments; and

WHEREAS, in furtherance of the Agency’s mission, its power and purposes, and in a manner consistent with the Agency’s existing policies, including its Recapture Policy, the Agency, on April 28, 2021, adopted a temporary modification of the Recapture Policy and related procedures by delegating to the President/Chief Executive Officer of the Agency, the authority, in consultation with the Chair of the Agency, to waive implementation of the Recapture Policy for beneficiaries of Financial Assistance that suffered employment losses and/or that failed to meet job creation goals due to documented COVID-19 impacts during the 2020 calendar year, as a ministerial action, without further action of the members of the Agency; and

WHEREAS, the COVID-19 pandemic continued to cause significant business disruption to Erie County businesses through 2021, and as a result, the Agency desires to extend its temporary modification of its Recapture Policy and related procedures by continuing to permit the delegation, to the President/Chief Executive Officer of the Agency, of the authority, in consultation with the Chair of the Agency, to continue to waive implementation of the Recapture Policy for beneficiaries of Financial Assistance that suffered employment losses and/or that failed to meet job creation goals due to documented COVID-19 impacts during the 2021 calendar year, as a ministerial action, without further action of the members of the Agency.

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

Section 1. The Agency hereby adopts this Resolution as a temporary modification of the Recapture Policy and related procedures by delegating to the President/Chief Executive Officer of the Agency, the authority, in consultation with the Chair of the Agency, to waive implementation of the Recapture Policy for beneficiaries of Financial Assistance that suffered employment losses and/or that failed to meet job creation goals due to documented COVID-19 impacts during the 2021 calendar year, as a ministerial action, without further action of the members of the Agency.

Section 2. This Resolution shall not preclude the Agency from implementing the Recapture Policy for beneficiaries of Financial Assistance in the event a failure to meet job retention and/or job creation goals is determined to be unrelated to COVID-19 impacts during the 2021 calendar year.

Section 3. The temporary modifications to the Recapture Policy adopted pursuant to this Resolution shall be applicable for the 2021 calendar year, and members of the Agency hereby ratify and confirm any actions taken by staff of the Agency prior to the adoption of this Resolution with respect to the subject matter hereof.

Dated: July 27, 2022

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

- DATE:** July 7, 2022
- LIVE STREAMED:** This meeting is being live-audio streamed and made accessible on the Agency's website at www.ecidany.com.
- PRESENT:** Denise Abbott; Hon. April Baskin; Rev. Mark E. Blue; Johanna Coleman; Colleen DiPirro; Richard Lipsitz, Jr.; Brenda W. McDuffie; Hon. Glenn R. Nellis; Laura Smith; David J. State; Lavon Stephens; Hon. John Tobia; Paul Vukelic and Hon. Maria Whyte
- EXCUSED:** Hon. Bryon W. Brown
- OTHERS PRESENT:** John Cappellino, President & CEO; Mollie Profic, Chief Financial Officer; Beth O'Keefe, Vice President of Operations; Andrew Federick, Business Development Officer; Soma Hawramee, Compliance Portfolio Manager; Brian Krygier, Director of Information Technology; Carrie Hocieniec, Operations Assistant; Robbie Ann McPherson, Director of Marketing & Communications; Pat Smith, Senior Bookkeeper; Lynette Thompson, Receptionist and Robert Murray General Counsel/Harris Beach PLLC
- GUESTS:** Zachary Evans on behalf of the County; Julius Aebly on behalf of Aebly & Associates Insurance Services, Inc.; Joe Casullo on behalf of Carrier Terminal Services, Inc. and Steve Helms on behalf of Perry's Ice Cream Company

There being a quorum present at 9:01 a.m., the Meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the June 2, 2022 Policy Committee meeting were presented. Upon motion made by Ms. Whyte 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

Carrier Terminal Services, Inc. / Speed Global Services, 380, 400, 408 and 416 Vulcan Street, Tonawanda, New York 14207. Ms. O’Keefe presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the purchase and repurpose of 170,399 sq. ft. (or 98% of the 176,399 sq. ft.) of space within the 21 buildings located at 380, 400, 408 and 416 Vulcan Street in the Town of Tonawanda. The renovation will be in phases with a completion date of January 2024. The space will be used by Speed Global Services for warehouse and distribution uses.

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

Mr. Casullo spoke on behalf of the company, and reviewed the proposed project.

Ms. Whyte queried as to how the company can utilize the facility to create more jobs. Mr. Casullo responded that it will just need to grow its Buffalo customer based and discussed how factors such as types of services requested and ceiling height requirements effects job #s. Ms. Whyte then asked about challenges that might occur if incentives were not approved. The company confirmed that more deterioration has been found in the building, further increasing rehabilitation costs, and if the company didn’t get incentives, it would probably slow the project down.

Ms. O’Keefe confirmed that Carrier Terminal Services, Inc. is seeking approximately \$1,520,894 in assistance including sales tax exemption, mortgage tax exemption and real property tax abatement benefits. Total payroll is projected at \$8,401,745 for the direct and indirect jobs created including 25 construction jobs. The resulting cost benefit is 1:6 so for every \$1 of incentives the community benefit is \$6 in payroll & tax revenue. For Erie County, every \$1 of incentives provides \$6 in community benefits.

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 = \$7,145,000 85% = \$6,073,250

Employment	Coincides with 7-year PILOT	Maintain Base – 4 FTE, 2 PTE Create 85% of Projected Projected = 3 FTE, 2 PTE 85% = 3 FTE Recapture Employment = 8 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 tax abatement

Ms. Whyte moved and Ms. McDuffie 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.

Perry’s Ice Cream Co. Inc., 1 Ice Cream Plaza, Akron, New York 14001. 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 next to an existing structure at the Perry’s facility. The new building will house a new extruded ice cream novelty machine with conveyoring as well as upgrading the site’s engine and pumping rooms. Products produced can be dairy and non-dairy, can include more than one base flavor, inclusions, toppings, and dipped coatings.

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

Mr. Helms spoke on behalf of the company.

Ms. Whyte queried what would happen if the Agency did not approve of the project.

Mr. Helms responded that Perry’s would still pursue the project but the speed of the project would slow down and would impact financing.

Mr. Lipsitz spoke in favor of the union membership at Perry’s and asked if new employees will be union employees. Mr. Helms confirmed.

Ms. O’Keefe confirmed that Perry’s Ice Cream Co., Inc. is seeking \$669,933 in incentives including sales tax exemption, mortgage tax exemption and real property tax abatement benefits. Total payroll is projected at \$334,158,086 for the direct and indirect jobs created including 79 construction jobs. The resulting cost benefit is 1:490 so for every \$1 of incentives the community benefit is \$490 in payroll & tax revenue. For Erie County, every \$1 of incentives provides \$703 in community benefits.

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 = \$18,000,000 85% = \$15,300,000
Employment	Coincides with 7-year PILOT	Maintain Base – 356 FTE, 14 PTE (363 FTE) Create 85% of Projected Jobs Projected = 15 FTE 85% = 12 FTE Recapture Employment = 378 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 tax abatement

Ms. Abbott moved and Mr. Tobia 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.

PANDEMIC IMPACT 2021 RECAPUTRE WAIVER

Mr. Cappellino reviewed the memorandum prepared for the committee describing employment difficulties and challenges that ECIDA clients continue to experience due to COVID-19 impacts, noting about 10% of the Agency’s companies are continuing to experience employment shortfalls related to decline in sales, supply chain impacts, time lag in getting raw materials and difficulty in finding employees despite advertising for employment. Mr. Cappellino stated that it was the recommendation of Agency staff that the Agency continue with the “Special COVID Waiver” with respect to the potential recapture of Agency financial assistance for employee related shortfalls for the 2021 calendar year.

Ms. Smith spoke in favor of the waiver, but expressed concerns that it be linked to COVID-19 impacts and not general global gas/inflation cases.

Ms. McDuffie spoke in favor of the ECIDA's waiver. Ms. Whyte commented and stressed that COVID-19 is still a health challenge in 2022 based on Erie County Health Department statistics, confirmed that employers are having difficulty filling open job positions, and commented on the growing number of woman having to leave the workforce to tend to children, and how this issue continues to challenge women, families, and employers.

Mr. Stevens moved and Ms. McDuffie seconded to recommend to the board that the COVID-19 waiver for 2021 for employee related shortfalls remain in place. Mr. Lipsitz called for the vote and the project was then unanimously approved.

JUNE BOARD MEETING UPDATE

Aebly and Associates Insurance Services a/k/a A&A Union Road, LLC, 1471 Union Road, West Seneca, New York 14224. Mr. Cappellino advised that the Agency, at its June 22, 2022 meeting, expressed concerns over COVID-19 and its impact on the new "work from home" model, and perhaps how the new "work from home" model is contributing to office space vacancy, and noted that the board tabled the project, and asked the ECIDA Policy Committee to consider post-COVID-19 impacts on commercial office and workforce space.

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

Mr. Lipsitz stated he is in favor of reviewing the larger commercial office space policy issue and also in favor of putting this particular project back on the Agency Board meeting agenda as a project recommended for approval by the Policy Committee, unless any member of the committee desires that the committee take a second vote on whether or not to send the project back to the Board.

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

Ms. McDuffie confirmed Mr. Lipsitz's recommendation that this project go back to the Agency Board, as having been already approved by the Policy Committee, and that this project should not be held up based on a desire to create a new commercial office space policy.

Ms. Whyte confirmed that Ms. Gallagher expressed concerns that the project may not be a smart growth project, but notes her conclusion that this project is a smart growth project by reusing a blighted area in West Seneca, so just because it's not an adaptive reuse project, per se, doesn't make it a non-smart growth project. Ms. Whyte expressed support to create an office space working group to analyze this issue going forward. Ms. Whyte also stated her belief that the project should move forward and noted the Agency has approved of other projects even while MWBE and affordable housing policies are under discussion and development.

Mr. Blue noted the Agency continues to evolve and that we still take action even when we do not have a policy for everything.

Mr. Nellis stated that it is important for Policy Committee members to speak up on this project at the next Agency Board meeting.

Mr. Lipsitz proposed that this project go back to the Agency Board for consideration at its July meeting, without a new Policy Committee vote because it was already considered and approved by the Policy Committee at its June 2, 2022 meeting. No objection to Mr. Lipsitz's proposal was made.

Mr. Cappellino stated it's in the discretion of the ECIDA to create an ad hoc working group or a new committee. Ms. McDuffie stated her desire to create a working group to consider and analyze the future of commercial office space, as opposed to a new committee.

Ms. Smith expressed support for the establishment of a commercial office space working group, and stated her opinion on the need for experts to be utilized to assist in this analysis.

Mr. Lipsitz confirmed that a working group will be created to analyze the future of commercial office space and that this A&A Union Road, LLC project will go back to the Agency Board for consideration.

MWBE UPDATE

Mr. Cappellino provided an update to Committee members.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 10:23 a.m.

Dated: July 7, 2022

Elizabeth A. O'Keefe, Secretary

A&A Union Road LLC
\$ 3,110,729
PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 524210

COMPANY INCENTIVES

- Approximately \$ 166,250 in sales tax savings
- Approximately \$ 334,915 in real property tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$20,625

JOBS & ANNUAL PAYROLL

- Current Jobs: 12 FT, 1 PT
- Annual Payroll: \$ 775,464
- Projected new jobs: 2 FT
- Est. salary/yr. of jobs created: \$40,000
- Projected retained jobs: 12 FT, 1 PT
- Est. salary/yr. of jobs retained: \$ 61,587
- Total jobs after project completion: 14 FT, 1 PT
- Construction Jobs: 13

PROJECTED COMMUNITY BENEFITS*

- Term: 7 YEARS
- NET Community Benefits: \$ 16,451,250
- Spillover Jobs: 33
- Total Payroll: \$ 15,430,020

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

Incentives: \$ 498,062
Community Benefit: \$ 15,329,511
Cost: Benefit Ratio
• 1: 31

Project Title: Aeby and Associates Insurance Services
Project Address: 1471 Union Road, West Seneca, NY 14224
West Seneca Central School District

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with the construction of a 6,160 sq ft 2 story professional office building.

Land / Building Acquisition	\$ 214,000
New Building Construction	\$ 2,594,729
Infrastructure	\$ 42,000
Manufacturing Equipment	\$ 0
Non- Manufacturing Equipment	\$ 150,000
Soft Costs/Other	\$ 110,000
Total Project Cost	\$ 3,110,729
85%	\$ 2,644,119

Company Description

Aeby and Associates Insurance Services, Inc is a diversified insurance firm that has been serving the insurance needs of their clients since 1913. They cover a wide area of insurance-related back-office operations and policy holder services. Aeby & Assoc clients include policy holders of individual types of insurance such as auto, home and life: business client who have property, liability, worker compensation, employee benefits, payroll services and other employ-based insurances for employees. Aeby & Assoc also provides third party administrative services through the processing of claims and management of healthcare account such as Flexible Spending Accounts (FSAs), Health Reimbursement Arrangements (HRAs) and Health Savings Accounts (HSAs). Aeby and Associates Insurance Services, Inc., and A&A Union Road, LLC are 100% owned by Julius W. Aeby Jr.

Project Description

Aeby and Associates Insurance Services has outgrown their current facilities located at 3638 and 3640 Seneca Street and plans to construct a 6,000+ sq ft professional office building to improve operating efficiencies and offer an updated office environment. The new building will be state of the art, paperless and highly visible allowing the company to not only retain, but also to attract hard to find educated new employees looking to be part of a growing professional insurance business.

* 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	334,915
	Sales	166,250
	Mortgage Recording	20,625
	Total	521,790
	Discounted at 2%	498,062

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	1,832,207
			Payroll Permanent	13,597,812
		Public	Property Taxes	83,732
			Sales Taxes	128,262
			Local Muni (NFTA)	6,875
	New York State	Public	Income Taxes	694,351
			Sales Taxes	108,010
			Total Benefits to EC + NYS***	16,451,250
			Discounted at 2%	15,329,511

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

Discounted Cost \$ 498,062
 Discounted Benefit \$ 15,329,511
 Ratio 1:31

Conclusion: The Cost Benefit for this project is: 1:31. For every \$1 in costs (incentives), this project provides \$31 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$36 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
\$5,941	\$ 2,174,118	\$ 13,802	\$ 69,927	\$ 65,648
Combined Tax Rate: \$ 80.91				

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 = \$ 3,110,729 85% = \$2,644,119
Employment	Coincides with 7-year PILOT	Maintain Base = 12FTE Create 85% of Projected Projected = 2 85% = 1 Recapture Employment = 13
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 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

- 5/31/22 Public hearing held.
- 7/27/22 Inducement Resolution presented to Board of Directors – Type II action and therefor no further action is required under SEQRA
- 7/27/22 Lease/Leaseback Inducement Resolution presented to the Board of Directors

Aebly & Associates

**EVALUATIVE CRITERIA
BACK OFFICE/DATA/CALL CENTERS**

Evaluative Criteria	Notes
Wage Rate (above median wage for area)	Average salary for jobs (12 retained and 2 to be created) = 54,750 / 67,600 with benefits that are > median wage.
Regional Wealth Creation (% sales/customers outside area)	6% of sales are outside Erie County.
In Region Purchases (% of overall purchases)	90 % of annual purchases are purchases from Erie County based firms.
Supports Local Business or Cluster	Backoffice Operations.
Retention/Flight Risk	The insurance operations can be done remotely and/or by workers located in remote locations.
LEED/Renewable Resources	n/a
MBE/WBE Utilization	See attached MBE/WBE Utilization – Picone Construction Corp outline fo promotion, hiring and utilization of MWBE firms.
Workforce Access – Proximity to Public Transportation	Project site is accessible by #15 and #42 bus line – Southgate Plaza

Project Support Letter: Gary Dickson, Town Supervisor

DATE OF INDUCEMENT: July 27, 2022

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-A&A Union Rd, LLC

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
2,786,729	2,174,118	13.34	21.89	45.68

*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	\$493	\$809	\$1,688	\$2,990	\$59,806	\$56,816
2	0.1	\$986	\$1,618	\$3,377	\$5,981	\$59,806	\$53,826
3	0.15	\$1,479	\$2,427	\$5,065	\$8,971	\$59,806	\$50,835
4	0.2	\$1,972	\$3,236	\$6,754	\$11,961	\$59,806	\$47,845
5	0.25	\$2,465	\$4,045	\$8,442	\$14,952	\$59,806	\$44,855
6	0.3	\$2,958	\$4,854	\$10,130	\$17,942	\$59,806	\$41,864
7	0.35	\$3,450	\$5,663	\$11,819	\$20,932	\$59,806	\$38,874
TOTAL		\$13,802	\$22,652	\$47,275	\$83,729	\$418,643	\$334,915

***** 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.)
3,110,729	334,915	166,250	20,625	

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 16.8%

Erie County Industrial Development Agency

MRB Cost Benefit Calculator

Date: May 16, 2022
 Project Title: A&A Union Road LLC
 Project Location: 1471 Union Road, West Seneca, NY 14224



Economic Impacts

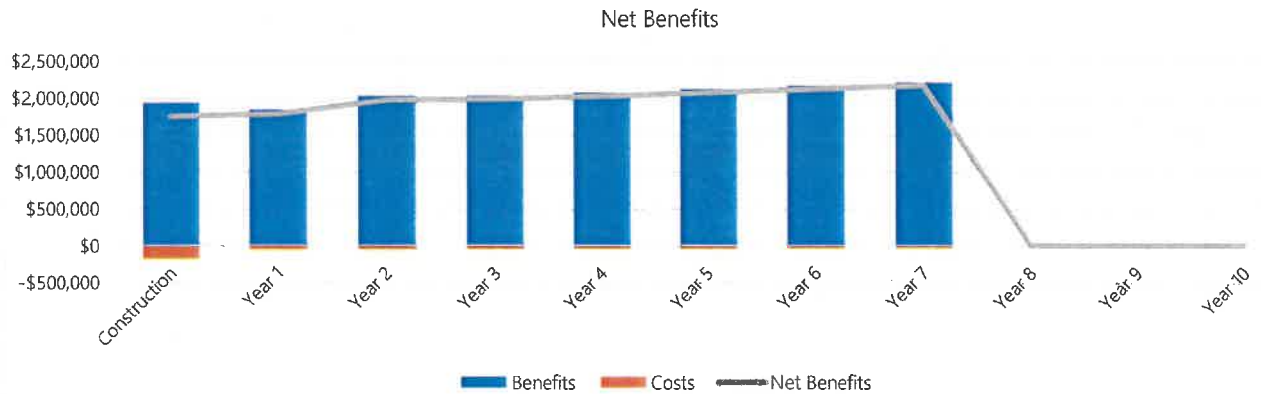
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$3,110,729

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	13	11	25
Earnings	\$1,185,010	\$647,197	\$1,832,207
Local Spend	\$2,830,763	\$2,004,283	\$4,835,047

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	14	22	36
Earnings	\$5,820,426	\$7,777,387	\$13,597,812

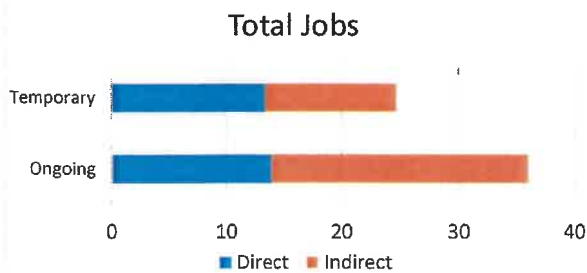
Figure 1



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	\$334,917	\$311,187
Sales Tax Exemption	\$166,250	\$166,250
Local Sales Tax Exemption	\$90,250	\$90,250
State Sales Tax Exemption	\$76,000	\$76,000
Mortgage Recording Tax Exemption	\$20,625	\$20,625
Local Mortgage Recording Tax Exemption	\$6,875	\$6,875
State Mortgage Recording Tax Exemption	\$13,750	\$13,750
Total Costs	\$521,792	\$498,062

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$15,648,889	\$14,581,771
To Private Individuals	\$15,430,020	\$14,379,616
Temporary Payroll	\$1,832,207	\$1,832,207
Ongoing Payroll	\$13,597,812	\$12,547,409
Other Payments to Private Individuals	\$0	\$0
To the Public	\$218,869	\$202,154
Increase in Property Tax Revenue	\$83,732	\$75,884
Temporary Jobs - Sales Tax Revenue	\$15,230	\$15,230
Ongoing Jobs - Sales Tax Revenue	\$113,032	\$104,300
Other Local Municipal Revenue	\$6,875	\$6,740
State Benefits	\$802,361	\$747,740
To the Public	\$802,361	\$747,740
Temporary Income Tax Revenue	\$82,449	\$82,449
Ongoing Income Tax Revenue	\$671,902	\$564,633
Temporary Jobs - Sales Tax Revenue	\$12,825	\$12,825
Ongoing Jobs - Sales Tax Revenue	\$95,185	\$87,832
Total Benefits to State & Region	\$16,451,250	\$15,329,511

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$14,581,771	\$408,312	36:1
State	\$747,740	\$89,750	8:1
Grand Total	\$15,329,511	\$498,062	31:1

*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:

4/19/22

- Picone Construction Corp. (PCC) is very familiar with the promotion, hiring and utilization of M/WBE Firms.
- PCC has completed many publicly-funded projects for the City of Buffalo, Erie County as well as other surrounding counties of Western New York.
- We are currently working on 2 publicly-funded Erie County projects with M/WBE requirements
- PCC is a long-standing member of the Construction Exchange of Buffalo and Western New York, which assists in the M/WBE certified firms.
- We are very aware of the Erie County Database of certified M/WBE firms
- Each company in this database, that provides construction-related services, is in our own Invitation to Bid (ITB) Software Database as well
- Our ITB database contains over 400 certified M/WBE companies – they are from the Certified Erie County M/WBE list as well as the NYS list and lists from surrounding counties.
- We are constantly maintaining our database with other public certified M/WBE databases so we are aware of which new companies became certified as well as which ones have dropped off the certified lists
- On most of our projects, whether there are M/WBE requirements or not, these certified M/WBE vendors are sent an ITB to propose on our project
- When projects have certain M/WBE requirements, we also call and follow-up on applicable / select certified M/WBE firms to make sure they will be proposing on the project to us within the bidding time frame.
- We assist them if they need any large-scale printing of the plans as well as describe certain aspects of the project they might have questions about, answer their questions, etc.
- Our ITB Software has Good Faith Effort Reports which will let us know which certified M/WBE firms were invited compared to which firms actually bid on the project
- We then review all the certified M/WBE bids to see which ones are the most responsible (competitive, scope inclusive, etc.) versus all the other bids we have received
- If any of the certified M/WBE bids are not responsible / need updating, then we reach out to these firms to help them identify how to make their bids more responsible.
- If a certified M/WBE firm is the most responsible bidder in their specific trade category, they are hired to complete the project for us – becoming either a Subcontractor or Supplier to us.



 Carmina • Wood • Morris ^{DPC}

Aebly Insurance
3638 Seneca Street, West Seneca, NY
8.19.2021

TOWN OF WEST SENECA



Gary A. Dickson
Supervisor's Office

TOWN SUPERVISOR
Gary A. Dickson
TOWN COUNCIL
Joseph J. Cantafio
Jeffrey A. Piekarec
Susan K. Kims
Robert J. Breidenstein

July 7, 2022

Mr. John Cappellino
Chief Executive Officer
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo NY 14203

Re: Aebly and Associates Insurance Services, Inc.

Dear Mr. Cappellino,

I would like to expand on my letter of April 28, 2022, which expressed our strong support for the application by Aebly and Associates Insurance Services, Inc. for their project located at Union Road and Center Road in West Seneca.

As you may know, this property has been vacant for over 10 years. It was, in fact, the second most prominent eyesore in West Seneca (after the Seneca Mall site). It is on one of the busiest traffic corners in the Town, and in fact it can be considered the center of town of West Seneca. This beautiful project is an important step in achieving the goals of our comprehensive plan and giving West Seneca more of a village feel. Other proposals for this location were previously rejected (a car wash, for example) because the town board felt that delay was worth it if the end result was in keeping with the comprehensive plan and achieving our goal of "smart growth."

West Seneca will benefit greatly from this project. The added employment and eventual increased property taxes will benefit the town forever. We feel that subsidies for sales and mortgage tax will pay for themselves many times over and are a good investment.

If you have any questions, please do not hesitate to contact me at 716-558-3203 or gdickson@twсны.org.

Gary A. Dickson
Town Supervisor
Town of West Seneca

TOWN OF WEST SENECA



Gary A. Dickson
Supervisor's Office

TOWN SUPERVISOR
Gary A. Dickson
TOWN COUNCIL
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April 28, 2022

Mr. John Cappellino
Chief Executive Officer
Erie County Industrial Development Agency 95 Perry Street, Suite 403
Buffalo NY 14203

Re: Aebly and Associates Insurance Services, Inc.

Dear Mr. Cappellino,

The Town of West Seneca strongly supports the application by Aebly and Associates Insurance Services, Inc. for their project located at Union Road and Center Road in West Seneca. This parcel will be used for an office building and will greatly improve one of the most prominent corners in West Seneca. The added employment and eventual increased property taxes will benefit the town. If you have any questions, please do not hesitate to contact me.

Gary A. Dickson
Town Supervisor
Town of West Seneca
1250 Union Road
West Seneca, NY 14224
716-558-3203
gdickson@twсны.org

PUBLIC HEARING SCRIPT

**A&A Union Road, 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 May 31, 2022 at 10:30 a.m.,
at the Town of West Seneca Community Center & Library Conference Room, located at
1300 Union Road, West Seneca, NY 14224

ATTENDANCE:

Julius Aebly – Aebly & Associates Insurance Services, Inc.
Susan Kims – Resident/Town Council

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:07 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 A&A Union Road, 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 May 13, 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 1471 Union Road, Town of West Seneca, Erie County, New York (the "Land"), (ii) the demolition of two structures and the construction on the Land of an approximately 6,160+/- SF two-story professional office building which will be occupied by Aebly and Associates Insurance Services, Inc. (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.

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 June 21, 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.

Julius Aebly – Owner of Aebly & Associates Insurance Services, Inc. A&A Union Road, LLC is a company that was setup to buy 1471 Union Road. Demolition which is scheduled to take place next week. After that our goal is to build a two-story professional office building on that location. We are a diversified insurance firm. We have personal lines, auto, home, workers comp, employee benefits. We are a third-party administrative arm where we process claims and things like that. We also own a registered investment advisory firm in Grand Island. They are not considered part of this. We do payroll processing services for our clients. So, we encompass a lot of different areas for mostly medium size to small medium size businesses, I would say. Presently we are located in West Seneca on Seneca Street. We have two buildings next to each other which we have outgrown. The construction of this new office building would give us the space to house everyone in one location and provide more efficiencies for our operation and also give us opportunity to have an attractive professional space to hopefully recruit, hire and retain more employees.

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:12 a.m.

SIGN IN SHEET

PUBLIC HEARING

May 31, 2022 at 10:30 a.m.,
at the Town of West Seneca Community Center & Library Conference Room, located at
1300 Union Road, West Seneca, NY 14224, regarding:

**A&A Union Road, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 1471 Union Road, Town of West Seneca, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
Julius Aebly	Aebly & Associates Insurance Servies, Inc. 3638 Seneca Street West Seneca, New York 14224	X
Susan Kims	Resident/Town Council	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**A&A UNION ROAD, 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, July 27, 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 A&A UNION ROAD, LLC, AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iv) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (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, A&A Union Road, 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 1471 Union

Road, Town of West Seneca, Erie County, New York (the "Land"), (ii) the demolition of two structures and the construction on the Land of an approximately 6,160+/- SF (only 3,080 SF of gross floor area) two-story professional office building which will be occupied by Aebly and Associates Insurance Services, Inc. (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 May 31, 2022, at 9:00 a.m., at the Town of West Seneca Community Center & Library Conference Room, located at 1300 Union Road, West Seneca, NY 14224, 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 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, including the Policy Committee's June 2, 2022 resolution to approve the Project subject to the terms and conditions as described herein and its reconsideration of the Project at its July 7, 2022 meeting, 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) Aebly and Associates Insurance Services, Inc. (the “Tenant”) will occupy the Facility. The Agency hereby approves the subleasing of space in the Project to the Sub-Tenant and authorizes the Company to proceed with the Project as herein authorized; and

(J) The Project involves a “Type II action” as said term is defined in SEQR and, therefore, no further action is required under SEQR; and

(K) 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 salary for jobs (12 retained and 2 to be created) = 54,750 / 67,600 with benefits are > median wage.

(ii) *Regional Wealth Creation (% sales/customers outside area):* 6% of sales are outside Erie County.

(iii) *In Region Purchases (% of overall purchases):* 90% of annual purchases are purchases from Erie County based firms.

(iv) *Supports Local Business or Cluster:* Back office Operations.

(v) *Retention/Flight Risk:* The insurance operations can be done remotely and/or by workers located in remote locations.

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

(vii) *MBE/WBE Utilization:* See attached MBE/WBE Utilization – Picone Construction Corp. Outline of promotion, hiring and utilization of MWBE firms.

(viii) *Workforce Access-Proximity to Public Transportation:* Project site is accessible by #15 and #42 bus line – Southgate Plaza.

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 \$1,900,000, 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 \$166,250, 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 \$20,625 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 \$334,915, resulting in estimated total PILOT payments of \$83,729 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 \$2,644,119 (which represents the product of 85% multiplied by \$3,110,729, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 12 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 13 FTE employees [representing the sum of (x) 12 Baseline FTE and (y) 1 FTE employees, being the product of 85% multiplied by 2 (being the 2 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.

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

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

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the

purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

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

Dated: July 27, 2022



A&A Union Road LLC

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 Aebly and Associates Insurance Services, Inc.
Project Summary Construction of a new Insurance Office Building
Applicant Name A&A Union Road, LLC
Applicant Address 3638 Seneca Street
Applicant Address 2
Applicant City West Seneca
Applicant State New York
Applicant Zip 14224
Phone (716) 479-4620
Fax (716) 675-2104
E-mail jaebly@aeblyandassociates.com
Website www.aeblyandassociates.com
NAICS Code 524210, 524298 & 524292

Business Organization

Type of Business Limited Liability Company
Year Established 1976
State in which Organization is established New York

Individual Completing Application

Name Julius W. Aebly, Jr.
Title President
Address 3638 Seneca St
Address 2
City West Seneca
State New York
Zip 14224
Phone (716) 479-4620

Fax (716) 675-2104

E-Mail jaebly@aeblyandassociates.com

Company Contact (if different from individual completing application).

Name

Title

Address

Address 2

City

State

Zip

Phone

Fax

E-Mail

Company Counsel

Name of Attorney Brian Attea

Firm Name Attea & Attea, P.C.

Address 11 Main Street

Address 2

City Hamburg

State New York

Zip 14075

Phone (716) 648-7000

Fax (713) 648-7001

E-Mail battea@attealaw.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%.

Julius W Aebly Jr is the 100% owner of Aebly and Associates Insurance Services, Inc. A&A Union Road, LLC. is also 100% owned by Julius W Aebly, Jr. and is the company that owns the real property and the soon to be constructed insurance office building that will be located at 1471 Union Rd. The insurance firm of Aebly and Associates Insurance Services, Inc. will be the sole tenant of A&A Union Road, LLC located at 1471 Union Rd. Our insurance firm is a diversified firm covering a wide area of insurance back-office operations and policy holder services. Our clients include policyholders of individual type insurance such as auto, home and life insurance; business clients who have business type insurance such as property, liability, worker compensation, employee benefits and other employer-based insurance for employees; and payroll services for employers. Some of our clients are fee-based clients that pay us for insurance advisory and consulting services. We also provide Third Party Administrative (TPA) services through the processing of claims and management of health care accounts such as Flexible Spending Accounts (FSA's) and Health Reimbursement Arrangements (HRA's) and Health Savings Accounts (HSA's). Less than 2% of our business includes client visits to our office, which would be for the rare occurrence when an individual client stops by the office to pay an auto insurance premium, for example, as opposed to paying their premiums like almost all clients do via US mail or bank/credit card payments online. All in-person business client interactions are conducted at our clients place of business which is away from our insurance office. The staff in our insurance office are conducting what we call back-office operations, which includes the processing of insurance claims, talking to clients and insurers over the phone about insurance matters, printing and mailing insurance policies, endorsements and ID cards, data entry, online processing of policyholder transactions with our different insurers and payroll processing to name a few.

Estimated % of sales within Erie County	95 %
Estimated % of sales outside Erie County but within New York State	4 %
Estimated % of sales outside New York State but within the U.S.	1 %
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?

90

Describe vendors within Erie County for major purchases

Carmina, Wood, Morris, P.C., Hopkins, Sorgi & McCarthy PLLC, Attea & Attea, P.C., Picone Construction, CTS Contracting, Kenny Carpets, Global Quest, Prem Com, Toshiba, CTS Contracting and more local providers. Subcontractors and their suppliers are all intended to be local businesses as well.

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

1471 Union Road

Town/City/Village of Project Site

West Seneca

School District of Project Site

West Seneca Central School District

Current Address (if different)

3638 Seneca Street

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

West Seneca

SBL Number(s) for proposed Project

134.59-4-28.1

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

4512.79 County & Town Tax; School tax = \$3,298.21

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

Yes

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

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

Yes

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

I currently own this land which has two very old and run-down structures situated on the site. These buildings will be demolished and then we will proceed with a commercial redevelopment project on this site.

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)

Julius W Aebly Jr is the 100% owner of Aebly and Associates Insurance Services, Inc. A&A Union Road, LLC. is also 100% owned by Julius W Aebly, Jr. and is the company that owns the real property and the soon to be constructed insurance office building that will be located at 1471 Union Rd. The insurance firm of Aebly and Associates Insurance Services, Inc. will be the sole tenant of A&A Union Road, LLC located at 1471 Union Rd. Our insurance firm is a diversified firm covering a wide area of insurance back-office operations. Our clients include policyholders of individual type insurance such as auto, home and life insurance; business clients who have business type insurance such as property, liability, worker compensation, employee benefits and other employer-based insurance for employees; and payroll services for employers. Some of our clients are fee-based clients that pay us for insurance advisory and consulting services. We also provide Third Party Administrative (TPA) services through the processing of claims and management of health care accounts such as Flexible Spending Accounts (FSA's) and Health Reimbursement Arrangements (HRA's) and Health Savings Accounts (HSA's). The staff in our insurance office are conducting what we call back-office operations, which includes the processing of insurance claims, talking to clients and insurers over the phone about insurance matters, printing and mailing insurance policies, endorsements and ID cards, data entry, online processing of policyholder transactions with our different insurers and payroll processing to name a few. We are a growing firm who has no more space at our current two locations of 3638 Seneca Street and 3640 Seneca Street in West Seneca, NY. Our current office configuration in two separate buildings is not efficient and locating all employees in one location will not only allow us to operate more efficiently, but it will also provide us with the updated office environment needed to compete in hiring additional professional staff and grow our business. Both 3638 Seneca Street and 3640 Seneca Street buildings will be sold to another company or companies upon completion of this new office building project. The insurance business is highly competitive and, in WNY it is very difficult to find, train and retain an educated professional staff that is necessary to the successful operation of my business. A high skill level and years of insurance industry experience are critical for the professional performance of our operation. COVID has dramatically heightened this difficulty as employers and employees alike have been trained to accept, embrace, and demand remote work. This fundamental shift in the way people work has opened the door to competitors from across the US who are finding and hiring our local employees and who are being lured away with the offer to work from home rather than an office. Our new office building, with its open spaces, glass interior walls, brick facade and other appealing aesthetics will provide an environment that employees will embrace and look forward to spending their day. The cost of new construction, labor, materials and supplies, new desks, computers, office furniture etc. have risen dramatically since the onset of COVID and the supply chain issues. Inflation has now magnified the problem. The financial assistance provided by this program will give me the ability to proceed with this project, which would otherwise be unattainable. And this new professional office building will provide me with the opportunity to not only retain our existing staff of 13 employees, but to also hire 2 new full-time employees to help grow our business. The construction of our new state-of-the-art office building embodies the new building design and vision of West Seneca as a growing community within Erie County that will help to attract other businesses and employees from other parts of Erie County and underscores our long-term presence and financial commitment to West Seneca and Erie County. The redevelopment project consists of a 2-story Professional Office Building with a footprint of approximately 3,080 square feet (total sq ft of approximately 6,160) that will be occupied 100% by my insurance business, Aebly and Associates Insurance Services, Inc. and will be professional office space used for our insurance back-office operations. The redevelopment project includes all related site improvements as depicted in our site plan and prepared by our architects Carmina, Wood Morris, DPC. The project was reviewed by the Town of West Seneca Planning Board during its meeting on October 14, 2021, and it adopted a resolution by a unanimous vote recommending approval of the rezoning portion of the Project Site. In a letter dated February 8, 2022, from the Town of West Seneca Planning Board it was stipulated that their office reviewed the fully engineered plans and reports submitted by Carmina Wood Morris and determined that the project substantially conforms to the Town's engineering requirements. This new building, which will be a state of the art, paperless and highly visible office building will afford us the opportunity to not only retain but also attract new employees looking to be part of a growing professional insurance business.

Municipality or Municipalities of current operations

Town of West Seneca

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

Yes

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

No

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

No

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

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

Yes

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

No out-of-state sites have been investigated up to this point, but one thing COVID has taught us is that our business can operate with very little disruption while our staff work on a remote basis. Case in point, our offices were closed for approximately 7 months during the entire pandemic. All employees, including myself, worked on a remote basis. I worked from my Florida location for a number of those months and our business did not suffer because of this. Many employees have been asking for more remote work which I will consider going forward. And although it's unlikely that my entire West Seneca office staff would move out of state, there certainly could be enough employees who I transition to remote work, which would then make this project unnecessary.

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:

If Financial Assistance were unavailable then I fear it would be highly likely that I would remain in my current office space in West Seneca, which provides no room for growth, and I would most likely be forced to just maintain our operations as is with more remote staff. Our current office building is old, unattractive, cramped and an impediment to maintaining and growing staff. I cannot see a scenario where this Project can be undertaken without the Financial Assistance provide by this 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 insurance business is highly competitive and, in WNY it is very difficult to find, train and retain an educated professional staff that is necessary to the successful operation of my business. A high skill level and years of insurance industry experience are critical for the professional performance of our operation. COVID has dramatically heightened this difficulty as employers and employees alike have been trained to accept, embrace, and demand remote work. This fundamental shift in the way people work has opened the door to competitors from across the US who are finding and hiring our local employees and who are being lured away with the offer to work from home rather than an office. Our new office building, with its open spaces, glass interior walls, brick facade and other appealing aesthetics will provide an environment that employees will embrace and look forward to spending their day. The cost of new construction, labor, materials and supplies, new desks, computers, office furniture etc. have risen dramatically since the onset of COVID and the supply chain issues. Inflation has now magnified the problem. The financial assistance provided by this program will give me the ability to proceed with this project, which would otherwise be unattainable. And this new professional office building will provide me with the opportunity to retain existing staff, hire new employees and grow our business.

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?

I would remain in my current location, and I would not be able to hire any new employees as we have no more space and no room for growth. I would also most likely lose some existing staff who have expressed concerns about our current office building environment. Consequently, Erie County would most likely realize less revenue from our operation as we lose staff and lose revenue and not add new staff and new revenue which comes with a growing business. Additionally, if I need to hire staff without the prospect of moving into our new office building I will have to look for remote workers anywhere within NY or outside of NY.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

Multi-purpose copier/scan/print/fax machines

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)

15 & # 42 Bus Line - Southgate Plaza

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

Yes

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

applicable.

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

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

Yes

Describe the present zoning/land use

The west building on the lot is a 2-story home that was used for residential rental purposes. The rear 2 story structure has a 3 bay garage previously used for limousine storage with the second floor used as an office for the limousine business. The property class is currently 439

Describe required zoning/land use, if different

The newly constructed office building will have only 1 tenant: Aebly and Associates Insurance Services, Inc. The applicable property class is 464 for Office Building

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

At the January 26, 2022, Zoning Board of Appeals meeting, a variance was granted for Property located at 1471 Union Road to construct a 2-story office building with 1) 22' rear yard setback; 2) 8-parking spaces. There is an easement to the adjoining property for additional parking.

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?

Yes

If yes, describe the efficiencies achieved

Toshiba brochure indicating energy efficiency compliance is attached

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

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

No

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

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

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

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

Retail Sales No

Services No

Please check any and all end uses as identified below.

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0 square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 42,000

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

\$ 150,000

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

\$ 110,000

9.) Other Cost

\$ 0

Explain Other Costs

Total Cost \$ 3,110,729

Construction Cost Breakdown:

Total Cost of Construction	\$ 2,636,729 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 1,600,000
% sourced in Erie County	100%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 1,900,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 166,250

** 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: Land acquisition costs, infrastructure work and soft costs.

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 516,000
Bank Financing:	\$ 2,750,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants	\$ 0

and tax credits):

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources) 0

Total Sources of Funds for Project Costs: \$3,266,000

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). 2,750,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$20,625

Real Property Tax Benefit:

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

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

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

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

MBE/WBE Utilization Questionnaire is attached

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

Multi-purpose copier/scan/print/fax machines

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	If financial assistance is granted – project the	If financial assistance is granted – project the number of FT and PT	Estimate number of residents of the Labor Market Area in which
---	--	--	--

	relocated at project location	number of FT and PT jobs to be retained	jobs to be created upon 24 months (2 years) after Project completion	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	12	12	2	2
Part time	1	1	0	0
Total	13	13	2	

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	2	\$ 91,000	\$ 22,051	\$ 0	\$ 0
Professional	12	\$ 54,750	\$ 67,600	\$ 0	\$ 0
Administrative	1	\$ 0	\$ 0	\$ 36,420	\$ 1,377
Production	0	\$ 0	\$ 0	\$ 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	101 Lang Boulevard Grand Island, NY 14072	7202 Boston State Rd North Boston, NY 14110	
Full time	5	2	0
Part time	0	0	0
Total	5	2	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

775,464

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

61,587

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

36,421

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

40,000

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

0

Estimated salary range of jobs to be created

From (Full Time)	40,000	To (Full Time)	45,000
	25,000		30,000

From (Part Time)

To (Part Time)

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

1471 Union Road West Seneca, NY 14224

Name and Address of Owner of Premises

Julius W Aebly, Jr. 12125 Townsend Rd Springville, NY 14141

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

The office will be in what is considered the central part of the Town of West Seneca on a main throughfare that is a business section of town. The premise is located on a 4-way corner intersection and has no proximity to any wetlands, rivers, streams, lakes, or other bodies of water.

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 office building will be newly constructed in 2022 and all furnishings will be newly purchased in 2022, so the age will be <1 year for everything going into the building and everything used in construction of the building. Our insurance firm is a diversified firm covering a wide area of insurance back-office operations and policy holder services. Our clients include policyholders of individual type insurance such as auto, home and life insurance; business clients who have business type insurance such as property, liability, worker compensation, employee benefits and other employer-based insurance for employees; and payroll services for employers. Some of our clients are fee-based clients that pay us for insurance advisory and consulting services. We also provide Third Party Administrative (TPA) services through the processing of claims and management of health care accounts such as Flexible Spending Accounts (FSA's) and Health Reimbursement Arrangements (HRA's) and Health Savings Accounts (HSA's). The staff in our insurance office are conducting what we call back-office operations, which includes the processing of insurance claims, talking to clients and insurers over the phone about insurance matters, printing and mailing insurance policies, endorsements and ID cards, data entry, online processing of policyholder transactions with our different insurers and payroll processing to name a few.

Describe all known former uses of the Premises

The previous owner had a 2-story residential home that he rented to individuals. The other 2-story building was a garage for the storage of his commercial limousines and an office for this business.

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

Not applicable

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

Not applicable

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

Not applicable

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 Aebly and Associates Insurance Services, Inc.
Address 1471 Union Road (proposed new office building location)
Contact Person Julius W Aebly, Jr.
Phone (716) 479-4620
Fax (716) 675-2104
E-Mail jaebly@aeblyandassociates.com
Federal ID # 16-1063621
SIC/NAICS Code 524210, 524298 & 524292

SS

Section V: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

Aebly and Associates Insurance Services, Inc

Property Address:

1471 Union Road (proposed new office building location)

City/Town/Village

West Seneca

The following information is an outline relative to the potential client and their proposed contract to sublease space in the above reference facility

Amount of space to be leased (square feet)

6,160

What percentage of the building does this represent?

100

Are terms of lease:

NET

If GROSS lease, please explain how Agency benefits are passed to the tenant

Estimated date of occupancy

1/2/2023

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

Aebly and Associates Insurance Services, Inc

Local Contact Person:

Julius W Aebly, Jr.

Title:

President

Current Address:

3638 & 3640 Seneca Street, West Seneca, NY 14224

Phone:

(716) 479-4620

Fax:

(716) 675-2104

E-Mail:

jaebly@aeblyandassociates.com

Website:

www.aeblyandassociates.com

Company President/General Manager:

Julius W. Aebly, Jr.

Number of employees moving to new project location:

Full-Time:

12

Part-Time:

1

Total:

13

Please describe briefly the nature of the business in which the proposed tenant is/will be engaged. This should include NAICS Code; type of business and products or services; percent of total sales in Erie County and the United States:

Our insurance firm is a diversified firm covering a wide area of insurance back-office operations and policy holder services. Our clients include policyholders of individual type insurance such as auto, home and life insurance; business clients who have business type insurance such as property, liability, worker compensation, employee benefits and other employer-based insurance for employees; and payroll services for employers. Some of our clients are fee-based clients that pay us for insurance advisory and consulting services. We also provide Third Party Administrative (TPA) services through the processing of claims and management of health care accounts such as Flexible Spending Accounts (FSA's) and Health Reimbursement Arrangements (HRA's) and Health Savings Accounts (HSA's). The staff in our insurance office are conducting what we call back-office operations, which includes the processing of insurance claims, talking to clients and insurers over the phone about insurance matters, printing and mailing insurance policies, endorsements and ID cards, data entry, online processing of policyholder transactions with our different insurers and payroll processing to name a few. For this office location approximately 95% of sales will be in Erie County and the other 5% all within the United States.

Attach additional information as necessary.

History of Company (i.e. start-up, recent acquisition, publicly traded)

The company started as an unincorporated insurance agency in 1913. The earliest corporate records we have is a Certificate of Incorporation that was filed on 03/03/1976 under the name of Wishing-Walsh Agency, Inc. A Name Change was filed with the NYS Department of State changing the name to K.A. Jones Agency, Inc. on 05/05/1976, then a certificate changing the name to Walsh-Jones Agency Inc. was filed on 05/11/1978 and then finally a certificate changing the name to Aebly and Associates Insurance Services, Inc. was filed on 11/27/2017. Aebly and Associates Insurance Services, Inc. is a privately held company.

Please list the square footage which the proposed tenant will lease at the Project location

6,160

Please list the square footage which the proposed tenant leases at its present location(s)

3,500

Describe the economic reason for either the increase or decrease in leased space.

We are a growing firm who has no more space at our current two locations of 3638 Seneca Street and 3640 Seneca Street in West Seneca, NY. Our current office configuration in two separate buildings is not efficient and locating all employees in one location will not only allow us operate more efficiently, but it will also provide us with the updated office environment needed to compete in hiring additional professional staff and grow our business.

Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State?

Yes

If owned, what will happen to the existing facility once vacated?

3638 Seneca Street and 3640 Seneca Street buildings will be sold

If leased, when does lease expire?

12/31/1969

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit?

No

If yes, please provide details as to location, and amount of leased space, how long leased?

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?

Yes

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

What percentage of the cost of the project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project?

2 %

If the answer to this is **less than 33%** do not complete the remainder of the page, proceed to the next section.

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

Will the project be operated by a not-for-profit corporation?

<BLANK>

Is the project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located?

<BLANK>

If yes, please provide a third party market analysis or other documentation supporting your response.

Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at the proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services?

<BLANK>

If yes, please provide a market analysis supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in the State of New York?

<BLANK>

If yes, explain

Is the project located in a Highly Distressed Area?

<BLANK>

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

3638 Seneca Street and 3640 Seneca Street

City/Town

West Seneca

State

New York

Zip Code

14224

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

Yes

If Yes to either question, please, explain

We will move from our two existing smaller locations to this larger office building within Erie County.

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.)

Primary consideration is that the new building provide a new and professional office environment that is conducive to conducting business in a paperless, professional and streamlined work environment and which affords us the opportunity to compete for new employees in this new highly competitive employment market.

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

No

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

We believe that the educated and hardworking employees located in Erie County give us the ability to compete in our business. With the financial assistance from this Agency, we will be able to afford this new project which will help retain existing employees and attract new employees and provide benefits to both the Town of West Seneca and 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?

They will be sold, not abandoned.

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.

3638 Seneca Street - current location is too small, too old, and not conducive to a collaborative work environment. 3640 Seneca Street - current location is too small, too old, and not conducive to a collaborative work environment. 3625 Seneca Street - site was not large enough and the layout was not conducive to a collaborative work environment. 150 Empire Drive - layout was not good for a professional office operation 1293 Union Rd - mixed use building would not work for our operation 2060 Union Rd - too small for our operation and growth plans 1251 Union Rd - too small of a building and insufficient parking 4085 Seneca Street - office layout would not work 5266 Seneca Street - office layout would not work

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

Carrier Terminal Services, Inc / Speed Global Services
\$ 7,145,000
PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 493110

COMPANY INCENTIVES

- Approximately \$ 302,750 in sales tax savings
- Approximately \$ 1,267,468 in real property tax savings
- Up to 3/4 of 1% of the final mortgage amount estimated at \$40,481

JOBS & ANNUAL PAYROLL

- Current Jobs: 4 FT, 2 PT
- Annual Payroll: \$ 240,000
- Projected new jobs: 3 FT, 2 PT
- Est. salary/yr. of jobs created: \$48,000 FT/ 40,000 PT
- Projected retained jobs: 4 FT, 2 PT
- Est. salary/yr. of jobs retained: \$ 45,000 FT, 40,000 PT
- Total jobs after project completion: 7 FT, 4 PT
- Construction Jobs: 25

PROJECTED COMMUNITY BENEFITS*

- Term: 7 YEARS
- NET Community Benefits: \$ 9,238,839
- Spillover Jobs: 26
- Total Payroll: \$ 8,401,745

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

Incentives: \$ 1,520,894
 Community Benefit: \$ 8,809,490
 Cost: Benefit Ratio
 • 1:6

Project Title: 380 Vulcan
 Project Address 380, 400, 408, 416 Vulcan St, Tonawanda, NY 14207
 Kenmore Tonawanda Union Free School District

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with the renovation of 170,399 sq ft of vacant space needing major repairs for future warehouse and distribution use.

Land / Building Acquisition	\$ 1,350,000
Reconstruction / Renovation	\$ 5,300,000
Non- Manufacturing Equipment	\$ 460,000
Soft Costs/Other	\$ 35,000
Total Project Cost	\$ 7,145,000
85%	\$ 6,073,250

Company Description

Carrier Terminal Services, Inc is a real estate holding company owned by Carl T. Savarino with Speed Global Services as its operator. Speed Global Services (SGS) has a long history in Buffalo that was started by Carmelo Savarino who immigrated to Buffalo in 1913. Savarino began using the spare space on his grocery truck to pick up and deliver goods for other businesses. Carmelo & Sons Trucking was formed in 1946 which transformed the business from a grocery store to a trucking company. As the business expanded they changed their name to Speed Motor Express eventually bringing on larger customers such as General Motors, E. I DuPont, Scott's Lawn Care, Moore Business Forms, and Sherwin-Williams Paint. Through growth and acquisition, SGS with its HQ in Buffalo, continues its success in international freight forwarding, warehousing, U.S. Customs services and North American distribution. This 4th generation logistics company has become a premier provider of supply chain solutions.

Project Description

The company is looking to purchase and repurpose 170,399 sq ft (or 98% of the 176,399 sq ft) of space within the 21 buildings located at 380, 400, 408 and 416 Vulcan St in the Town of Tonawanda. Upon completing the renovation, which will be done in phases targeting a completion date of January, 2024 – the property will be used by Speed Global Services for warehouse and distribution uses. Nineteen of these buildings have been unoccupied and vacant for more than 6 years and are in need of major repair and updates in order to meet code.

* 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	1,267,468
	Sales	302,750
	Mortgage Recording	40,481
	Total	1,610,699
	Discounted at 2%	1,520,894

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **	
	Erie County	Individuals	Payroll Construction	3,713,852	
			Payroll Permanent	4,687,893	
		Public	Property Taxes	316,870	
			Sales Taxes	69,839	
			Other Muni Revenue (NFTA)	13,494	
	New York State	Public	Income Taxes	378,078	
			Sales Taxes	58,812	
				Total Benefits to EC + NYS***	9,238,839
				Discounted at 2%	8,809,409

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

Discounted Cost	\$ 1,520,894
Discounted Benefit	\$ 8,809,490
Ratio	1:6

Conclusion: The Cost Benefit for this project is: 1:. For every \$1 in costs (incentives), this project provides \$6 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$6 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
\$ 10,134	\$ 2,211,000	\$ 42,825	\$ 274,043	\$ 236,468
Combined Tax Rate: \$ 102.36725				

Draft Recapture Material Terms

Condition	Term	Recapture Provision
Total Investment	At project completion	Investment amount equal to or greater than 85% of project amount. Total project amount = \$7,145,000 85% = \$ 6,073,250
Employment	Coincides with 7-year PILOT	Maintain Base = 4 FT, 2 PT Create 85% of Projected Projected = 3 FT, 2 PT 85% = 3 FTE Recapture Employment = 8 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 4 FT, 2 PT jobs and created 3 FT, 2 PT 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

- 6/27/22: Public hearing held.
- 7/27/22: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 7/27/22: Lease/Leaseback Inducement Resolution presented to the Board of Directors

**EVALUATIVE CRITERIA
MANUFACTURING/WAREHOUSE/DISTRIBUTION**

Wage Rate (above median wage for area)	The median wage for FT jobs retained = \$45,000 and FT jobs created = \$48,000
Regional Wealth Creation (% sales/customers outside area)	100% of sales/customers are w/in Erie County.
In Region Purchases (% of overall purchases)	Company estimates that 80% of annual supplies, raw materials and vendor services are purchased from firms in Erie County.
Research & Development Activities	N/A
Investment in Energy Efficiency	Investments in energy efficiency include LED lighting, heating and building insulation.
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	Property is adjacent to a highly distressed census tract per the 2020 Census Map.
LEED/Renewable Resources	N/A
Retention/Flight Risk	N/A
MBE/WBE Utilization	Speed Global's workforce currently consists of 41% being minorities. Speed includes and encourages MBE / WBE contractors to bid on all company projects. See application for details of minority and women owned businesses utilized for other projects. Company has bids from WBE and MBE totaling roughly \$700,000 to \$1M of this project.
Workforce Access – Proximity to Public Transportation	Metro Bus Route 3 has a bus turn around ½ mil from the location. Route 5 closest stop is 6/10 of a mile away from this location.
Additional Criteria of Notes:	<p>Many of the structures on these properties have been vacant for 6+ years. This project promotes the elimination of slum and blight</p> <p>Letter of Support for project received from Town of Tonawanda Supervisor Joseph Emminger.</p>

DATE OF INDUCEMENT: July 27, 2022

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-Carrier Terminal Services – 380 Vulcan

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
\$ 5,300,000	2,310,000	13.835	34.235	54.297

*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	\$1,529	\$3,785	\$6,003	\$11,317	\$226,334	\$215,017
2	0.1	\$3,059	\$7,569	\$12,005	\$22,633	\$226,334	\$203,701
3	0.15	\$4,588	\$11,354	\$18,008	\$33,950	\$226,334	\$192,384
4	0.2	\$6,118	\$15,139	\$24,010	\$45,267	\$226,334	\$181,067
5	0.25	\$7,647	\$18,924	\$30,013	\$56,583	\$226,334	\$169,750
6	0.3	\$9,177	\$22,708	\$36,015	\$67,900	\$226,334	\$158,434
7	0.35	\$10,706	\$26,493	\$42,018	\$79,217	\$226,334	\$147,117
TOTAL		\$42,825	\$105,972	\$168,071	\$316,868	\$1,584,338	\$1,267,470
8	100%	\$30,589	\$75,694	\$120,051	\$226,334	\$226,334	\$0

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

Percentage of Project Costs financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$ 7,145,000	\$1,267,470	302,750	\$40,481	

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 23 %

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:

Speed Global Services is an equal opportunity employer, currently consisting of a 41% minority workforce. Speed includes and encourages MBE/WBE contractors to bid on all company projects. Speed has in the past and for this project will utilize several WBE and MBE companies. Currently for this project Speed has acquired the services of Advance Contracting Services, Inc. Advance Contracting Services is an MBE. Speed has used the services of EJ Militello Concrete Inc., a WBE, for a previous project at another Speed location and plan to have EJ Militello bid on this new project. Hausrath Landscaping Maintenance, Inc., an MBE and WBE company has a long-standing relationship with Speed and is our go to option for dump trucking services needed for this project. As Speed will require temporary construction labor for the demo work and clean up on this site; Active Workforce, Inc., a WBE, will be the provider of this additional workforce. Brown Electric, a WBE, has bid on the electrical and R.H. Fire LLC, a MBE, has bid on the fire protection (sprinkler system) which combined will be roughly \$700,000 to \$1,000,000 of the project.

Erie County Industrial Development Agency MRB Cost Benefit Calculator



Date: June 9, 2022
 Project Title: 380 Vulcan
 Project Location: 380, 400, 408, 416 Vulcan St., Tonawanda, NY 14207

Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

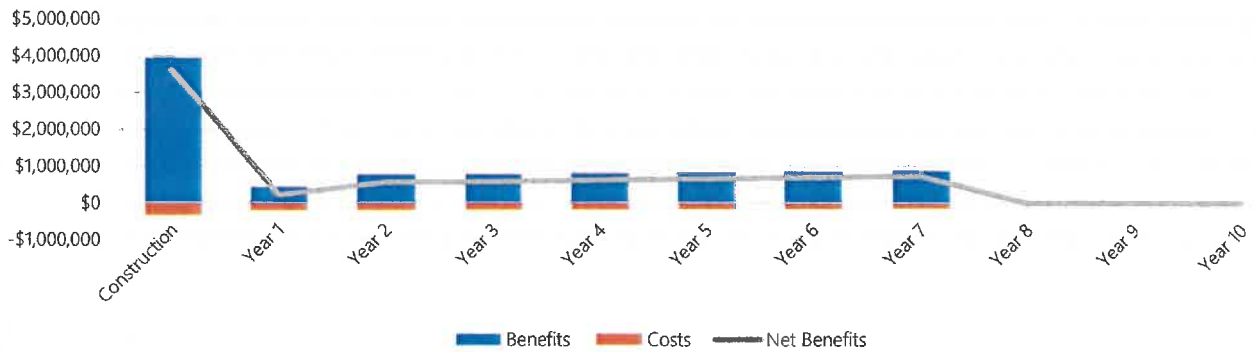
Project Total Investment
 \$7,145,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	25	23	48
Earnings	\$2,393,323	\$1,320,528	\$3,713,852
Local Spend	\$5,787,450	\$4,097,493	\$9,884,943

Ongoing (Operations) Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	9	3	12
Earnings	\$2,812,085	\$1,875,809	\$4,687,893

Figure 1

Net Benefits

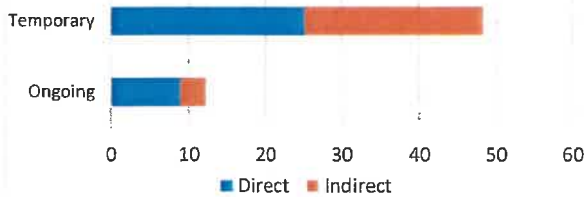


Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

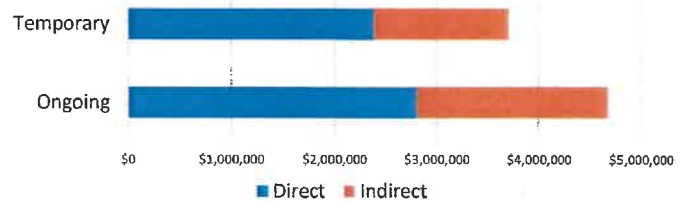
Figure 2

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	\$1,267,468	\$1,177,663
Sales Tax Exemption	\$302,750	\$302,750
Local Sales Tax Exemption	\$164,350	\$164,350
State Sales Tax Exemption	\$138,400	\$138,400
Mortgage Recording Tax Exemption	\$40,481	\$40,481
Local Mortgage Recording Tax Exemption	\$13,494	\$13,494
State Mortgage Recording Tax Exemption	\$26,987	\$26,987
Total Costs	\$1,610,699	\$1,520,894

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$8,801,948	\$8,392,186
To Private Individuals	\$8,401,745	\$8,025,079
Temporary Payroll	\$3,713,852	\$3,713,852
Ongoing Payroll	\$4,687,893	\$4,311,228
Other Payments to Private Individuals	\$0	\$0
To the Public	\$400,203	\$367,107
Increase in Property Tax Revenue	\$316,870	\$287,169
Temporary Jobs - Sales Tax Revenue	\$30,871	\$30,871
Ongoing Jobs - Sales Tax Revenue	\$38,968	\$35,837
Other Local Municipal Revenue	\$13,494	\$13,229
State Benefits	\$436,891	\$417,304
To the Public	\$436,891	\$417,304
Temporary Income Tax Revenue	\$167,123	\$167,123
Ongoing Income Tax Revenue	\$210,955	\$194,005
Temporary Jobs - Sales Tax Revenue	\$25,997	\$25,997
Ongoing Jobs - Sales Tax Revenue	\$32,815	\$30,179
Total Benefits to State & Region	\$9,238,839	\$8,809,490

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$8,392,186	\$1,355,506	6:1
State	\$417,304	\$165,387	3:1
Grand Total	\$8,809,490	\$1,520,894	6:1

*Discounted at 2%

Additional Comments from IDA

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

NO.	DATE	DESCRIPTION
1	10/06/2021	PLANNING BOARD COM MIT
2	10/07/2021	PLANNING BOARD COM MIT
3	10/19/2021	SITE PLAN SUBMISSION
4		
5		
6		
7		
8		
9		
10		

ZONING INFORMATION

SECURED

BUILDING SETBACKS
FRONT YARD 20'
SIDE YARD 10'
REAR YARD 10'
S.E. 3.6' (NOTE: EXISTING BLDGS)

MAX. BUILDING HEIGHT 31' (NOTE: EXISTING BLDGS)
OFF STREET PARKING 60' SEE DRAWING CP-101SK FOR PARKING SUMMARY

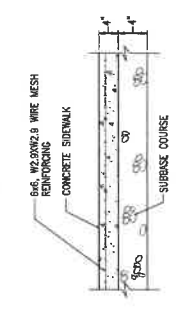
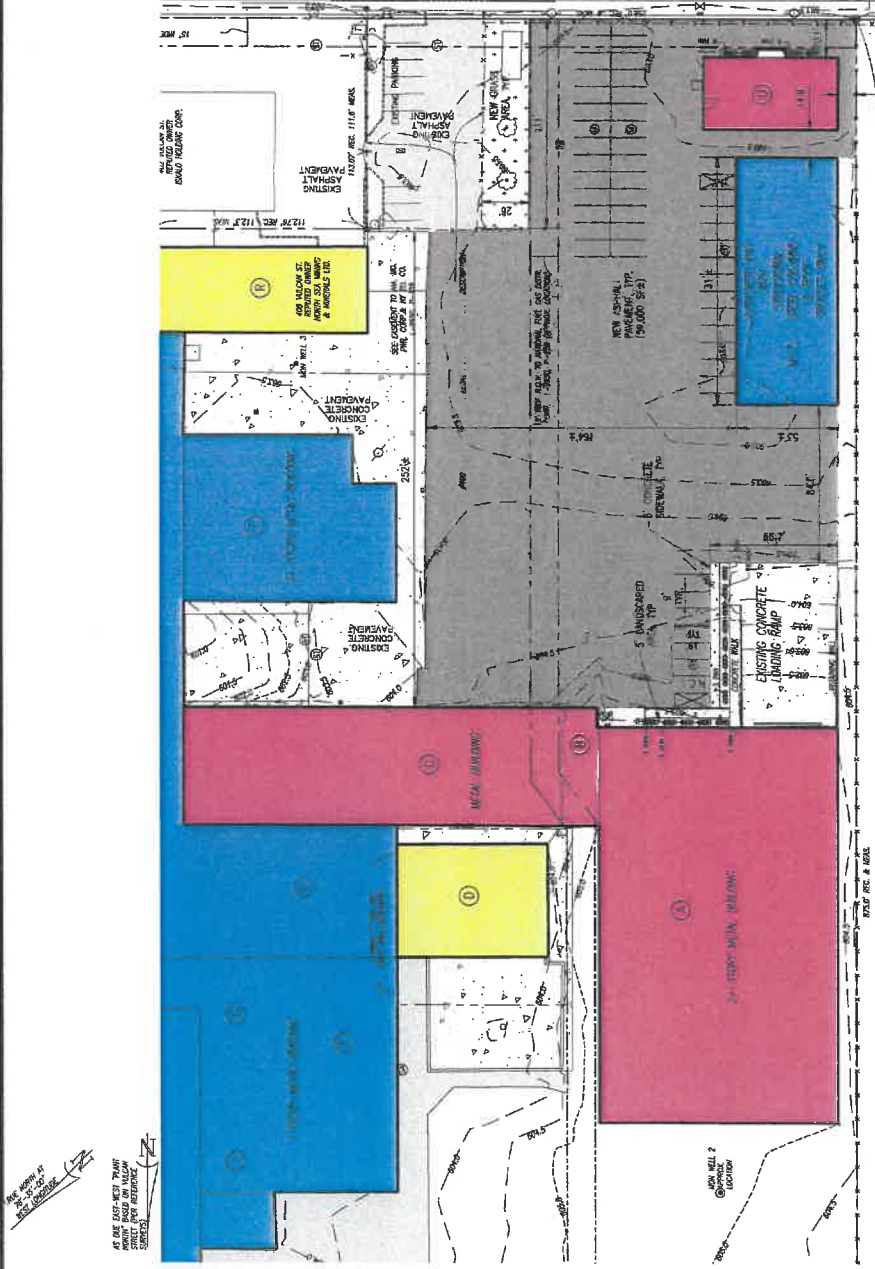
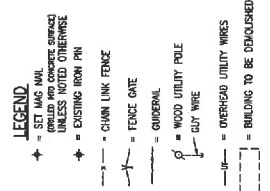


ZONING CLASSIFICATION G1 - GENERAL INDUSTRIAL DISTRICT

THE REPORTED OWNER OF ALL BUILDINGS IS AUSTIN DEVELOPMENT I, LLC, UNLESS NOTED OTHERWISE.

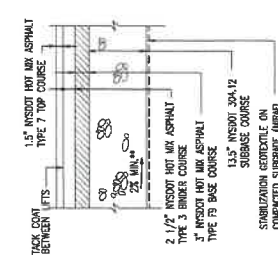
GENERAL NOTES:

- PHASE 1 PARKING SHALL CONSIST OF 507 SPACES IN LOCATIONS INDICATED. EXISTING GRADES SHALL BE MAINTAINED FOR STORMWATER RUNOFF TO EXISTING STRUCTURES.
- NEW ASPHALT PAVEMENT, PARKING, AND LANDSCAPING SHALL BE INSTALLED IN PHASE 3.



PLANT LIST

QTY	ITEM	BOTANICAL NAME	COMMON NAME	MIN SIZE HT
24	PAN	PIKEA ABIES 'NIDIFORMIS'	BIRD'S NEST SPRUCE	24"
27	VON	YBURNIUM OPULIS HANNU	EMERALD EUROPEAN CRANBERBLEUSH	24"



REMOVE BURLAP FROM TOP HALF OF ROOT BALL

SOIL MIX: 3 PARTS TOPSOIL, 1 PART PEAT MOSS, 1 PART AGGREGATE

COMPACTED SUBGRADE

SECTION SHRUB PLANTING

LEGEND

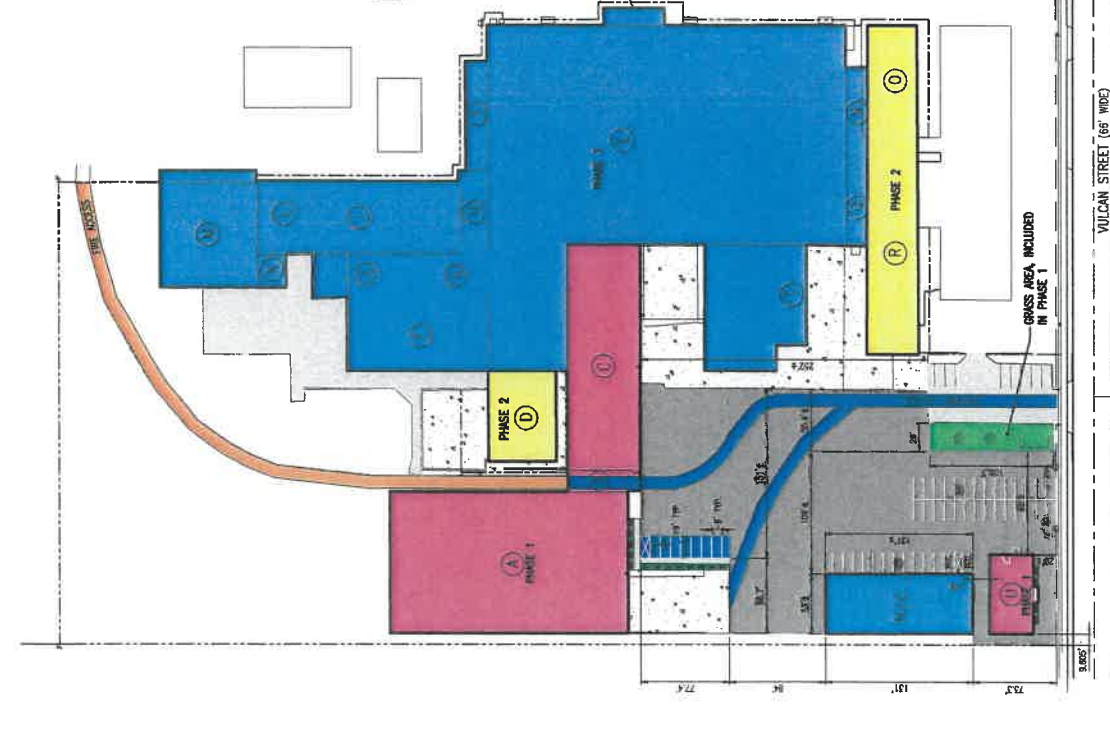
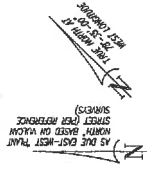
PHASE 1	PHASE 2	PHASE 3
PROPOSED GRASS AREA	PROPOSED ASPHALT AREA	PROPOSED BALANCE AREA
EXISTING CONCRETE AREA	EXISTING ASPHALT AREA	CONSTRUCTION PHASE LINES

NOTE

EXISTING ASPHALT AREAS TO REMAIN DURING CONSTRUCTION. NEW ASPHALT AREAS SHALL BE CONSTRUCTED AS PART OF PHASE 3.

PARKING REQUIREMENTS

PHASE 1 BUILDING	Gross Area	Parking Required	Source
A	28,250 SF	7 Spaces	Town of Tonawanda Zoning Section 215-8U Industrial use, 1 space per 4,000 SF
C	12,152 SF	3 Spaces	Town of Tonawanda Zoning Section 215-8U Industrial use, 1 space per 4,000 SF
U	2,660 SF	9 Spaces	Town of Tonawanda Zoning Section 215-8U Office use - Other, 1 space per 300 SF of GFA
TOTAL SPACES REQUIRED - PHASE 1		19 Spaces	
TOTAL ACCESSIBLE SPACES REQUIRED - PHASE 1		1 Space	2020 Building Code of NYS Table 1106.1 Total Parking Spaces Provided - 1 to 25 = 1 Space Required
TOTAL SPACES PROVIDED - PHASE 1		Up to 45 Spaces	Plus 7 existing parking spaces at entrance
TOTAL ACCESSIBLE SPACES PROVIDED - PHASE 1		3 Spaces	
FUTURE PHASES			
PHASE 2 BUILDING R, D, B, D	Gross Area 16,884 SF	Parking Required 5 Spaces	Source: Town of Tonawanda Zoning Section 215-8U Industrial use, 1 space per 4,000 SF
PHASE 3 BUILDING E-1, K-N, P, S	Gross Area 100,335 SF	Parking Required 28 Spaces	Source: Town of Tonawanda Zoning Section 215-8U Industrial use, 1 space per 4,000 SF
FULL BUILD-OUT	Gross Area 164,921 SF Industrial 2,660 SF Office Accessible Spaces	Parking Required 42 Spaces 9 Spaces 3 Spaces	Source: 1 space per 4,000 SF 1 space per 300 SF of GFA Total Parking Spaces Provided - 51 to 75 = 3 Spaces Required
TOTAL SPACES PROVIDED - FINAL		52 Spaces	45 Plus 7 existing parking spaces at entrance
TOTAL ACCESSIBLE SPACES PROVIDED - FINAL		3 Spaces	



SITE PLAN



June 28, 2022

Mr. John Cappellino
Chief Executive Officer
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, New York 14203

RE: Support for Carrier Terminal Services, Inc.

Dear Mr. Cappellino,

The Town of Tonawanda is in full support of the application by Carrier Terminal Services, Inc. to the Erie County Industrial Development Agency requesting the Agency to undertake a project consisting of the acquisition of the Agency of a leasehold interest at property located on 380, 400, 408 and 416 Vulcan Street, Town of Tonawanda, Erie County, New York. The renovation of the Land consists of approximately 21 buildings, consisting of approximately 176,399 square feet, to be utilized for warehousing and distribution, and the acquisition by Carrier Terminal Services in and around the Improvements of certain items of machinery, equipment and other tangible personal property, and together with the land and the Improvements, will initially be operated and/or managed by the Company.

As the property has been vacant for six years, the project is a welcome addition to the continued development of Tonawanda's commercial properties. The repurposing of 98% the building will create new jobs, add tax revenue to the Town as well as add to the success of Carrier Terminal Services, a small local trucking business formed in 1946 that has today expanded its operations to an International business with international freight forwarding.

The Town of Tonawanda is a great place to do business and is happy to support the expansion of a long standing locally owned company. Additionally, Carrier Terminal Services, Inc. is an equal opportunity employer, currently consisting of a 41% minority workforce and will also utilize several local contractors for all the company projects.

The Town of Tonawanda is a great place to do business and is looking forward to the addition of Carrier Terminal Services as one of the many companies choosing to business in our Town.

Sincerely,


Joseph H. Emminger, Supervisor
Town of Tonawanda

JHE/js

PUBLIC HEARING SCRIPT

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

Public Hearing to be held on June 27, 2022 at 9:00 a.m.,
at the Town of Tonawanda, Town Board Conference Room #20, located at 2919 Delaware
Avenue, Kenmore, 14217

ATTENDANCE:

Joey Casullo - Speed Global Services/Carrier Terminal Services, Inc.

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is 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 the Carrier Terminal Services, Inc. and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Thursday, June 9, 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 380, 400, 408 and 416 Vulcan Street, Town of Tonawanda, Erie County, New York (the "Land"), (ii) the renovation on the Land of approximately 21 buildings consisting of approximately 176,399 square-feet to be utilized for warehousing and distribution (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.

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 July 26, 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.

Joey Casullo - Speed Global Services/Carrier Terminal Services, Inc. We are the proposed company to do work on this property. It's approximately 176,000 sq.ft. which currently only about 30,00 sq.ft. have active co's (certificate of occupancy). The property has been vacant for over 5 years and is in quite disarray. It needs quite a bit of work. Between the current state of the supply chain & building products available, lead time and condition of the building deteriorating more and more daily, the use and the help of the ECIDA would be very beneficial to keep this project moving forward and allow us to make the changes and get these properties overtime back on the tax rolls and create some jobs for them.

6. ADJOURNMENT:

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

**SIGN IN SHEET
PUBLIC HEARING**

June 27, 2022 at 9:00 a.m. at the Town of Tonawanda, Town Board Conference Room #20,
located at 2919 Delaware Avenue, Kenmore, 14217
regarding:

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

Project Location: 380, 400, 408 and 416 Vulcan Street, Town of Tonawanda, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
Joey Casullo	Speed Global Services/Carrier Terminal Services, Inc. 2299 Kenmore Avenue Buffalo, New York 14207	X

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**CARRIER TERMINAL SERVICES INC., AND/OR INDIVIDUAL(S) OR
AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED
ON ITS BEHALF**

A regular meeting of the Erie County Industrial Development Agency was convened on Wednesday, July 27, 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 CARRIER TERMINAL SERVICES INC., AND/OR INDIVIDUAL(S) OR AFFILIATE(S), SUBSIDIARY(IES), OR ENTITY(IES) FORMED OR TO BE FORMED ON ITS BEHALF (INDIVIDUALLY, AND/OR COLLECTIVELY, THE "COMPANY") IN CONNECTION WITH A CERTAIN PROJECT DESCRIBED BELOW; (ii) RATIFYING THE SCHEDULING, NOTICING, AND CONDUCTING OF A PUBLIC HEARING IN CONNECTION WITH THE PROJECT; (iii) APPOINTING THE COMPANY, OR ITS DESIGNEE, AS ITS AGENT TO UNDERTAKE THE PROJECT; (iv) AUTHORIZING THE UNDERTAKING OF THE PROJECT TO PROVIDE FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES TAX EXEMPTION BENEFIT FOR PURCHASES AND RENTALS RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT, (B) A MORTGAGE RECORDING TAX EXEMPTION BENEFIT FOR FINANCING RELATED TO THE PROJECT, AND (C) A PARTIAL ABATEMENT FROM REAL PROPERTY TAXES BENEFIT THROUGH THE PILOT AGREEMENT; AND (v) AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, A PAYMENT-IN-LIEU-OF-TAX AGREEMENT, AN AGENT AND FINANCIAL ASSISTANCE PROJECT AGREEMENT, AND RELATED DOCUMENTS

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, CARRIER TERMINAL SERVICES INC. or on behalf of an affiliated entity formed or to be formed (the "Company") has submitted an application to the Agency (the "Application") requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located on 380, 400, 408 and 416 Vulcan Street, Town of Tonawanda, Erie County, New York (the

“Land”), (ii) the renovation on the Land of approximately 21 buildings consisting of approximately 176,399 square-feet to be utilized for warehousing and distribution (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) “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 June 27, 2022, at 9:00 a.m., at the Town of Tonawanda, Town Board Conference Room #20, located at 2919 Delaware Avenue, Kenmore, 14217, 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 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 July 27, 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 a "Type II action" as said term is defined in under the State Environmental Quality Review Act ("SEQRA") and therefore no other determination or procedures under SEQRA are required; 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)*: The median wage for FT jobs retained = \$45,000 and FT jobs created = \$48,000.

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

(iii) *In Region Purchases (% of overall purchases)*: Company estimates that 80% of annual supplies, raw materials and vendor services are purchased from firms in Erie County.

(iv) *Research & Development Activities*: Not Applicable.

(v) *Investment in Energy Efficiency*: Investments in energy efficiency include LED lighting, heating and building insulation.

(vi) *Locational Land Use Factors, Brownfields or Locally Designated Development Areas*: Property is adjacent to a highly distressed census tract per the 2020 Census Map.

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

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

(ix) *MBE/WBE Utilization*: Speed Global's workforce currently consists of 41% being minorities. Speed includes and encourages MBE/WBE contractors to bid on all company projects. See application for details of minority and women owned businesses utilized for other projects. Company has bids from WBE and MBE totaling roughly \$700,000 to \$1M of this project.

(x) *Workforce Access-Proximity to Public Transportation*: Metro Bus Route 3 has a bus turn around ½ mile from the location. Route 5 closest stop is 6/10 of a mile away from this location.

(xi) *Additional Criteria of Notes*: Many of the structures on these properties have been vacant for 6+ years. This project promotes the elimination of slum and blight. Letter of Support for project received from Town of Tonawanda Supervisor Joseph Emminger.

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 \$3,460,000, 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 \$302,750, however, the Agency may consider any requests by the Company for increases to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; and

(ii) authorizes and approves that the value of the mortgage recording tax exemption benefit (“mortgage recording tax exemption benefits”) shall not exceed \$40,481; 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 \$1,267,470, resulting in estimated total PILOT payments of \$316,868 over the term of the PILOT Agreement.

B. Terms and Conditions of Financial Assistance. Pursuant to Section 875(3) of the New York General Municipal Law, and per the policies of the Agency, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or partial abatements from real property taxes benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the New York State and local sales and use tax exemption benefits; (ii) the New York State and local sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the New York State and local sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for Financial Assistance; (v) the New York State and local sales and use tax exemption benefits and/or mortgage recording tax exemption benefits, and/or the partial abatement from real

property taxes benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with the Investment Commitment, the Employment Commitment, and/or the Local Labor Commitment, said commitments, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the New York State and local sales and use tax exemption benefits, and/or mortgage recording tax exemption benefits, and/or the partial abatement from real property taxes benefits are taken in cases where the Company fails to comply with the Equal Pay Commitment and/or the Unpaid Real Property Tax Policy Commitment, as described below, being a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

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

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

- (i) Investment Commitment- the total investment actually made with respect to the Project at the time of Project completion equals or exceeds \$6,073,250 (which represents the product of 85% multiplied by \$7,145,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment – that there are at least 5 existing full time equivalent (“FTE”) employees (consisting of 4 FTE and 2 PTE employees as stated in the Application, being the “Baseline FTE”); and
 - the number of current FTE/PTE employees in the then current year at the Facility; and
 - that the Company has maintained and created FTE/PTE employment at the Facility equal to 8 FTE employees [the 8 FTE employees being calculated by taking the sum of the Baseline FTE of 5 plus the product of 3, being the product of 85% multiplied by 4 (representing the new, 3 FTE and 2 PTE employee positions, proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's “Quarterly Employment Survey” form to be made available to the Company by the Agency.

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

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

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the "Agency Documents"); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency's interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the

purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency's Administrative Fee Agreement (the "Fee Agreement") and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

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

Dated: July 27, 2022



380 Vulcan

[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	380 Vulcan Street
Project Summary	Repurpose old vacant buildings on the property to bring them back to life and back to the tax rolls by doing major repair and investment. Obtaining CO's and use for warehousing and distribution to have the opportunity to grow our business into the space for our company.
Applicant Name	Carrier Terminal Services, Inc.
Applicant Address	2299 Kenmore Ave
Applicant Address 2	
Applicant City	Buffalo
Applicant State	New York
Applicant Zip	14207
Phone	(716) 876-2235
Fax	
E-mail	jcasullo@speedgs.com
Website	speedgs.com
NAICS Code	493110

Business Organization

Type of Business	Corporation
Year Established	1982
State in which Organization is established	New York

Individual Completing Application

Name	Joey Casullo
Title	
Address	2299 Kenmore Ave
Address 2	
City	Buffalo
State	New York
Zip	14207

Phone (716) 245-9844
Fax
E-Mail jcasullo@speedgs.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 E. Knoer
Firm Name THE KNOER GROUP, PLLC
Address 424 Main Street, Suite 1820
Address 2
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%.

How It All Began Leaving Sicily, Italy for the United States, Carmelo Savarino immigrated to Buffalo, New York in 1913. Savarino began using the extra room in his grocery truck to pick up and deliver goods for other businesses in the Italian section of Buffalo. He quickly became a linchpin for the community's distribution and hauling needs. Carmelo Savarino & Sons Trucking was formed in 1946 (CSST): The transition from a grocery store to a trucking company was made easier with the help of Carmelo's sons. Vincent (the eldest) who returned from World War II and his younger brother, Joseph, started working alongside Carmelo. In the Early Days The business grew from modest means. In the beginning, CSST covered Buffalo and Niagara Falls, about a 25-mile radius, with two 'straight' trucks. The majority of the business involved shipping general commodities - commercial and industrial freight - to serve the primarily industrial region. In 1949, as the business expanded, Carmelo decided to change the name to Speed Motor Express (SME). He retired in 1952, leaving the business to Vincent and Joseph. Small as it was with just two drivers, SME was beginning to forge a key relationship with General Motors that would eventually account for a large part of SME's business. The 1960s were a period of growth as SME diversified its customer base and began handling customers such as El. DuPont, Scott's Lawn Care, Moore Business Forms, and Sherwin-Williams Paints. In 1969, Joseph's son and current CEO, Carl Savarino, began working for SME. Expansion In 1972 the company reached beyond Buffalo and Niagara Falls to encompass all of Western New York, including Rochester, Jamestown, and Erie, Pennsylvania. In the 1980s, the company became more competitive and diversified. They expanded operations into New England, along the East Coast, and south to the Carolinas. A New Generation In 1987, with the retirement of both Joseph and Vincent, Carl Savarino takes over as President of SME. SME is officially passed into the hands of the third generation. How We've Grown In 1994, General Motors was looking for warehousing to support its manufacturing business in Western New York. SME jumped at the opportunity, purchasing a 180,000-square-foot facility. Today warehousing has grown close to 2,000,000 square feet of warehousing space in Buffalo. Going Global The need to diversify and embrace the globalization of business allowed Carl to rethink the company's business model. He found that globalization itself offered an opportunity and expanded into domestic and international airfreight. "We had to diversify and change the nature of our business," Carl explains, "not only nationally, but also internationally and globally." As a result, in 2000 the company entered the airfreight business. From there, SME was able to make the natural leap into the international business with international freight forwarding. In 2005, SME solidified its international business by purchasing a local company called G&W International Freight Forwarding. "That acquisition put us in the global arena," said Carl. "At that point, we changed our name from Speed Motor Express to Speed Global Services (SGS), which better reflects the type of business we are today." What's in our Future? Speed Global Services looks to continue expanding its operations around the globe. Today SGS's strives to continue its success in international freight forwarding, warehousing, U.S. Customs services and North American distribution. SGS focuses on strengthening relationships with current clients, and continue to attract new business while sticking to the core values that began with Carl's grandfather Carmelo. Both companies are 100% owned by Carl T Savarino, Carrier Terminal Services is our real estate holding company that Speed Global Services (Operations Company) pays rent to and has all the employees.

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?

80

Describe vendors within Erie County for major purchases

Roofing, Fire Sprinkler and building materials, Painting, Racking, Fork Lifts ect...

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

380,400,408,416 Vulcan Street

Town/City/Village of Project Site

Tonawanda

School District of Project Site

Kenmore Tonawanda Union Free School District

Current Address (if different)

2299 Kenmore Ave

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

Buffalo

SBL Number(s) for proposed Project

65.19-1-2.5, 65.19-1-1.23, 65.19-1-1.25, 65.19-1-2.11

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

13,532

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

Land

\$ 182,133

Building(s)

\$ 559,779

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.)

176,399 sq ft on premises which consist of 21 buildings, when we started on this site there were no CO's we currently have obtain 2 CO's for 2 buildings which is 38,402 sq ft. This leaving 137,997 unoccupied vacant for ~6 years buildings needing major repair and updates to meet code.

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)

NARRATIVE SUPPLEMENT TO THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION FOR 380 VULCAN PROJECT [PROJECT CONSISTS OF 4 PROPERTIES 380,400, 402,416 VULCAN] Speed Global Services is a 4th generation Buffalo born Logistic company started in 1946. Which owns 95% of its current locations. 380 Vulcan Project Carrier Terminal Services (a Speed company) has 380, 400, 402, 416 Vulcan Ave, under contract to purchase the property. The current zoning is G-1 and is located near the GM power plant in the Town of Tonawanda. This property is 8 acres with 21 structures consisting of 176,399 sq ft. The structures were originally part of the J H Williams Tool Company Campus (now Snap-On). These buildings were erected starting in 1920 and 1952 with a newer building added in 2006. In 2016 the last company Morgan Materials vacated the property and its been vacant ever since (vacant for 6+ years). All of the Certificate of Occupancy were pulled from the abandoned property after it was vacant for a few years. In December 2021 Speed Global Services was able to obtain a current Certificate of Occupancy for 2 buildings after getting the Town of Tonawanda Planning Boards approval of a site plan and minor repairs. The proposed project involves major renovations and investments to bring the property back up to code. Our goal is to repurpose 98% of the current structures by doing the major renovations that are needed. There are structural repairs to the columns and roof of the building that will be performed. The building need to be closed in creating a water tight envelope to stop any more detrition of the current structures. This will occur by reroofing and siding existing structures that are open to the elements. All new mechanicals are needed including installing a new Fire Suppression (Sprinkler System), removing old high power electrical (480 volts) thought the old plant and installing new electrical panels and LED lighting. Our plan is to insulate most if not all buildings and install heaters for a better working environment. The entire front parking lot will be paved and green space will be added. We plan on working this project in stages but continuously moving forward. Parts of the building will be occupied by Speed as they are brought up to code. Full occupancy of the property for Speed in January 2024 and back on the tax rolls. Once the building is renovated we will need to install pallet racking and purchase fork trucks to operate the building for warehousing and distribution. Locations of current properties renovated and operated by Speed Global Services for warehousing and distribution: 1953 Kenmore Ave. built in 1971 150,000 sq ft 2299 Kenmore Ave. built in 1936 450,000 sq ft 2315 Kenmore Ave. built in 1942 172,000 sq ft 2321 Kenmore Ave. built in 1930 350,000 sq ft 2769 Broadway Ave. built 1967 110,000 sq ft 475 Ludwig Ave. built 1988 80,000 sq ft 1075 William Str. built 1957 57,000 sq ft With the project moving forward this would create 5 fulltime jobs at this location and retain at least 6 other jobs. But, it's the hidden jobs that's tough to estimate. For Speed to fill this warehouse with freight, it means a sales team has to perform their job and find customers, which then leads to the work in the warehouse. But don't forget the accounting department that pay all the invoices, the maintenance department that keeps up the building, the drivers needed to bring the freight into and out of the building, the mechanics the fix the fork trucks and trucks moving the freight. On top of all this is the construction crew/jobs to get these building back up and running from either contractors or Speed bringing on 3-4 construction team members for 2-3 years and/or possibly continue working for up keep of the property.

Municipality or Municipalities of current operations

Town of Tonawanda, Erie County

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:

The additional cost to bring the property back to life in a uncertain economy and lower ROI.

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)

With the current economy and the uncertainty of the cost of building materials receiving financial assistance from the Agency would help reduce the risk of the overall cost. The amount of repairs needed to bring these buildings back to life is 3 times the purchase price. As well as a big undertaking of finding workers or contractors to perform the work in today's lack of skilled employee market, this will help with the burden and control unexpected cost of higher labor or material.

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

No

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

With the current economy affecting the supply chain and cost of everything going up including interest rates not receiving the tax incentive could cause the project to either wait till cost of materials and interest rates come down or cancel the project as a whole. The tax savings could be as high as 6-7% of the total project. Which is huge when there is so much uncertainty in the materials cost right now.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

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

Metro Bus Route 3 has a bus turn around 1/2 mile from location. Route 5 closest stop is 6/10 of a mile away from location

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

Yes

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

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

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

Yes

Describe the present zoning/land use

G-1 General Industrial District

Describe required zoning/land use, if different

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

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

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?

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

6/1/2022

End date : Estimated completion date of project

12/31/2023

Project occupancy : estimated starting date of occupancy

1/1/2023

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 1,350,000	176,399 square feet	8 acres
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2.) New Building Construction

\$ 0	square feet	
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3.) New Building addition(s)

\$ 0	square feet	
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4.) Reconstruction/Renovation

\$ 5,300,000	137,997 square feet	
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5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 0

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

\$ 460,000

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

\$ 35,000

9.) Other Cost

\$ 0

Explain Other Costs

Total Cost \$ 7,145,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 5,300,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 3,000,000
% sourced in Erie County	80%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to \$ 3,460,000

State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above): \$ 302,750

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

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

Have any of the above costs been paid or incurred as of the date of this Application? Yes

If Yes, describe particulars: Architectural, maintenance for Planning board approval, minor building repair

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits): \$ 1,350,000

Bank Financing: \$ 5,300,000

Tax Exempt Bond Issuance (if applicable): \$ 0

Taxable Bond Issuance (if applicable): \$ 0

Public Sources (Include sum total of all state and federal grants and tax credits): \$ 0

Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources) 0

Total Sources of Funds for Project Costs: \$6,650,000

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). 5,397,500

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$40,481

Real Property Tax Benefit:

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

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

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

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

promote MBE/WBE hiring and utilization

Speed Global Services is an equal opportunity employer, currently consisting of a 41% minority workforce. Speed includes and encourages MBE/WBE contractors to bid on all company projects. Speed has in the past and for this project will utilize several WBE and MBE companies. Currently for this project Speed has acquired the services of Advance Contracting Services, Inc. Advance Contracting Services is an MBE. Speed has used the services of EJ Militello Concrete Inc., a WBE, for a previous project at another Speed location and plan to have EJ Militello bid on this new project. Hausrath Landscaping Maintenance, Inc., an MBE and WBE company has a long-standing relationship with Speed and is our go to option for dump trucking services needed for this project. As Speed will require temporary construction labor for the demo work and clean up on this site; Active Workforce, Inc., a WBE, will be the provider of this additional workforce. Brown Electric, a WBE, has bid on the electrical and R.H. Fire LLC, a MBE, has bid on the fire protection (sprinkler system) which combined will be roughly \$700,000 to \$1,000,000 of the project.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

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

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	4	4	3	7
Part time	2	2	2	4
Total	6	6	5	

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	1	\$ 60,000	\$ 0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	2	\$ 48,000	\$ 14,500	\$ 0	\$ 0
Production	0	\$ 0	\$ 0	\$ 0	\$ 0
Independent Contractor	0	\$ 0	\$ 0	\$ 0	\$ 0
Other	8	\$ 45,000	\$ 14,500	\$ 40,000	\$ 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	2299 Kenmore Ave, Tonawanda, Corporate location	previous includes other locations, to many to list	
Full time	165	0	0
Part time	20	0	0
Total	185	0	0

Payroll Information

Annual Payroll at Proposed Project Site upon completion

240,000

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

45,000

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

40,000

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

48,000

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

40,000

Estimated salary range of jobs to be created

From (Full Time)	40,000	To (Full Time)	60,000
From (Part Time)	35,000	To (Part Time)	45,000

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

380,408,416,400 Vulcan Street, Tonawanda NY 14207

Name and Address of Owner of Premises

Carrier Terminal Services 2299 Kenmore Ave, Buffalo, NY 14207

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

Old manufacturing plant, JH Williams Tool Company, next to GM Power Plant,

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

Multiple building campus, consisting of 21 buildings which were built in 1920,1950,1952 and 2006. Totaling 176,399 sq ft, on 8 acres

Describe all known former uses of the Premises

Manufacturing of JH William's hand tools Morgan Materials- warehousing and distribution

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

Outside yard storage to HARLEEN Electrical contracting

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?

Yes

If yes, describe in full detail

Buffalo Sewer Authority lien, which will be settled, ~\$40,000 owed, their is \$50,000 in escrow from current owner in our purchase contract to use to settle old debt at closing.

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

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 Speed Global Services
Address 2299 Kenmore Ave
Contact Person Speed Global Services
Phone (716) 876-2235
Fax
E-Mail jcasullo@speedgs.com
Federal ID # 16-1092772
SIC/NAICS Code 493110

SS

Section V: Tenant Information

PART 1 TO BE COMPLETED BY LESSEE (DEVELOPER)

Tenant Name

Speed Global Services

Property Address:

2299 Kenmore Ave.

City/Town/Village

Tonawanda, NY 14207

The following information is an outline relative to the potential client and their proposed contract to sublease space in the above reference facility

Amount of space to be leased (square feet)

170,221

What percentage of the building does this represent?

100

Are terms of lease:

NET

If GROSS lease, please explain how Agency benefits are passed to the tenant

Estimated date of occupancy

2/1/2023

PART 2 TO BE COMPLETED BY PROPOSED TENANT

Company Name:

Speed Global Services

Local Contact Person:

Joey Casullo

Title:

Current Address:

2299 Kenmore Ave

Phone:

(716) 245-9844

Fax:

E-Mail:

jcasullo@speedgs.com

Website:

speedgs.com

Company President/General Manager:

Carl Savarino-CEO

Number of employees moving to new project location:

Full-Time:

7

Part-Time:

4

Total:

11

Please describe briefly the nature of the business in which the proposed tenant is/will be engaged. This should include NAICS Code; type of business and products or services; percent of total sales in Erie County and the United States:

493110- Warehousing and Distribution

Attach additional information as necessary.

History of Company (i.e. start-up, recent acquisition, publicly traded)

Buffalo born and raised family business that is 76 years old. Started as just a trucking company and now services customer all around the world. With over 2 million sq ft of warehousing here in Buffalo.

Please list the square footage which the proposed tenant will lease at the Project location

170,221

Please list the square footage which the proposed tenant leases at its present location(s)

38,402

Describe the economic reason for either the increase or decrease in leased space.

Warehousing and Distribution business is growing with the Supply Chain issues around the world. Being located on the border of Canada just 2 hours away from Toronto which is the largest city in Canada with 2.6 million people always has opportunity for new business.

Will the project result in a relocation and/or abandonment of other tenant/user(s) facilities in Erie County, or New York State?

No

If owned, what will happen to the existing facility once vacated?

If leased, when does lease expire?

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit?

Yes

If yes, please provide details as to location, and amount of leased space, how long leased?

2299 Kenmore Ave, 100% leased to Speed Global

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

2299 Kenmore Ave

City/Town

Buffalo

State

New York

Zip Code

14207

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

No

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

No

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

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

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

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

No

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

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

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

No

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

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

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

Section IX: Senior Housing

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

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

No

Perry's Ice Cream Co. Inc.
\$ 18,000,000

PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 311520

COMPANY INCENTIVES

- Approximately \$428,750 in sales tax savings
- Approximately \$ 211,141 in real property tax savings
- Up to 3/4 of 1% of the final mortgage amt, estimate = \$45,000

JOBS & ANNUAL PAYROLL

- Current Jobs: 356 FT, 14 PT
- Annual Payroll: \$ 22,131,663
- Projected new jobs: 15 FT
- Est. salary/yr. of jobs created: \$52,700
- Est. salary/yr. of jobs retained: \$59,107
- Total jobs after project completion: 385 FT, 14 PT
- Construction Jobs: 79

PROJECTED COMMUNITY BENEFITS*

- Term: 7 year
- NET Community Benefits: \$ 354,379,780
- Spillover Jobs: 690
- Total Payroll: \$ 334,158,086

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

Incentives: \$ 669,933
 Community Benefit: \$ 328,109,478
 Cost: Benefit Ratio
 • 1:490

Project Title: Extruded Ice Cream Novelties
 Project Address: 1 Ice Cream Plaza, Akron, NY 14001
 Akron Central School District

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with the construction of an approx. 23,000 sq ft building and to allow for upgrades to the site's engine room and pump room.

Building Addition	\$ 8,420,000
Building Renovation	\$ 1,400,000
Manufacturing Equipment	\$ 7,230,000
Soft Costs/Other	\$ 950,000
Total Project Cost	\$ 18,000,000
85%	\$ 15,300,000

Company Description

Perry's Ice Cream was founded in 1918 by H. Morton Perry who purchased a milk route that became known as Perry's Dairy. In 1932 the Akron High School cafeteria manager asked Morton to supply ice cream to the school. Using a family recipe, Perry's Ice Cream was born. Today Perry's Ice Cream continues to be slow cooked with nearly 100% of the milk used in production coming from farms in the communities surrounding Akron. This 4th generation business continues growing employing over 400 team members in NY, OH and PA with products distributed throughout NY, NJ, OH, PA, MA NC, Washington, D.C., MD and VA. Perry's 3 business segments include: the Perry's brand, contract manufacturing and our partner brands. Perry's produces 100% of the Perry's Ice Cream brand and makes some grocery and other name brand ice creams with about 50% of what they produce being sold outside NYS.

Project Description

This project involves the construction of an approx. 23,000 sq ft building next to an existing structure at the Perry's facility. The new building will house a new extruded ice cream novelty machine with conveying as well as upgrading the site's engine and pumping rooms. Upon completion, 15 additional staff will be needed to run the new machinery and several existing workers will need to be upskilled in order to work on the new machinery. Products produced by this machine can be dairy or non-dairy, can include more than one base flavor, inclusions, toppings, and dipped coatings. The team at Perry's is very excited about this project - the last time they introduced a brand new line was in 2007/2008.

* 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	211,141
	Sales	428,750
	Mortgage Recording	45,000
	Total	684,893
	Discounted at 2%	669,933

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	11,550,740
			Payroll Permanent	322,607,345
		Public	Property Taxes	52,785
			Sales Taxes	2,777,690
			Other Muni Rev (NFTA)	15,000
	New York State	Public	Income Taxes	15,037,114
			Sales Taxes	2,339,106
			Total Benefits to EC + NYS***	354,379,780
			Discounted at 2%	328,109,478

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

Discounted Cost \$ 669,933

Discounted Benefit \$ 328,109,478

Ratio 1:490

Conclusion: The Cost Benefit for this project is: 1. For every \$1 in costs (incentives), this project provides \$ 490 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$ 703 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
\$30,163	\$ 1,500,000	\$ 9,567	\$ 43,218	\$ 67,867
Combined Tax Rate: \$ 25.136				

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 = \$ 18,000,000 85% = \$ 15,300,000
Employment	Coincides with 7-year PILOT	Maintain Base = 356 FT, 14 PT (363 FTE) Create 85% of Projected Projected = 15 FT 85% = 12 FTE Recapture Employment = 378 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 356 FT, 14 PT jobs and created 15FT 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

- 06/22/22: Public hearing held.
- 07/27/22: Inducement Resolution presented to Board of Directors adopting a Negative Declaration in accordance with SEQRA
- 07/27/22: Lease/Leaseback Inducement Resolution presented to the Board of Directors

Company ECIDA History

The ECIDA history with Perry's Ice Cream goes back to at least 1981 with more recent activities as follows:

- 11/21/2011: \$ 500,000 Private Investment – Sales Tax Incentive for the purchase of equipment, expansion of refrigeration space and technology upgrades.
- 9/10/2007: \$ 5 Mil Private Investment – Property & Sales Tax Incentive associated with the construction of a 30,000 sq ft facility -- 15 yr PILOT.

EVALUATIVE CRITERIA
 MANUFACTURING/WAREHOUSE/DISTRIBUTION

Perry's

Wage Rate (above median wage for area)	Salaries above median wage for the area. Avg salary for created FT = \$53,000 with \$19,000 in fringe benefits.
Regional Wealth Creation (% sales/customers outside area)	98% of sales are outside Erie County. 50% are outside NYS.
In Region Purchases (% of overall purchases)	11% of total annual supplies, raw materials and vendor services are purchased from firms in Erie County
Research & Development Activities	2021 spend on R&D = 1.7% of operating expenses.
Investment in Energy Efficiency	TBD
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	N/A
LEED/Renewable Resources	N/A
Retention/Flight Risk	
MBE/WBE Utilization	Perry's hired a GC who has an open bidding process inclusive of MWBEs. Perry's provided listing of NYS & County/COB certified MWBEs to GC.
Workforce Access – Proximity to Public Transportation	N/A – location is not accessible via public transportation.

DATE OF INDUCEMENT: 7/27/22

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-Perry's Ice Cream Co, Inc

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
9,820,000	\$2,700,000	4.56	7.36	13.22

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Town PILOT Amount	Village PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0.05	\$5,809	\$1,757	\$7,633	\$16,850	\$32,048	\$67,867	\$35,819
2	0.1	\$6,150	\$1,860	\$8,082	\$17,841	\$33,933	\$67,867	\$33,933
3	0.15	\$6,492	\$1,964	\$8,530	\$18,832	\$35,819	\$67,867	\$32,048
4	0.2	\$6,834	\$2,067	\$8,979	\$19,824	\$37,704	\$67,867	\$30,163
5	0.25	\$7,176	\$2,170	\$9,428	\$20,815	\$39,589	\$67,867	\$28,278
6	0.3	\$7,517	\$2,274	\$9,877	\$21,806	\$41,474	\$67,867	\$26,393
7	0.35	\$7,859	\$2,377	\$10,326	\$22,797	\$43,359	\$67,867	\$24,507
TOTAL		\$47,837	\$14,469	\$62,856	\$138,765	\$263,927	\$475,068	\$211,141

***** 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	Estimated Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
\$18,000,000	\$211,141	\$428,750	\$37,500	\$54,000

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 4.1 %

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:

An excerpt from Perry's Ice Cream EEO hiring policy:

"Perry's Ice Cream rejects all forms of unlawful discrimination and not only because it is against the law, but because it is wrong. This includes unlawful discrimination because of a person's sex, sexual orientation, race, creed, color, religion, military status, gender, national origin, age, disability, arrest record, marital status, familial status, and domestic violence victim status, status as an ex-offender, predisposing genetic characteristics or genetic information, or any other legally protected category by state, federal, and where applicable, local law."

We do not have a policy for contractors & suppliers but we are planning to adopt one.

We have appointed FoodTech as General Contractor. Food Tech (foodtech.com) specializes in designing facilities in the food and dairy industries. Food Tech does not discriminate in selection of suppliers for projects. In no particular order, price, quality, expertise, and ability to meet the schedule are leading determinants of contract award.

Erie County Industrial Development Agency

MRB Cost Benefit Calculator



Date: June 9, 2022
 Project Title: Extruded Ice Cream Novelties
 Project Location: 1 Ice Cream Plaza, Akron, NY 14001

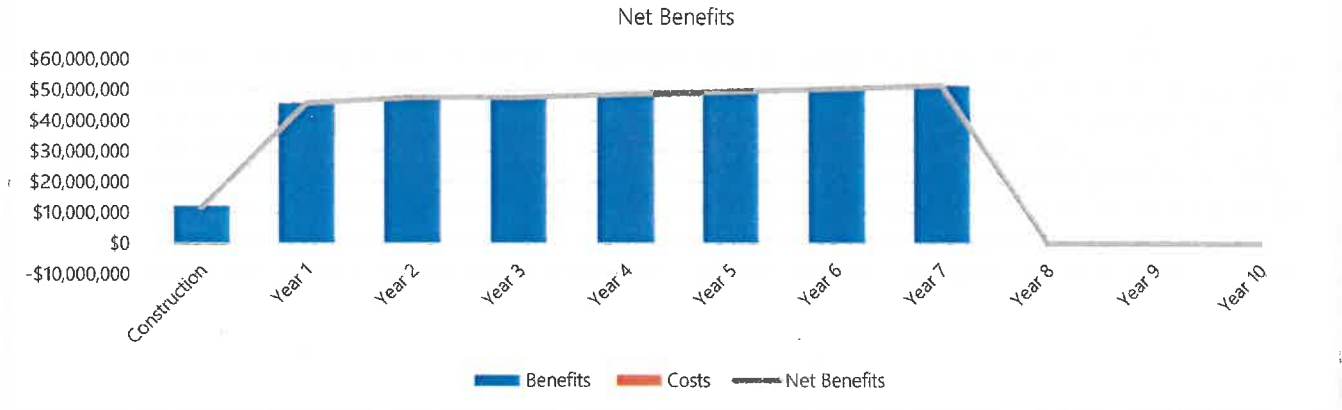
Economic Impacts

Summary of Economic Impacts over the Life of the PILOT
 Project Total Investment
 \$18,000,000

Temporary (Construction)			
	Direct	Indirect	Total
Jobs	79	72	150
Earnings	\$7,443,662	\$4,107,078	\$11,550,740
Local Spend	\$18,000,000	\$12,743,933	\$30,743,933

Ongoing (Operations)			
Aggregate over life of the PILOT			
	Direct	Indirect	Total
Jobs	336	618	954
Earnings	\$141,589,048	\$181,018,298	\$322,607,345

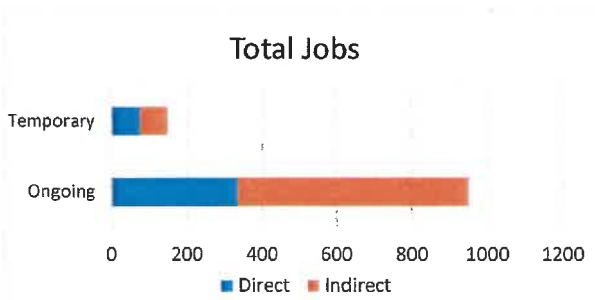
Figure 1



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	\$211,143	\$196,183
Sales Tax Exemption	\$428,750	\$428,750
Local Sales Tax Exemption	\$232,750	\$232,750
State Sales Tax Exemption	\$196,000	\$196,000
Mortgage Recording Tax Exemption	\$45,000	\$45,000
Local Mortgage Recording Tax Exemption	\$15,000	\$15,000
State Mortgage Recording Tax Exemption	\$30,000	\$30,000
Total Costs	\$684,893	\$669,933

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$337,003,560	\$312,021,352
To Private Individuals	<u>\$334,158,086</u>	<u>\$309,387,029</u>
Temporary Payroll	\$11,550,740	\$11,550,740
Ongoing Payroll	\$322,607,345	\$297,836,289
Other Payments to Private Individuals	\$0	\$0
To the Public	<u>\$2,845,474</u>	<u>\$2,634,323</u>
Increase in Property Tax Revenue	\$52,785	\$47,837
Temporary Jobs - Sales Tax Revenue	\$96,016	\$96,016
Ongoing Jobs - Sales Tax Revenue	\$2,681,674	\$2,475,764
Other Local Municipal Revenue	\$15,000	\$14,706
State Benefits	\$17,376,220	\$16,088,126
To the Public	<u>\$17,376,220</u>	<u>\$16,088,126</u>
Temporary Income Tax Revenue	\$519,783	\$519,783
Ongoing Income Tax Revenue	\$14,517,331	\$13,402,633
Temporary Jobs - Sales Tax Revenue	\$80,855	\$80,855
Ongoing Jobs - Sales Tax Revenue	\$2,258,251	\$2,084,854
Total Benefits to State & Region	\$354,379,780	\$328,109,478

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$312,021,352	\$443,933	703:1
State	\$16,088,126	\$226,000	71:1
Grand Total	\$328,109,478	\$669,933	490:1

*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

**Perry's Ice Cream Company Inc. and/or
Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or
to be formed on its behalf Project**

Public Hearing to be held on June 22, 2022 at 9:00 a.m.,
at the Village of Akron, Village Hall Board Room, located at 21 Main Street,
Akron, NY 14001

ATTENDANCE:

Steve Helms – Perry's Ice Cream

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:00 a.m. My name is 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 the Perry's Ice Cream and/or Individual(s) or Affiliate(s), Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf project. The transcript of this hearing will be reviewed and considered by the Agency in determination of this project. Notice of this hearing appeared in The Buffalo News on Thursday, June 9, 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 1 Ice Cream Plaza, Town of Newstead, Village of Akron, Erie County, New York (the "Land"); (ii) improving the land adjacent to the current building and construction on the Land of a new approximately 20,000 square-foot building next to the existing structure which will house a new extruded ice cream novelty machine and conveying as well as upgrading the site's engine room and pump room (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.

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 July 26, 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.

Steve Helms -Chief Financial Officer. I would like to speak a little bit about the company, the project and why we are asking assistance from the ECIDA. Perry's Ice Cream is a 4th generation owned and operated business her in Akron, NY. Using the same recipe passed down for generations, Perry's Ice Cream is still slow cooked, and delivered throughout Akron, NY and beyond. Staying true to our roots, nearly 100% of our milk and cream comes from farms in the surrounding Akron communities. What started as a small milk route now employs over 400 team members throughout New York, Ohio, and Pennsylvania. The fourth generation continues building on the history of Perry's ensuring we support what matters most: the people, our employee's, and our community. Customers are mostly in New York, and we are proud of being the #1 ice cream brand in Western New York. But half of what we produce ends up beyond the New York State borders. We have co-pack and private label customers that sell outside the USA, and in many corners of the country. Customers include grocery stores, convenience stores, national brand companies, to the local schools and sports arenas.

Now I would like to tell you a little bit about the project. As Andy briefed the project will improve the land adjacent to the current building and construction on the land of a new approximately 20,000 square-foot building next to the existing structure which will house a new

extruded ice cream novelty machine and conveying. We are also in need of upgrading the site's engine room and pump room. The total project budget is about \$18M. About \$7M of that is production equipment and the remaining \$11M is building and other ancillary equipment. After completion the staffing that will be needed to run the equipment is about 15 incremental hires above our existing employment. We also need to upskill the current employees who will be involved with working this new equipment. Much of the dairy needed to run this line, we need to buy more ingredients to produce these extruded novelties will be purchased from local farms. Products to be produced by this machine are right now over sold in this industry. Sometimes you go to the grocery store, and you cannot find some stick novelties and whether those novelties are dairy or non-dairy and they include toppings, different flavors, dip coatings. Needless to say, we are very excited about this project. The last time we introduced a brand-new line at Perry's was about 14th years ago back in 2007-2008. This project brings the capability to create a very relevant and in-demand ice cream product not only to Western New York but beyond our borders here.

Why are we asking for financial assistance from ECIDA? We are asking for financial assistance to lower the costs of our project, to improve the competitiveness of Perry's Ice Cream company compared to the National and International ice cream companies and to improve and modernize the product offerings and capabilities of an important local brand. For our employees it brings new training, new skills and technology that does not exist here in Western New York.

6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 9:09 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

June 22, 2022 at 9:00 a.m.,
at the Village of Akron, Village Hall Board Room, located at 21 Main Street,
Akron, NY 14001
regarding:

**Perry's Ice Cream Company Inc. and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: 1 Ice Cream Plaza, Town of Newstead, Village of Akron, Erie County, New York

Name	Company and/or Address	X box to speak/ comment
Steve Helms	Perry's Ice Cream Company 1 Ice Cream Plaza Akron, New York 14001	X



Extruded Ice Cream Novelties

[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	Extruded Ice Cream Novelties
Project Summary	Building expansion and new ice cream manufacturing equipment in 2022-23 including job creation
Applicant Name	Perry's Ice Cream Co Inc
Applicant Address	1 Ice Cream Plaza
Applicant Address 2	
Applicant City	Akron
Applicant State	New York
Applicant Zip	14001
Phone	(716) 560-4548
Fax	
E-mail	steve.helms@perrysicecream.com
Website	www.perrysicecream.com
NAICS Code	311520

Business Organization

Type of Business	Corporation
Year Established	1918
State in which Organization is established	New York

Individual Completing Application

Name	Steve Helms
Title	CFO
Address	1 Ice Cream Plaza
Address 2	
City	Akron
State	New York
Zip	14001
Phone	(716) 560-4548

Fax**E-Mail** steve.helms@perrysicecream.comCompany Contact - Authorized Signer for Applicant**Contact is same as individual completing application** No**Title****Address****Address 2****City****State****Zip****Phone****Fax****E-Mail**Company Counsel**Name of Attorney** David R. Pfalzgraf, Jr.**Firm Name** Rupp Baase Pfalzgraf Cunningham LLC**Address** 1600 Liberty Building**Address 2****City** Buffalo**State** New York**Zip** 14202**Phone** (716) 854-3400**Fax****E-Mail** pfalzgraf@ruppbaase.comBenefits 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%.**

Perry's Ice Cream was founded in 1918 when H. Morton Perry purchased a milk route in Akron, NY - a small suburb just east of Buffalo. The business, known as Perry's Dairy at the time, operated as a home delivery and wholesale dairy business until 1932 when the Akron High School cafeteria manager asked Morton if he could supply ice cream to the school. Using a family recipe for ice cream given to him by his mother, Morton began mixing small batches of ice cream on the kitchen stove with his son, Marlo. As demand increased, the Perry family began delivering bulk ice cream to local stores and restaurants around Akron, and thus began Perry's Ice Cream as we know it today! Flash forward to present day, Perry's Ice Cream is a 4th generation owned and operated business. Using the same recipe passed down for generations, Perry's Ice Cream is still slow cooked, and delivered throughout Akron, NY and beyond. Staying true to our roots, nearly 100% of our milk comes from farms in the surrounding Akron communities. Now that's the good stuff. What started as a small milk route now employs over 400 team members throughout New York, Ohio, and Pennsylvania, and our products are distributed across New York, New Jersey, Ohio, Pennsylvania, Massachusetts, North Carolina, Washington DC, Maryland, and Virginia. The fourth generation continues building on the history of Perry's through growing our three business segments: the Perry's brand, contract manufacturing, and our partner brands, while ensuring we support what matters most: the people and our community. Products include ice cream and frozen treats in all shapes and sizes: we create amazing flavors in 3 gallon tubs, half gallons, family sizes, quarts, pints, ice cream sandwiches, and stick/bar novelties. We product 100% of the Perry's Ice Cream brand, and we make some grocery and other name brand ice creams as well. As mentioned above, we also buy and resell other ice cream brands, pizzas, and frozen foods while we are out delivering to our customers. Customers are mostly in New York and we are proud of being the #1 ice cream brand in Western New York. But half of what we produce ends up beyond the New York State borders. We have co-pack customers that sell outside the USA, and in many corners of the country. Customers include grocery stores, convenience stores, national brand companies, to the local schools and sports arenas. Our fourth generation owners are Brian Perry, Gayle Perry-Denning, and Bob Denning, who is our President & CEO. Brian and Gayle each own 49% and Bob owns 2%. These three are actively involved in the business every day and leading this expansion project.

Estimated % of sales within Erie County	12 %
Estimated % of sales outside Erie County but within New York State	38 %
Estimated % of sales outside New York State but within the U.S.	39 %
Estimated % of sales outside the U.S.	11 %

(*Percentage to equal 100%)

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

11

Describe vendors within Erie County for major purchases

Allied/Lineage, TransGlobe Logistics, Village of Akron, Blue Cross & Blue Shield, Mollenberg Betz, Rich Products, Mod-Pac, Lactalis Dairy, Adecco, The Martin Group, M.J. Mechanical, Mico Welding, Lehigh Construction, Casilio, Buffalo Bills, OMEC, Sitzman Supply, CAM Trenching, Jet Action, Cintas

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

1 Ice Cream Plaza

Town/City/Village of Project Site

Akron

School District of Project Site

Akron

Current Address (if different)

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

SBL Number(s) for proposed Project

47.07-1-6.31

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

\$105,700

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

Land

\$ 0

Building(s)

\$ 0

If available include a copy of current tax receipt.

Are Real Property Taxes current at project location?

Yes

If no please explain

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

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

Yes

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

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

No

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

Existing building for offices, manufacturing, and warehousing. We currently own the land that the project is being constructed on.

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)

This project will improve the land adjacent to the current building and add a new building next to the existing structure. The new building, about 20,000 square feet, will house a new extruded ice cream novelty machine and conveying, as well as upgrading the site's engine room and pump room. The project budget is \$18.0 million. Although \$7.0 million of production equipment will be built mostly in the Netherlands, much of the remaining \$11.0 million spend is building and will be local dollars spent. After completion, the staffing needed to run the equipment is expected to be about 15 incremental hires above existing employment. We also need to upskill the current employees who will be involved in this new equipment. Much of the dairy needed to run the line to produce the extruded novelties will be purchased from local farms. Products to be produced by this machine in this new building are over-sold in the industry, can be dairy or non-dairy, can include more than one base flavor, inclusions, toppings, and dipped coatings. We are very excited about this project - the last time we introduced a brand new line at Perry's was in 2007-2008 - this new project brings the capability to create relevant and in-demand ice cream products to Western New York. Application for a building permit will begin on June 20, 2022 at a village meeting.

Municipality or Municipalities of current operations

Akron

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?

Yes

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

We spoke with Empire State Development, We intend to apply to ESD but have not applied yet for a \$2,000,000 loan. The annual Job Tax Credit could be worth ~\$54,000 annually

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:

Perry's is seeking Financial Assistance to lower the cost of the project, to improve the competitiveness of Perry's Ice Cream compared to national and international ice cream companies, and improve and modernize the product offerings and capabilities of an important local brand. For our employees, it brings new training, new skills, and technology that does not exist in Western New York.

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)

Financial assistance is necessary to lower the cost of the project, improve the competitiveness of Perry's Ice Cream compared to national and international ice cream companies, and improve, modernize, and make more relevant the product offerings and capabilities of an important local brand. For our employees, it brings new training, new skills, and technology that does not exist in Western New York.

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

No

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

This will slow the project implementation schedule as additional financing will need to be solicited and approved and funded.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

No

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

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

No

If Yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality

Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

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

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

Yes

Describe the present zoning/land use

Industrial

Describe required zoning/land use, if different

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

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

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?

Yes

If yes, describe the efficiencies achieved

We will have details when final proposals are acknowledged and reviewed by each Supplier.

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

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

Yes

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

Current R&D staff will work on new product development products and processes to create new items for Perry's and other brands. Our 2021 R&D spend was about 1.7% of operating expenses.

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

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

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

Retail Sales No

Services No

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility** **No Assisted Living** **No Back Office**
- No Civic Facility (not for profit)** **No Commercial** **Yes 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	22,875 square feet	\$	9,820,000	100%
Warehouse	square feet	\$	0	0%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	square feet	\$	0	0%

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

No

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

Standard

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

Will project result in significant utility infrastructure cost or uses Yes

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

11/1/2022

End date : Estimated completion date of project

9/30/2023

Project occupancy : estimated starting date of occupancy

9/30/2023

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 0 square feet acres

2.) New Building Construction

\$ 0 square feet

3.) New Building addition(s)

\$ 8,420,000 20,000 square feet

4.) Reconstruction/Renovation

\$ 1,400,000

2,875 square feet

5.) Manufacturing Equipment

\$ 7,230,000

6.) Infrastructure Work

\$ 0

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

\$ 0

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

\$ 0

9.) Other Cost

\$ 950,000

Explain Other Costs	Contingency
Total Cost	\$ 18,000,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 9,820,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 4,900,000
% sourced in Erie County	25%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 4,900,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 428,750

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

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

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

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$ 1,800,000
Bank Financing:	\$ 14,200,000
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):	\$ 2,000,000
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: \$18,000,000
Have you secured financing for the project? No

Mortgage Recording Tax Exemption Benefit:

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

Mortgage Amount (include sum total of construction/permanent/bridge financing). 6,000,000

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$45,000

Real Property Tax Benefit:

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

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

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

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

An excerpt from Perry's Ice Cream EEO hiring policy: "Perry's Ice Cream rejects all forms of unlawful discrimination and not only because it is against the law, but because it is wrong. This includes unlawful discrimination because of a person's sex, sexual orientation, race, creed, color, religion, military status, gender, national origin, age, disability, arrest record, marital status, familial status, and domestic violence victim status, status as an ex-offender, predisposing genetic characteristics or genetic information, or any other legally protected category by state, federal, and where applicable, local law." We do not have a policy for contractors but we are planning to adopt one. We have appointed FoodTech as General Contractor. Food Tech (foodtech.com) specializes in designing facilities in the food and dairy industries. Food Tech does not discriminate in selection of suppliers for projects. In no particular order, price, quality, expertise, and ability to meet the schedule are leading determinants of contract award.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Employment Plan (Specific to the proposed project location)

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	356	356	15	15
Part time	14	14	0	0
Total	370	370	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	93	\$ 80,602	\$ 23,756	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	27	\$ 40,814	\$ 10,384	\$ 23,276	\$ 4,951
Production	250	\$ 52,245	\$ 16,901	\$ 16,603	\$ 3,317
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

22,131,663

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

59,107

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

21,369

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

52,700

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

0

Estimated salary range of jobs to be created

6/8/22, 8:35 AM

The Erie County Industrial Development Agency (ECIDA)

From (Full Time) 42,640

To (Full Time) 70,720

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

1 Ice Cream Plaza, Akron, New York

Name and Address of Owner of Premises

Perry's Ice Cream Co

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

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

Buildings are dated from 1971 through 2008 with a new proposed addition in 2022-2023

Describe all known former uses of the Premises

Ice cream manufacturing, warehousing, truck garage, waste water treatment facility

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

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

Nothing other than mentioned in next question/answer

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

We have a SPDES permit for non-contact cooling with water pulled from the ground (via well) and discharged into a ditch; we are permitted for 2.5 million gallons per day

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?

<BLANK>

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

We have two above-ground Fibreglas tanks that store waste slurry from dairy production which is picked up by a local farm for animal feed. A third tank, called the equalization tank, holds slightly acidic dairy waste and wash water and is used to bring to pH neutrality.

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

Address

Contact Person

Phone

Fax

E-Mail

Federal ID #

SIC/NAICS Code

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

City/Town

State

Zip Code

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

No

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

No

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

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

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

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

No

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

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

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

<BLANK>

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

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

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

Section IX: Senior Housing

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

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

No

Spaulding Business Park, LLC
\$ 2,055,000
PRIVATE INVESTMENT INDUCEMENT RESOLUTION

ELIGIBILITY

- NAICS Section – 236220

COMPANY INCENTIVES

- Approximately \$ 94,062 in sales tax savings
- Approximately \$ 293,429 in real property tax savings
- Up to 3/4 of 1% of the final mortgage amt estimated at \$15,750

JOBS & ANNUAL PAYROLL

- Current Jobs: 0
- Annual Payroll: \$ 0
- Projected new jobs: 20
- Est. salary/yr. of jobs created: \$ 48,750
- Total jobs after project completion: 20
- Construction Jobs: 8

PROJECTED COMMUNITY BENEFITS*

- Term: 7 YEARS
- NET Community Benefits: \$ 11,239,653
- Spillover Jobs: 24
- Total Payroll: \$ 10,526,239

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

- Incentives: \$ 382,448
- Community Benefit: \$ 10,383,498
- Cost: Benefit Ratio
 - 1: 27

Project Title: Spaulding Business Park

Project Address: Gibson St (corner of Gibson & Hackett Dr)
 Tonawanda, NY 14150
 Tonawanda City District School System

Agency Request

A sales tax, mortgage recording tax and real property tax abatement in connection with the construction of a business park in the City of Tonawanda consisting of five approx. 9,000 sq ft buildings for light manufacturing and/or warehouse use.

Land/Building Acquisition	\$ 120,000
New Building Construction	\$ 1,800,000
Infrastructure	\$ 100,000
Non- Manufacturing Equipment	\$ 0
Soft Costs/Other	\$ 35,000
Total Project Cost	\$2,055,000
85%	\$1,746,750

Company Description

Paolini Enterprises is a full-service General Contracting Company as well as an interior & exterior maintenance company. Started in 1994 by business owner Joseph Paolini, the business has evolved into a real estate development and management company overseeing large commercial properties. Two business parks are owned by the company: Niagara Business Park in Wheatfield, NY and Bulldog Business Park in Sanborn, NY. Both of these parks were developed from vacant land and are currently 100% leased. Several addition real estate sites are managed by Paolini Enterprises including multiple Dunkin Donut locations in Erie and Niagara Counties, and Mid-City Plaza in North Tonawanda.

Project Description

The applicant has purchased 4 acres of land from the City of Tonawanda located within the Spaulding Commerce Park – a super fund site / former home of Spaulding Fibre. Paolini Enterprises is developing a Business Park that will rent light manufacturing and warehouse distribution space to businesses. Five buildings of approximately 9,000+ sq ft each are anticipated for the site for a total of 45,760 sq ft of available rental space. The project will be completed in phases – over a two to three year period.

* 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	293,429
	Sales	94,062
	Mortgage Recording	15,750
	Total	403,241
	Discounted at 2%	382,448

Benefit: Projected Community Benefit*

BENEFITS	Region	Recipient	Revenue Type	\$ Amount **
	Erie County	Individuals	Payroll Construction	1,173,651
			Payroll Permanent	9,352,588
		Public	Property Taxes	73,360
			Sales Taxes,	87,499
			Local Muni (NFTA)	5,190
	New York State	Public	Income Taxes	473,680
			Sales Taxes	73,684
			Total Benefits to EC + NYS***	11,239,653
			Discounted at 2%	10,383,498

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

Discounted Cost	\$ 382,448
Discounted Benefit	\$ 10,383,498
Ratio	1:27

Conclusion: The Cost Benefit for this project is: 1:27. For every \$1 in costs (incentives), this project provides \$27 in benefits (payroll & tax revenue). **Note: For Erie County, every \$1 in costs (incentives) provides \$30 in benefits to the community.**

New Tax Revenue Estimated

Current Yearly Taxes	Estimated New Assessed Value (improved 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
\$4,990	\$1,260,000	\$9,221	\$34,653	\$29,484	\$52,398
Combined Tax Rate: \$41.586					

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 = \$2,055,000 85% = \$1,746,750
Employment	Coincides with 10-year PILOT	Maintain Base = 0 Create 85% of Projected Jobs Projected = 20 85% = 17 Recapture Employment = 17
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 0 jobs and created 17 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

- May 31, 2022 Public hearing held.
- July 27, 2022 Inducement Resolution presented to Board of Directors authorizing adoption of consistency determination with Environmental Impact Study as required by SEQRA
- July 27, 2022 Lease/Leaseback Inducement Resolution presented to the Board of Directors

EVALUATIVE CRITERIA
 MANUFACTURING/WAREHOUSE/DISTRIBUTION

Spaulding Business Park

Wage Rate (above median wage for area)	This local Developer project will create a business park for light manufacturing / warehouse distribution tenants (speculative). Projected wage rates are in line with median wages for the area.
Regional Wealth Creation (% sales/customers outside area)	Due to the speculative nature of this project, this is unknown.
In Region Purchases (% of overall purchases)	For the building construction, 85% in region purchases are anticipated.
Research & Development Activities	Due to the speculative nature of this project, this is unknown.
Investment in Energy Efficiency	N/A
Locational Land Use Factors, Brownfields or Locally Designated Development Areas	The location of this business park is at the Spaulding Commerce Park – a Super Fund site (requiring a long-term response to clean up hazardous material contaminations), located in a highly distressed census tract.
LEED/Renewable Resources	N/A
Retention/Flight Risk	N/A
MBE/WBE Utilization	Company has committed to MWBE Utilization and use of State & County/City certified MWBEs. See attached MBE/WBE Utilization Form.
Workforce Access – Proximity to Public Transportation	Business Park has close proximity to NFTA Route 25 (Delaware / Tussing)

Letter of support received from City of Tonawanda Mayor John L. White, dtd 5/13/22

DATE OF INDUCEMENT: July 27, 2022

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-Spaulling Business Park, LLC

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
1,800,000	1,260,000	5.227	19.644	16.714

*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	\$329	\$1,238	\$1,053	\$2,620	\$52,398	\$49,778
2	0.1	\$659	\$2,475	\$2,106	\$5,240	\$52,398	\$47,158
3	0.15	\$988	\$3,713	\$3,159	\$7,860	\$52,398	\$44,538
4	0.2	\$1,317	\$4,950	\$4,212	\$10,480	\$52,398	\$41,918
5	0.25	\$1,647	\$6,188	\$5,265	\$13,100	\$52,398	\$39,299
6	0.3	\$1,976	\$7,426	\$6,318	\$15,719	\$52,398	\$36,679
7	0.35	\$2,305	\$8,663	\$7,371	\$18,339	\$52,398	\$34,059
TOTAL		\$9,221	\$34,653	\$29,484	\$73,357	\$366,786	\$293,429

***** 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.)
2,055,000	293,429	94,062	15,750	0

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 19.6 %

Erie County Industrial Development Agency

MRB Cost Benefit Calculator

Date: May 16, 2022
 Project Title: Spaulding Business Park, LLC
 Project Location: Gibson St., Tonawanda, NY, 14150



Economic Impacts

Summary of Economic Impacts over the Life of the PILOT

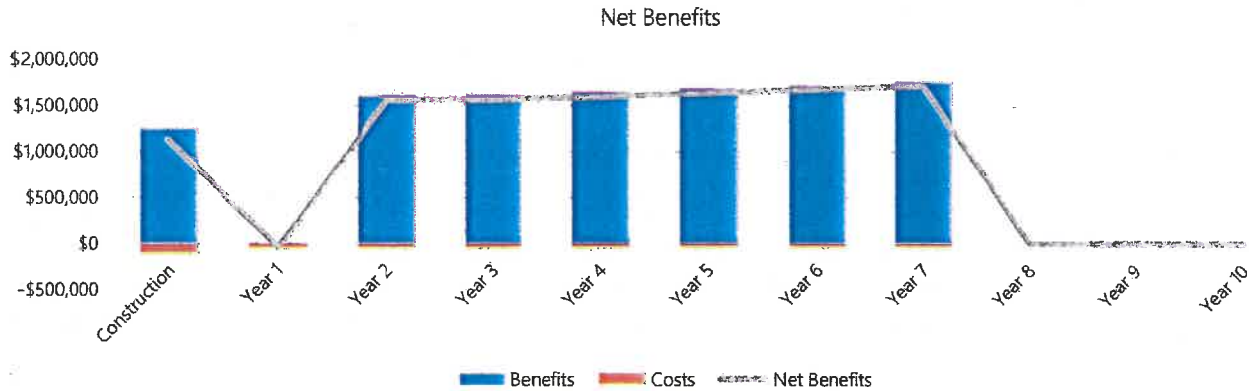
Project Total Investment

\$2,055,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		8	7	15
Earnings		\$756,338	\$417,313	\$1,173,651
Local Spend		\$1,828,950	\$1,294,890	\$3,123,840

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		20	17	37
Earnings		\$6,048,939	\$3,303,649	\$9,352,588

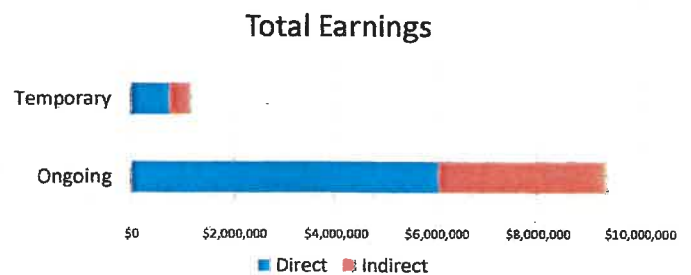
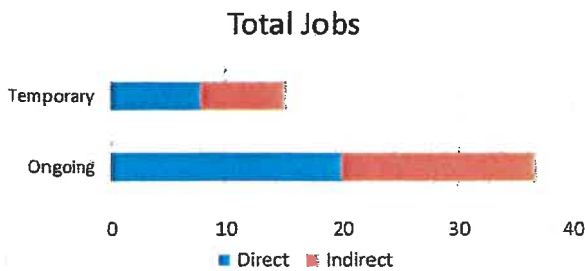
Figure 1



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	\$293,426	\$272,636
Sales Tax Exemption	\$94,062	\$94,062
Local Sales Tax Exemption	\$51,062	\$51,062
State Sales Tax Exemption	\$43,000	\$43,000
Mortgage Recording Tax Exemption	\$15,750	\$15,750
Local Mortgage Recording Tax Exemption	\$5,250	\$5,250
State Mortgage Recording Tax Exemption	\$10,500	\$10,500
Total Costs	\$403,238	\$382,448

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$10,692,289	\$9,877,779
To Private Individuals	\$10,526,239	\$9,725,365
Temporary Payroll	\$1,173,651	\$1,173,651
Ongoing Payroll	\$9,352,588	\$8,551,714
Other Payments to Private Individuals	\$0	\$0
To the Public	\$166,049	\$152,414
Increase in Property Tax Revenue	\$73,360	\$66,484
Temporary Jobs - Sales Tax Revenue	\$9,756	\$9,756
Ongoing Jobs - Sales Tax Revenue	\$77,743	\$71,086
Other Local Municipal Revenue	\$5,190	\$5,088
State Benefits	\$547,364	\$505,719
To the Public	\$547,364	\$505,719
Temporary Income Tax Revenue	\$52,814	\$52,814
Ongoing Income Tax Revenue	\$420,866	\$384,827
Temporary Jobs - Sales Tax Revenue	\$8,216	\$8,216
Ongoing Jobs - Sales Tax Revenue	\$65,468	\$59,862
Total Benefits to State & Region	\$11,239,653	\$10,383,498

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$9,877,779	\$328,948	30:1
State	\$505,719	\$53,500	9:1
Grand Total	\$10,383,498	\$382,448	27:1

*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:

As a developer that works on small-scale projects, for example, warehouse-type structures, our internal practices are to have a high level of diversity in all aspects of business. My hiring policy is to prioritize contractors and to purchase materials that are from individuals or companies with a background of MBE/WBE. Our goal for this project is to continue our policy of hiring and doing business with MBE/WBE companies. We will use the state and county certified MBE/WBE lists to help hire MWBEs throughout the project for paving/site work, trucking, drywall, and lumber/materials to be considered for this project. We estimate to have about 30% of our contractors/materials provided by MBE/WBE entities. As the project continues we will monitor if an increase will be necessary to hire more MBE/WBE contractors.



**CITY OF TONAWANDA, NEW YORK
OFFICE OF THE MAYOR**

200 Niagara Street Tonawanda, New York 14150-1099

Phone: (716) 695-8645 Fax: (716) 695-8314

E-mail: mayor@tonawandacity.com

JOHN L. WHITE
Mayor

RONALD J. PILOZZI
Administrative Assistant

SHARON R. STUART
Executive Secretary

May 13, 2022

Mr. Andrew Federick
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, NY 14203

Dear Andy,

I am writing to you today to express my full support of Joseph Paolini, and his planned development in the Spaulding Commerce Park located here in the City of Tonawanda.

Over the past 10 years there has been an increase in the need for Small Business warehousing/manufacturing facilities, ranging between 1,000 to 5,000 feet. Spaulding Commerce Park is located between Buffalo and Niagara Falls, with easy access to the I-190, I-290 and markets in Canada. This provides the ideal setting for office and light industrial tenants. As I understand, Mr. Paolini plans to build a total of five buildings in two or three phases, with the total project to be completed in approximately 2-3 years.

I first met Joseph Paolini over 20 years ago when I was an educator for the DEC, certifying him in New York State for his landscaping business. I found him to be an energetic, honest young businessman looking to make some wise decisions while moving forward in his new ventures. I welcome Joseph to the City of Tonawanda. I look forward to working with him again and wish him all the best.

If I can be of further assistance, or if you have questions or concerns, please do not hesitate to contact me.

Respectfully,

A handwritten signature in cursive script that reads "John L. White".

John L. White
Mayor

PUBLIC HEARING SCRIPT

**Spaulding Business Park, 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 May 31, 2022 at 10:30 a.m.,
at the City of Tonawanda, Community Room, 200 Niagara Street, Tonawanda, New York 14150

ATTENDANCE:

Joseph Paolini – Spaulding Business Park, LLC
Molly Penale - Spaulding Business Park, LLC

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

Hearing Officer: Welcome. This public hearing is now open; it is 10:30 a.m. My name is 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 the Spaulding Business Park, 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 May 13, 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 Gibson Street (corner of Gibson & Hackett Drive), City of Tonawanda, Erie County, New York (the "Land"), (ii) the construction on the Land of five (5) approximately 9,152+/- SF warehouse buildings totaling 45,760+/- SF to be utilized for light manufacturing and warehouse distribution (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.

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 June 21, 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.

Joseph Paolini. I am a local contractor, developer, and manager of many commercial properties. I am building a business park that will be situated on 4 acres of land that is located on the corner of Gibson Street and Hackett Drive in the City of Tonawanda, New York. I will be building a total of five buildings in two to three phases with approximately 2 to 3 years for full project completion. Each phase will be approximately 10,000 to 20,000 sq. ft. Building units will be rented out to light manufacturing companies and warehouse distribution. I am projecting an average of 20 to 35 tenants, depending on the future tenants needs. This project will create a minimum of 20 jobs. By constructing this business park, I am looking to capitalize on the strong demand for more manufacturing and warehouse space in Erie County. The financial assistance from the ECIDA is crucial to me due to the rising costs of building materials, labor costs and the increased costs of building codes. The impact that this project will have on Erie County is multilayer. First, new business owners will benefit from this project, such as light manufacturing/distribution businesses. They will have a space to increase their productivity to meet the demands of their customers. Second, these types of warehouses will make businesses in Erie County more successful. Third, as data shows when small businesses are successful the surrounding small businesses will also have an increase in economic success. I believe once my project is completed it will have that very impact on small businesses in Erie County and the City of Tonawanda. Lastly, I would like to thank the ECIDA, Mayor John White and Common Council President, Jenna Koch. I look forward to working with the City of Tonawanda and Erie County IDA on this project.

☒ 6. ADJOURNMENT:

As there were no further statements and/or comments, the Hearing Officer closed the public hearing at 10:36 a.m.

**SIGN IN SHEET
PUBLIC HEARING**

Public Hearing to be held on May 31, 2022 at 10:30 a.m.,
at the City of Tonawanda, Community Room, 200 Niagara Street, Tonawanda, New York 14150
regarding:

**Spaulding Business Park, LLC and/or Individual(s) or Affiliate(s),
Subsidiary(ies), or Entity(ies) formed or to be formed on its behalf**

Project Location: Gibson Street (corner of Gibson & Hackett Drive), City of Tonawanda,
Erie County, New York

Name	Company and/or Address	X box to speak/ comment
Joseph Paolini	Spaulding Business Park 6500 Ward Road Sanborn, New York 14132	X
Molly Penale	Spaulding Business Park 6500 Ward Road Sanborn, New York 14132	

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
INDUCEMENT RESOLUTION**

**SPAULDING BUSINESS PARK 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, July 27, 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 SPAULDING BUSINESS PARK 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, SPAULDING BUSINESS PARK 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 Gibson Street (corner of Gibson & Hackett Drive), City of Tonawanda, Erie County, New York (the “Land”), (ii) the construction on the Land of five (5) approximately 9,152+/- SF warehouse buildings totaling 45,760+/- SF to be utilized for light manufacturing and warehouse distribution (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 May 31, 2022, at 10:30 a.m., at City of Tonawanda, Community Room, 200 Niagara Street, Tonawanda, New York 14150, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance (as hereinafter defined) being contemplated by the Agency (the “Public Hearing”) whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and

WHEREAS, the Project is located within the City of Tonawanda (the “City”) Spaulding Commerce Park District (the “SCPD”); and

WHEREAS, on November 9, 2010, the City accepted a Final Generic Environmental Impact Statement (the “FGEIS”) for the SCPD as being consistent with the applicable requirements of Article 8 of the New York Environmental Conservation Law, and the regulations promulgated therein at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, Section 617.10(d)(1) of the SEQRA regulations states that when a FGEIS has been filed, no further SEQRA compliance is required if the subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the FGEIS or the Findings Statement, such that additional SEQRA compliance is only required if the subsequent proposed action was not addressed or was not adequately addressed in the FGEIS or

the Findings Statement, or if the subsequent action has one or more significant adverse environmental impacts that were not analyzed in the generic process; 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, by resolution adopted July 19, 2022, the City determined that, pursuant to Section 617.10(d)(1) of the SEQR regulations, no further SEQR compliance is required because the proposed Project conforms with the conditions and thresholds established in the FGEIS and related Findings Statement prepared and approved by the City.

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 July 27, 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) In reviewing the Project as currently proposed, the FGEIS, and the City's July 19, 2022 determination and resolution that no further SEQRA compliance is required for the Project because it will be carried out in conformance with the conditions and thresholds established in the Findings Statement, the Agency hereby determines, pursuant 6 N.Y.C.R.R. Section 617.10(d)(1) of the SEQR regulations, that no further SEQRA compliance is required for the Project because it will be carried out in conformance with the conditions and thresholds established in the FGEIS; and

(G) 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

(H) 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

(I) 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

(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):* This local developer project will create a business park for light manufacturing/warehouse distribution tenants (speculative). Projected wage rates are in line with median wages for the area.

(ii) *Regional Wealth Creation (% sales/customers outside area):* Due to the speculative nature of this project, this is unknown.

(iii) *In Region Purchases (% of overall purchases):* For the building construction, 85% in region purchases are anticipated.

(iv) *Research & Development Activities:* Due to the speculative nature of this project, this is unknown.

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

(vi) *Locational Land Use Factors, Brownfields or Locally Designating Development Areas*: The location of this business park is at the Spaulding Commerce Park – a Super Fund site (requiring a long-term response to clean up hazardous material contaminations), located in a highly distressed census tract.

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

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

(ix) *MBE/WBE Utilization*: Company has committed to MWBE Utilization and use of State and County/City certified MWBEs. See attached MBE/WBE Utilization Form.

(x) *Workforce Access-Proximity to Public Transportation*: Business Park has close proximity to NFTA Route 25 (Delaware/Tussing).

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 \$1,075,000, 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 \$94,062, 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 \$15,750; 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 \$293,429, resulting in estimated total PILOT payments of \$73,357 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 \$1,746,750 (which represents the product of 85% multiplied by \$2,055,000, being the total project cost as stated in the Company's application for Financial Assistance).
- (ii) Employment Commitment - that within two (2) years of Project completion, the Company has maintained and created FTE employment at the Facility equal to 17 FTE employees [being the product of 85% multiplied by 20 (being the 20 new FTE employee positions proposed to be created by the Company as stated in its Application)]. In an effort to confirm and verify the Company's employment numbers, the Agency requires that, at a minimum, the Company provide employment data to the Agency on a quarterly basis, said information to be provided on the Agency's "Quarterly Employment Survey" form to be made available to the Company by the Agency.
- (iii) Local Labor Commitment - that the Company adheres to and complies with the Agency's Local Labor Workforce Certification Policy on a quarterly basis during the construction period.
- (iv) Equal Pay Commitment – that the Company adheres to and complies with the Agency's Pay Equity Policy.
- (v) Unpaid Real Property Tax Policy Commitment – that the Company is compliant with the Agency's Unpaid Real Property Tax Policy.

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

Section 5. Subject to the terms of this Inducement Resolution, the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer, are hereby authorized, on behalf of the Agency, to negotiate, execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the “Lender”) up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance acquisition and Project costs or equipment and other personal property and related transactional costs (hereinafter, with the Lease Agreement, Leaseback Agreement, and related documents, collectively called the “Agency Documents”); and, where appropriate, the Secretary or the Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency shall approve, the execution thereof by the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer and/or the Assistant Treasurer of the Agency to constitute conclusive evidence of such approval; provided in all events recourse against the Agency is limited to the Agency’s interest in the Project.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to negotiate, execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. The provision by the Agency of Financial Assistance with respect to the Project as described herein is subject to the execution and delivery of the Agency’s Administrative Fee Agreement (the “Fee Agreement”) and payment by the Company of an administrative fee calculated in accordance with the Fee Agreement, all within sixty (60) days of the date of this resolution. In the event the Agency has not received the executed Fee Agreement and the appropriate fee within such sixty (60) day period, this resolution shall become automatically null and void and of no further effect and the Agency shall have no liability to the Company hereunder or otherwise, unless extended in the discretion of the Chair, the Vice Chair, the President/Chief Executive Officer, the Vice President, the Chief Financial Officer/Treasurer, or the Assistant Treasurer for good cause shown.

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

Dated: July 27, 2022



Spaulding Business Park LLC

[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	Spaulding Business Park
Project Summary	I am going to be building a business park on the corner of Gibson St. and Hackett Dr in The City of Tonawanda, NY (4 acres of vacant land - no current address yet). I will be building a total of five buildings in two to three phases (approx 2 to 3 years for full project completion). Each phase will be approximately 10,000 to 20,000 sqft. Building units will rent out to light manufacturing companies and warehouse distribution. We are projecting an average of 20 to 35 tenants total (depending on the needs of future tenants). Project cost approx \$2.1 million.
Applicant Name	Spaulding Business Park LLC
Applicant Address	6500 Ward Road
Applicant Address 2	
Applicant City	Sanborn
Applicant State	New York
Applicant Zip	
Phone	(716) 628-1993
Fax	
E-mail	jvpaolini@gmail.com
Website	none
NAICS Code	236220 non-residential building construction

Business Organization

Type of Business	Limited Liability Company
Year Established	2021
State in which Organization is established	New York

Individual Completing Application

Name	Joseph Paolini
Title	President/Owner
Address	6500 Ward Rd
Address 2	
City	Sanborn

State New York
Zip 14132
Phone (716) 628-1993
Fax
E-Mail jvpaolini@gmail.com

Company Contact (if different from individual completing application)

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

Company Counsel

Name of Attorney Nicholas Ingrassi
Firm Name Gross Shuman P.C.
Address 465 Main St. #600
Address 2
City Buffalo
State New York
Zip 14203
Phone (716) 566-7269
Fax
E-Mail ningrassia@gross-shuman.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%.

I became a business owner in 1994 when I started a landscape design and install business. Paolini Enterprises Inc evolved into a full General Contracting Company, as well as an interior and exterior maintenance company. For the past 20 years I've become a Real Estate Developer and Manager of large commercial properties. I currently own and manage two business parks, Niagara Business Park located in Wheatfield NY and Bulldog Business Park located in Sanborn NY. Bulldog Business Park I developed from vacant land. There are three 4,000 sq ft buildings on the property. Niagara Business Park is a 10,200 sq ft complex. Both business parks are 100% leased. Another part of my business is facility management. Currently we manage multiple Dunkin Donuts located in Erie and Niagara Counties. We also currently manage and maintain Mid-City Plaza, which is located in North Tonawanda NY. (approx 210,000 sq ft).

Estimated % of sales within Erie County	75 %
Estimated % of sales outside Erie County but within New York State	25 %
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

Building materials - 84 Lumber(2286 Military Rd. Ton. NY 14150) Concrete - United Materials - (528 Youngs St Ton NY 14150)
Plumbing/supplies - Irr Plumbing Supplies (1674 Kenmore Ave Buffalo, NY 14216) Electrical Supplies - Shanor Electric Supplies (1267 Military Rd Kenmore NY 14217)

Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Address of Proposed Project Facility

Gibson St (corner of Gibson & Hackett Dr)

Town/City/Village of Project Site

City of Tonawanda

School District of Project Site

City of Tonawanda

Current Address (if different)

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

SBL Number(s) for proposed Project

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

\$ 120,000

Building(s)

\$ 1,700,000

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)

The four acres were purchased from the City of Tonawanda at the corner of Gibson St. and Hackett Dr. The purpose of this project is to utilize the vacant land and turn it into a Business Park. The Business Park will offer rental space to light manufacturing companies and warehouse distribution. The demand for this type of warehouse space is in extremely high, as I own two other Business Parks in Niagara County that rent out with the same purpose and have full occupancy, with a tenant waiting list. For this project, I will build five warehouse buildings on the site. Each building will be 9,152 sq ft, with a total of 45,760 sq ft in total. I expect to lease out to about 20 to 35 tenants (depending on the needs of future tenants). The project will require two to three phases and take approximately two to three years for full job completion. At the end of each phase approximately 10-20,000 square feet of the project will be completed. Total Project Cost: \$2.1 million

Municipality or Municipalities of current operations

City of Tonawanda, NY

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:

Without the Agency's financial assistance this project would not be possible.

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)

This project has challenges due to the effect of the pandemic on rising material costs, rising labor costs, and without the benefit of pre-construction tenants. The agency's assistance will allow a specific timeline to complete the project as there is significant demand for these types of warehouse developments within the area. Tenants have been identified and are awaiting final construction details.

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

Yes

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

It is critical to obtain financial assistance from the ECIDA for this project due to rising costs of building materials, labor costs, and the increased costs of building codes. The impact this project will have on Erie County is multilayer. First, new business owners will benefit from this project, such as light manufacturing/distribution businesses will have a space to increase their productivity to meet the demands of their consumers. Second, these types of warehouses will make businesses in Erie County successful and help grow with the increasing demand for warehouse space. Third, as data shows when small businesses are successful the surrounding small businesses will also have an increase in economic success. There is a strong demand for these types of projects within Erie County, the surrounding businesses and region will grow as well once this project is implemented.

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

Site Characteristics

Is your project located near public transportation?

Yes

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

Project is about 0.8 miles from a Metro bus stop #25 Delaware/Tussing Ln

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 ("SEQRA") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if

applicable.

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

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

Yes

Describe the present zoning/land use

City of Tonawanda, NY Zoning Code; M1 Light Industrial

Describe required zoning/land use, if different

Non applicable

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

Non applicable

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 No

Please check any and all end uses as identified below.

- No Acquisition of Existing Facility No Assisted Living No Back Office
- No Civic Facility (not for profit) No Commercial No Equipment Purchase
- No Facility for the Aging Yes Industrial No Life Care Facility (CCRC)

No Market Rate Housing **No Mixed Use** **Yes 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	22,880 square feet	\$	900,000	50%
Warehouse	22,880 square feet	\$	900,000	50%
Research & Development	square feet	\$	0	0%
Commercial	square feet	\$	0	0%
Retail	square feet	\$	0	0%
Office	square feet	\$	0	0%
Specify Other	square feet	\$	0	0%

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

No

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

<BLANK>

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

Will project result in significant utility infrastructure cost or uses No

What is the estimated project timetable (provide dates).

Start date : acquisition of equipment or construction of facilities

7/1/2022

End date : Estimated completion date of project

7/1/2025

Project occupancy : estimated starting date of occupancy

5/1/2023

Capital Project Plan / Budget

Estimated costs in connection with Project

1.) Land and/or Building Acquisition

\$ 120,000 square feet 4 acres

2.) New Building Construction

\$ 1,800,000 45,760 square feet

3.) New Building addition(s)

\$ 0 square feet

4.) Reconstruction/Renovation

\$ 0

square feet

5.) Manufacturing Equipment

\$ 0

6.) Infrastructure Work

\$ 100,000

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

\$ 0

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

\$ 35,000

9.) Other Cost

\$ 0

**Explain Other
Costs**

Total Cost \$ 2,055,000

Construction Cost Breakdown:

Total Cost of Construction	\$ 1,900,000 (sum of 2, 3, 4 and 6 in Project Information, above)
Cost of materials	\$ 1,075,000
% sourced in Erie County	80%

Sales and Use Tax:

Gross amount of costs for goods and services that are subject to State and local sales and use tax- said amount to benefit from the Agency's sales and use tax exemption benefit	\$ 1,075,000
Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):	\$ 94,062

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

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

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

If Yes, describe particulars:

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):	\$
Bank Financing:	\$ 2,100,000
Tax Exempt Bond Issuance (if applicable):	\$ 0
Taxable Bond Issuance (if applicable):	\$ 0
Public Sources (Include sum total of all state and federal grants and tax credits):	\$ 0
Identify each state and federal grant/credit: (ie Historic Tax Credit, New Market Tax Credit, Brownfield, Cleanup Program, ESD, other public sources)	0

Total Sources of Funds for Project Costs: \$2,100,000
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). 2,100,000
Lender Name, if Known
Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 3/4 of 1%): \$15,750

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): N/A

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

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

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

As a developer that works on small-scale projects, my hiring policy is to prioritize contractors and to purchase materials that are from individuals or companies with a background of MBE/WBE. We will use the state and county certified MBE/WBE lists to help hire MWBEs throughout the project. We estimate to have about 30% of our contractors/materials provided by MBE/WBE entities. As this project continues we will continue to monitor when an increase of MBW/WBE hiring will be necessary.

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

No

Will project include leasing any equipment?

No

If yes, please describe equipment and lease terms.

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	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and
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			24 months (2 years) after Project completion	PT jobs to be created upon 24 months (2 years) after project completion **
Full time	0	0	20	20
Part time	0	0	0	0
Total	0	0	20	

Salary and Fringe Benefits for Jobs to be Retained and Created

Category of Jobs to be Retained and/or Created	# of Employees Retained and/or Created	Average Salary for Full Time	Average Fringe Benefits for Full Time	Average Salary for Part Time (if applicable)	Average Fringe Benefits for Part Time (if applicable)
Management	5	\$ 75,000	\$ 0	\$ 0	\$ 0
Professional	0	\$ 0	\$ 0	\$ 0	\$ 0
Administrative	0	\$ 0	\$ 0	\$ 0	\$ 0
Production	15	\$ 40,000	\$ 0	\$ 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.

No **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

975,000

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)

48,750

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

0

Estimated salary range of jobs to be created

From (Full Time) 40,000 To (Full Time) 75,000
 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

Gibson Street Tonawanda, NY 14150

Name and Address of Owner of Premises

Joseph Paolini 6500 Ward Rd Sanborn, NY 14132

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

The property is generally flat-lying. 4 acres of vacant land.

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

No improvements, vacant land at this present time. Five warehouse/light manufacturing buildings to be built on premises.

Describe all known former uses of the Premises

On the premises was a factory that was demolished at least 10 years ago and the property has been vacant since.

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

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

n/a

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

n/a

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?

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

In the Erie County region, there is an increase in demand for warehouse and manufacturing space, and with no other developers building small facilities for manufacturing company's (small footprint of 1,000 to 5,000 sq ft of space needed). This project will build five facilities of 10,000 square feet with a total of 50,000 square feet overall, approximately.

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

City/Town

State

Zip Code

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

No

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

No

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

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

Within New York State

No

Within Erie County

No

If Yes to either question, please, explain

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

No

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

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

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

No

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

Need for warehouse spaces for light manufacturing and distribution companies 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?

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