



**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORP  
BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORP  
ATC OF BUFFALO & ERIE COUNTY INC**

**2009 ANNUAL REPORT**  
**(For purposes of Section 2800(2) of the Public Authorities Law)**

### **Description of the Agency:**

The Erie County Industrial Development Agency (ECIDA) is a not-for-profit, public-benefit corporation that provides tax abatements, grant administration and other economic development services to the City of Buffalo and Erie County. In accomplishing its mission, the ECIDA does not receive any operational funding from Federal, State, County or local sources. Instead, the ECIDA relies primarily upon administrative fees charged to those companies that utilize its products and services.

The Erie County Industrial Development Agency has three other affiliated not-for-profit organizations as follows:

- 1) **Buffalo and Erie County Regional Development Corporation (“RDC”)** – This is a lending corporation created by an Economic Development Administration grant with matching funds from the City of Buffalo and Erie County.
- 2) **Buffalo and Erie County Industrial Land Development Corporation (“ILDC”)**. This Corporation encompasses two separate loan funds: a Federal Small Business Administration Micro-Loan Fund (“SBA”) and an Erie County Business Development Fund funded from HUD Community Development Block Grant Sources.
- 3) **ATC of Buffalo and Erie County, Inc. (“ATC”)**. The ATC owns a 100,000 square foot educational facility, in the City of Buffalo.

These corporations are related since all corporations are managed by the same personnel. The ECIDA and RDC share the same Board of Directors as their oversight body. The Executive Committee of the ECIDA acts as the oversight body for the ATC while seven ECIDA Board members are the Board of the ILDC. None of the corporations are owned by another corporation.

### **Purpose of the Annual Report:**

As an industrial development agency, the ECIDA and its affiliates are required to comply with New York State’s Public Authorities Law. Under this Law, the ECIDA and its affiliates are required to submit a comprehensive annual report that includes information on:

- Operations and accomplishments
- Revenues and expenses
- Assets and liabilities
- Bonds and notes outstanding
- Compensation (for those earning \$100,000 +)
- Projects undertaken during the year
- Property held and property dispositions
- Code of Ethics
- An assessment of internal control structure and effectiveness

In compliance with the Public Authorities Law, the following required information is presented for the fiscal year ended December 31, 2009.

## **1. Operations & Accomplishments**

### ***Operations:***

The ECIDA is managed by a 19 member Board of Directors, 14 members serve as “ex-officio” members, related to their public offices or other employment positions which they hold. The five remaining members are jointly appointed by the Erie County Executive and the Chair of the Erie County Legislature.

### ***2009 Highlighted Accomplishments:***

#### ***Business Development***

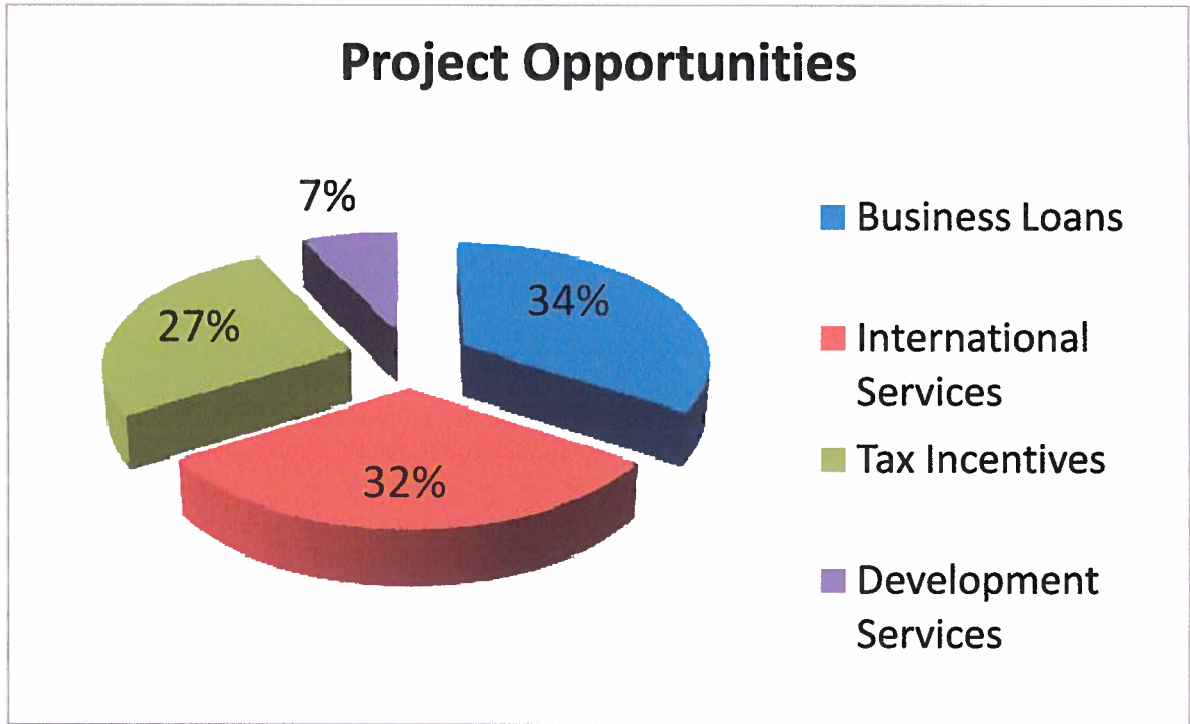
- In 2009, the ECIDA launched a targeted proactive outreach program called “Your Growth is Our Business” the program involved sending letters to local businesses, and following up with personal site visits with business development specialists from the IDA’s and other Economic Development partners. The following graph depicts areas of service interests from over 170 local business development site visits.



- ECIDA’s Business Development Team talked with over 1,100 business owners and representatives in 2009.

***2009 Highlighted Accomplishments (Cont'd):***

- During the year ECIDA Business Development Group tracked and worked on over 320 opportunities:



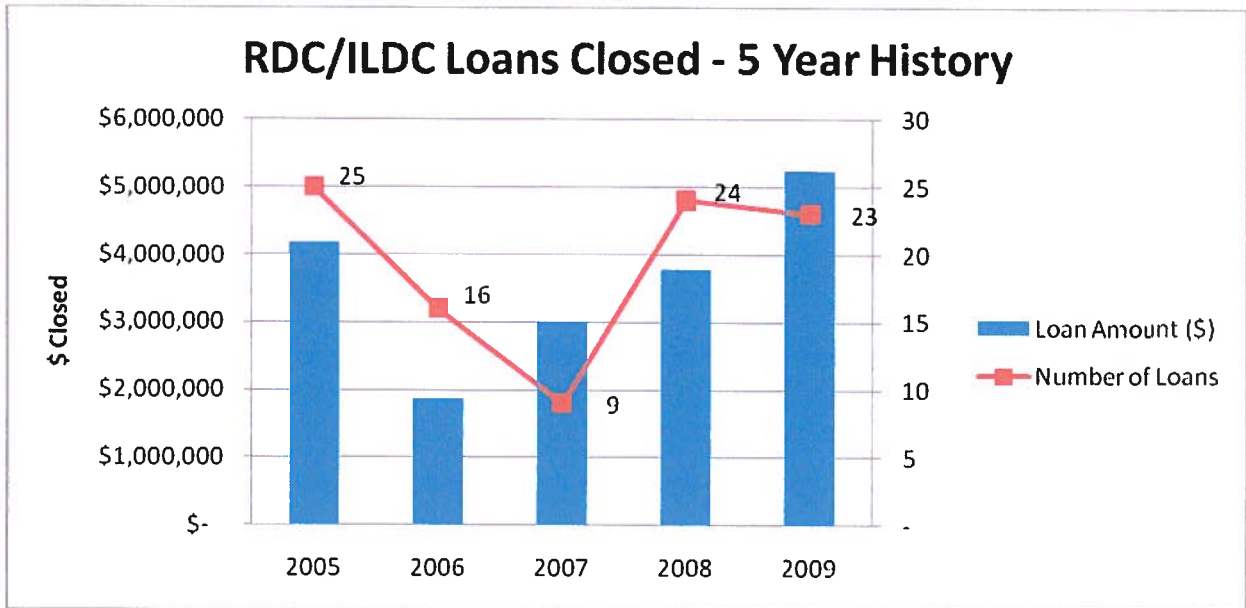
***Development***

- The ECIDA continued to administer several New York State and local grants to fund continued demolition of the former Spaulding Fibre complex in the City of Tonawanda. Working with Erie County and others, the ECIDA was actively involved in the remediation of this abandoned complex and the related environmental contamination.
- ECIDA assisted Erie County's Office of Economic Development coordinate and manage the design for a NYSDOT project in Lackawanna at the former Bethlehem Steel Facilities. This project would create a new rail corridor eventually serving customers on each side of the corridor and remove the existing rails running along Route 5 which opens up all that land and frontage. Construction is anticipated in fall of 2010.
- In 2009 the ECIDA continued to provide management services to Erie County for two short-line rail lines. Due to flooding that occurred near Gowanda, the ECIDA and Erie County obtaining FEMA funding to repair damaged portions of the rail line.

## ***2009 Highlighted Accomplishments (Cont'd):***

### ***Lending***

- ECIDA and its lending corporations closed 23 loans which provided over \$5.2 million in financing for local companies - the second largest amount of loans funded in its 30-year history. The 23 loans leveraged over \$63 million in new investment, helped retain 621 jobs and are projected to create 124 new jobs.



- The ECIDA initiated the 2<sup>nd</sup> Round of Minority Enterprise Loan Program, and received 89 applications for the program.
- ECIDA's Micro Loan program is geared to help small start up businesses. In 2009, ECIDA funded eight Microloans for a total of \$224,250.

### ***Venture Capital***

- ECIDA's venture program focuses on early stage high tech and life science companies to finance the development and commercialization of intellectual property.
- From 1996 through 2009, the ECIDA has invested over \$8.5 million in 35 local companies that has leveraged an additional \$30 million in additional public and private venture investment.
- The ECIDA's equity investment in Gemcor II, LLC continues to represent a tremendous financial and economic development success story in the turnaround of this previously struggling aerospace corporation.

***2009 Highlighted Accomplishments (Cont'd):***

***International***

- The ECIDA administers Foreign Trade Zone #23 on behalf of Erie County. For the period Oct. 1, 2008-Sept 30, 2009, over \$30 million of merchandise was moved at the 6 active sites that make up FTZ#23.
- The International Division brokered export credit insurance policies for 9 local companies supporting \$2,350,000 in export sales.
- Using a grant from Empire State Development Corp., the ECIDA purchased booth space and provided companies from across NYS the opportunity to participate in their industry's largest world class trade shows. In 2009, 11 local companies were able to attend, the MEDICA Trade show in Düsseldorf, Germany and the Paris Air Show.

***Investment Tax Incentives***

- The ECIDA approved 30 projects in 2009, representing over \$142 million in new investment in the region.
- During 2009, 38 projects (including five Collateral Mortgage financings) which received tax incentives were closed or completed, which represented over \$628 million in new project investment, retention of 9,108 jobs and a projected 653 new jobs.
- The ECIDA utilized its affiliated Local Development Corporation to fund a \$47,755,000 financing for Buffalo State College to construct new student housing facilities. This structure was unique in the state and helped Buffalo State start construction of a project which had been halted by the State Legislature's failure to renew the ability of IDA's to finance not-for-profit projects.
- The ECIDA provided staff support to the IDA Leadership Council which coordinates regional IDA policy among the six Industrial Development Agencies in Erie County. The IDA Leadership Council successfully adopted a new Tiered Incentive structure aimed at providing differing levels of incentives for projects based on a scoring system of local and regional priorities.
- The ECIDA approved a new Adaptive Reuse Policy in 2009 aimed at redeveloping abandoned and blighted buildings and sites. 10 old abandoned buildings were redeveloped utilizing ECIDA's adaptive reuse incentive program creating \$49.5 million in new investment in the region.

## **2. Financial Information regarding the Corporation:**

The audited financial statements for the ECIDA and its affiliates are posted on the ECIDA's website at [http://www.ecidany.com/about\\_corporate\\_reports.asp](http://www.ecidany.com/about_corporate_reports.asp) while the financial statement certification is included as Appendix A.

The financial statements are audited on an annual basis, by ECIDA's external auditors Toski, Schaefer & Co., P.C. In their opinion, the financial statements present fairly, in all material respects, the financial position of the ECIDA and its affiliates as of December 31, 2009 and 2008, and the changes in net assets and its cash flows for the years then ended in conformity with accounting principals generally accepted in the United States of America.

## **3. Mission Statement:**

The mission of the ECIDA is to provide the resources that encourage investment, innovation, growth and global competitiveness – creating a successful business climate that benefits the residents of the region.

## **4. Schedule of Bonds and Notes Outstanding:**

Appendix B1 summarizes the ECIDA's bonds and notes outstanding at December 31, 2009. The indebtedness shown on this schedule is conduit debt and is **not** an obligation of the ECIDA, Erie County or New York State. The ECIDA does not record the assets or liabilities resulting from completed bond and note issues in its accounts since its primary function is to facilitate the financing between the borrowing companies and the bond and note holders.

## **5. Compensation Schedule:**

The following ECIDA employees had a salary exceeding \$100,000 during 2009:

Name	<b>Al Culliton</b>	<b>John Cappellino</b>
Title	Acting CEO, Chief Operating Officer	Executive VP, Director of Business Development & Marketing
Salary	\$133,911	\$108,088
Performance Compensation for 2008*	8,035	6,485
Payroll Taxes**	9,020	8,618
Benefits	15,877	21,626
Total	\$166,844	\$144,817

\* Paid under Board approved "ECIDA Employee Compensation Program" and 2009 ECIDA Budget.

\*\*Represents Employer's Share of FICA taxes (Social Security & Medicare) & NYS Unemployment Insurance taxes

None of the directors of the Erie County Industrial Development Agency or its affiliates receive any compensation for their services as directors. None of the officers of the Erie County Industrial Development Agency or its affiliates receive any compensation for their services as officers beyond their compensation as employees. None of the Erie County Industrial Development Agency affiliates had any employees during 2009.

**6. Projects Undertaken by the Corporation during fiscal year 2009:**

Appendix B details the tax-exempt bonds and tax-abatements that were undertaken during 2009.

**7. Listing of certain Property of the Corporation:**

Appendix C provides information regarding the ECIDA's and affiliates' real property holdings. Please note that this listing excludes the hundreds of properties in which the ECIDA has technical title in order to convey certain tax or other benefits. The properties presented are those where the ECIDA has "real" beneficial ownership.

**8. Code of Ethics:**

The Corporation's Code of Ethics is included as Appendix D.

**9. Assessment of the Effectiveness of Internal Control Structure and Procedures:**

The Erie County Industrial Development Agency and its affiliates share the same financial internal controls. The Agency's auditors have conducted an audit of the ECIDA's internal control over financial reporting and their report is included in the audited financial statements posted on the ECIDA website at [http://www.ecidany.com/about\\_corporate\\_reports.asp](http://www.ecidany.com/about_corporate_reports.asp).

## Appendix A

### Certification Pursuant to Section 2800(3) of the Public Authorities Law

Pursuant to Section 2800 (3) of the Public Authorities Law, each of the undersigned officers of Erie County Industrial Development Agency, Buffalo and Erie County Regional Development Corporation, Buffalo and Erie County Industrial Land Development Corporation (and its subsidiary Buffalo Niagara Regional Development Corporation) and ATC of Buffalo and Erie County Inc, does hereby certify with respect to the annual financial report of the Corporation (the "Annual Financial Report") posted on the ECIDA's website at [http://www.ecidany.com/about\\_corporate\\_reports.asp](http://www.ecidany.com/about_corporate_reports.asp) that based on the officer's knowledge:

1. the information provided in the Annual Financial Report is accurate, correct and does not contain any untrue statement of material fact;
2. does not omit any material fact which, if omitted, would cause the financial statements contained in the Annual Financial Report to be misleading in light of the circumstances under which such statements are made; and
3. fairly presents in all material respects the financial condition and results of operations of the Corporation as of, and for, the periods presented in such financial statements.



Al Culliton  
Acting CEO, Chief Operating Officer



Andrew Schoeppich  
Chief Financial Officer

## Erie County Industrial Development Agency

Projects Undertaken by the Corporation

Year Ended: December 31, 2009

<u>Company</u>	<u>Project Amount</u>	<u>Tax-Exempt Bond Amount</u>	<u>Date Closed</u>
Joint Schools Construction Board Phase IV	294,905,000	294,000,000	11/20/2009
NRG Energy	115,000,000	-	4/7/2009
Fisher Price, Inc.	17,298,000	-	5/29/2009
AC Lofts, Inc.	15,000,000	-	10/19/2009
Buffalo Recycling Enterprises, LLC	14,000,000	-	11/30/2009
App Pharmaceuticals, LLC / Abraxis BioScience	12,000,000	-	2/26/2009
2009 Shoreline Apartments LLC	11,000,000	9,000,000	6/9/2009
H @ Lofts, LLC	11,000,000	-	6/18/2009
Clover Comunites Fries, LLC.	11,000,000	-	10/1/2009
Goya Foods, Inc.	10,681,774	-	2/26/2009
Moog, Inc.- Plant 20	9,781,000	-	12/21/2009
API Heat Transfer, Inc.	7,125,076	-	11/12/2009
Moog, Inc. Plant 6A and 2C	6,514,316	-	2/19/2009
1238 Group, LLC. / Tapestry Charter School	6,457,000	-	12/4/2009
Praxair, Inc.	6,314,453	-	8/17/2009
Harlequin Sales Corporation	6,000,000	-	7/13/2009
2880 Transit Road, LLC. (Kaite's Place)	5,450,000	-	9/8/2009
WNY Urology Associates, LLC.	4,450,000	-	8/24/2009
Costanzos Bakery, Inc.	2,500,000	-	10/30/2009
Hart Hotels, Inc.	2,394,000	-	8/25/2009
Casa Shelby Development, LLC.	1,579,760	-	12/17/2009
124 Elmwood LLC, Elmwood Village Charter School	1,539,000	-	12/16/2009
1093 Group / Family Dollar	1,268,510	-	10/8/2009
ValueCentric, LLC.	1,200,000	-	10/1/2009
MJM Industries, Inc.	1,000,000	-	5/14/2009
iQor US, Inc.	985,000	-	7/30/2009
Allied Frozen Storage	875,925	-	4/30/2009
Martin's Fantasy Island	850,000	-	4/13/2009
Praxair, Inc.	703,797	-	8/17/2009
Windham Professionals, Inc.	700,000	-	10/19/2009
WNY Lodging, LLC	700,000	-	5/29/2009
Frey Electric Construction Co., Inc.	375,825	-	2/19/2009
Totals :	<u>580,648,436</u>	<u>303,000,000</u>	
<b>ILDC</b>			
Buffalo State College Housing Foundation Corp.	47,755,000	55,000,000	12/30/2009
	<u>628,403,436</u>	<u>358,000,000</u>	

# 2009 TRUSTEE REPORT

COMPANY NAME	TRUSTEE	BOND AMOUNT	JAN 1 BALANCE	DEC. 31 BALANCE	PRINCIPAL PAID	INTEREST RATE	MATURITY DATE
1998-Brooks Development, LLC.	M&T Real Estate, Inc. Empire State Development Corporation	\$2,400,000	\$1,610,557	\$1,480,381	\$130,176	0.0775	5/1/2018
2009 Shoreline Apartments LLC	First Niagara Bank - Commercial Loan Administration	\$9,000,000	\$0	\$9,000,000	\$0 var		11/30/2041
2400 North America Drive Associates LLC	First Niagara Bank - Commercial Loan Administration	\$1,155,000	\$915,635	\$871,810	\$43,825	0.065	3/1/2013
4950 Genesee Street, LLC	RBS Citizens, N.A.	\$4,350,000	\$3,704,334	\$3,582,475	\$121,859	0.075	5/31/2012
937 Broadway, LLC/E Square Capital, LLC/CWG Development Associates	Key Bank, NA	\$2,600,000	\$2,600,000	\$2,459,622	\$140,378	0.0249	11/19/2022
Advanced Marketing	U.S. Bank Corporate Trust Services-Dave Massa	\$500,000	\$300,596	\$234,596	\$66,000	0.0775	4/1/2015
Affinity Sutton Place, LP	HSBC Bank USA, NA	\$9,995,000	\$8,650,000	\$8,345,000	\$305,000 var.		6/1/2033
Arrow Sheet Metal Works, Inc.	The Huntington National Bank	\$270,000	\$162,211	\$132,103	\$30,108	0.0375	11/25/2015
Aspire of Western New York, Inc.	M&T Real Estate, Inc.	\$2,890,000	\$2,830,000	\$2,285,000	\$545,000 var		1/1/2018
Buffalo Games, Inc.	M&T Real Estate, Inc.	\$436,000	\$35,631	\$0	\$35,631	0.0675	8/1/2009
Buffalo Games, Inc.	M&T Real Estate, Inc.	\$460,000	\$27,464	\$0	\$27,464	0.067	8/1/2009
Buffalo Hearing & Speech	Key Bank, NA	\$3,100,000	\$1,841,851	\$1,679,851	\$162,000	0.0247	11/1/2016

COMPANY NAME	TRUSTEE	BOND AMOUNT	JAN 1 BALANCE	BALANCE	DEC. 31	PRINCIPAL PAID	INTEREST RATE	MATURITY DATE
Canisius High School	Manufacturers and Traders Trust Company	\$22,250,000	\$22,250,000	\$22,250,000	\$22,250,000	\$0 var		2/1/2038
Canterbury Woods	Manufacturers & Traders Trust Co.	\$58,610,000	\$39,400,000	\$33,580,000	\$5,820,000	0.058		2/1/2028
Charter School for Applied Technologies	US Bank Corporate Trust Services	\$21,940,000	\$20,510,000	\$20,510,000	\$0 var.			6/1/2035
Child & Family Services of Erie County	The Huntington National Bank	\$4,200,000	\$3,485,000	\$3,335,000	\$150,000 var.			6/1/2022
Claddagh Commission	The Huntington National Bank	\$1,775,000	\$1,115,000	\$995,000	\$120,000 var.			12/1/2015
Community Services for the Developmentally Disabled, Inc.	The Huntington National Bank	\$3,630,000	\$2,500,000	\$2,280,000	\$220,000	4.45; var		4/1/2017
Costanzo Bakery, Inc.	Key Bank of WNY, NA	\$800,000	\$367,187	\$0	\$367,187	0.059		3/1/2010
Curbell, Inc.	HSBC	\$3,600,000	\$736,668	\$510,000	\$226,668	0.0566		2/26/2012
DeCarolis Truck Rental, Inc.	Manufacturers & Traders Trust Co.	\$1,125,000	\$540,683	\$0	\$540,683	0.0823		12/1/2014
DePaul Adult Care Communities, Inc.	The Bank of New York Mellon	\$3,000,000	\$1,775,000	\$1,610,000	\$165,000 var.			11/1/2016
DePaul Properties, Inc.	HSBC Corporate Trust	\$8,345,000	\$7,290,000	\$7,100,000	\$190,000	various		9/1/2028
Diversified Controls, Inc.	HSBC	\$4,250,000	\$1,125,103	\$1,125,103	\$0 var.			3/15/2009
Duke HN New York, LLC, Health Now	Manufacturers & Traders Trust Company	\$11,275,000	\$10,665,000	\$9,385,000	\$1,280,000	0.072		4/1/2017
Elmwood Square Preservation L.P.	U.S. Bank Corporate Trust Services-Dave Massa	\$6,085,000	\$5,065,000	\$4,905,000	\$160,000 var.			9/20/2045

COMPANY NAME	TRUSTEE	BOND AMOUNT	JAN 1 BALANCE	BALANCE	DEC. 31	PRINCIPAL PAID	INTEREST RATE	MATURITY DATE
EPIC - Every Person Influences Children, Inc.	M&T Bank	\$1,345,000	\$1,305,000	\$1,265,000	\$40,000	var		10/1/2026
Flexovit USA, Inc.	Manufacturers & Traders Trust Co.	\$2,800,000	\$2,615,660	\$2,536,851	\$78,829	0.0677		5/1/2016
Franklin Southtowns	M&T Real Estate, Inc.	\$250,000	\$133,741	\$115,676	\$18,065	675		2/1/2015
Global Concepts Charter School	M&T Trust Company	\$8,275,000	\$8,275,000	\$8,165,000	\$110,000	0.0625		10/1/2037
Hauptman-Woodward Medical Institute, Inc.	The Huntington National Bank	\$7,000,000	\$6,345,000	\$6,120,000	\$225,000	var		3/1/2024
Heritage Centers	The Huntington National Bank	\$2,805,000	\$1,850,000	\$1,670,000	\$180,000	var		9/1/2018
Hydro Air Components, Inc.	HSBC Bank USA, N.A.	\$9,800,000	\$9,700,000	\$7,330,000	\$2,370,000	Var.		4/1/2026
Joint Schools Construction Board	Manufacturers & Traders Trust Co.	\$185,000,000	\$157,870,000	\$152,035,000	\$5,835,000	var		
Joint Schools Construction Board	Manufacturers & Traders Trust Co.	\$310,125,000	\$290,980,000	\$281,840,000	\$9,140,000	Var		5/1/2026
Joint Schools Construction Board	M&T Bank	\$173,225,000	\$173,225,000	\$171,305,000	\$1,920,000	0.057		5/1/2029
Joint Schools Construction Board Phase IV	M&T Bank	\$294,000,000	\$0	\$294,000,000	\$0	var		5/31/2028
Joint Schools Construction Board-2007A	M&T	\$180,000,000	\$179,585,000	\$175,650,000	\$3,935,000	var		5/1/2028
Kaleida Health System/VNA - CGF	Manufacturers & Traders Trust Co.	\$7,500,000	\$2,840,704	\$2,540,704	\$300,000	0.055692		1/1/2026
Linen World		\$700,000	\$439,744	\$0	\$439,744			
Luminescent Systems, Inc. ("LSI")	HSBC Bank USA, NA	\$6,000,000	\$6,000,000	\$6,000,000	\$0	var		4/1/2027
Luminescent/Astronics Corporation	HSBC Bank USA	\$7,000,000	\$3,645,000	\$2,945,000	\$700,000	Var.		12/1/2019
Medaille College	U.S. Bank Corporate Trust Services	\$4,245,000	\$1,805,000	\$1,095,000	\$710,000	0.06875		10/1/2013

COMPANY NAME	TRUSTEE	BOND AMOUNT	JAN 1 BALANCE	DEC. 31		PRINCIPAL PAID	INTEREST RATE	MATURITY DATE
				BALANCE	BALANCE			
Medaille College	U.S. Bank Corporate Trust Services	\$19,160,000	\$16,695,000	\$16,695,000	\$0	\$0	0.07625	4/1/2035
Midway CTS	Key Bank of WNY, NA	\$2,600,000	\$1,579,614	\$1,434,000	\$145,614	\$145,614	0.03095	10/1/2010
Multisorb Technologies	Bank of America, N.A. Manufacturers & Traders Trust Co.	\$2,700,000	\$2,700,000	\$1,952,500	\$747,500	var		9/1/2029
Niagara Group, Inc.	Traders Trust Co.	\$9,650,000	\$4,585,505	\$4,158,871	\$426,634	\$426,634	0.062	11/1/2015
Niagara Maryland Development, LLC	HSBC Bank USA	\$2,500,000	\$2,145,000	\$2,060,000	\$85,000	Var		6/1/2023
Niagara Tying Services, Inc.	Evans National Bank of Angola	\$600,000	\$217,746	\$177,750	\$39,996	\$39,996	0.025	11/1/2014
North Star Supply Company, Inc.	Northwest Savings Bank	\$816,000	\$614,641	\$580,406	\$34,235	\$34,235	0.0575	9/1/2011
Orchard Park CCRC, Inc. dba Fox Run at OP	The Bank of New York Mellon	\$77,835,000	\$77,485,000	\$57,635,000	\$19,850,000	var		11/15/2036
Our Lady of Victory Renaissance Corporation	Bank of New York Mellon	\$11,860,000	\$11,860,000	\$11,640,000	\$220,000	\$220,000	0.053	4/1/2032
People, Inc.	The Huntington National Bank	\$13,685,000	\$8,120,000	\$7,430,000	\$690,000	.0722; var		6/1/2022
Productive Transportation Services Group	M&T Real Estate, Inc. Manufacturers & Traders Trust Co.	\$600,000	\$277,856	\$0	\$277,856	\$277,856	0.0934	11/1/2009
Ransier Development	Traders Trust Co.	\$1,240,000	\$443,710	\$0	\$443,710	\$443,710	0.0577	11/1/2019
Rosina Food Products	The Bank of New York	\$5,000,000	\$335,000	\$0	\$335,000	Var.		4/1/2009
Servotronics, Inc.	Wells Fargo- Manufacturers & Traders Trust Co.	\$5,000,000	\$3,470,000	\$3,300,000	\$170,000	\$170,000	0.0411	12/2/2014
Sonwil Distribution Center	The Huntington National Bank	\$1,500,000	\$763,199	\$693,022	\$70,177	\$70,177	0.053	10/1/2015
Suburban Adult Services, Inc.	The Huntington National Bank	\$5,650,000	\$3,090,000	\$2,790,000	\$300,000	var.		6/1/2022
UC Coatings Corporations	M&T Real Estate, Inc.	\$750,000	\$318,618	\$287,310	\$31,308	\$31,308	0.0682	12/1/2016

COMPANY NAME		TRUSTEE		BOND AMOUNT	JAN 1 BALANCE	DEC. 31 BALANCE	PRINCIPAL PAID	INTEREST RATE	MATURITY DATE
United Cerebral Palsy Association of WNY, Inc.	U.S. Bank, N.A. - Corporate Trust	\$1,800,000	\$660,000	\$560,000	\$100,000	var. rate	6/1/2014		
United Cerebral Palsy Association of WNY, Inc.	The Huntington National Bank	\$5,800,000	\$3,760,000	\$3,430,000	\$330,000	var.	9/1/2017		
WS Empire, LLC	HSBC Bank USA	\$750,000	\$205,739	\$150,633	\$55,106	0.0697	11/1/2011		
WS Empire, LLC	HSBC Bank USA	\$1,200,000	\$502,497	\$416,669	\$85,828	0.0697	12/1/2013		
YMCA of Greater Buffalo	HSBC Bank USA	\$7,600,000	\$4,210,000	\$3,815,000	\$395,000	var.	12/1/2023		
Zemco Industries	Bank of America	\$9,400,000	\$4,739,166	\$4,269,166	\$470,000	var.	1/1/2014		
		\$1,630,807,000	\$1,134,896,080	\$1,375,744,499	\$62,151,581				

# Appendix C

## Erie County Industrial Development Agency Property Report Year Ended: December 31, 2009

Table 1. The following is a listing of all real property owned by the ECIDA and its affiliates at December 31, 2009.

Owner	Address and Location of Property	Full Description of Property	Estimated FMV of Property
ATC	275 Oak Street, Buffalo	100,000 square foot multi-tenant facility	\$ 8,100,000
ECIDA	Gateway Trade Center - N.W. Hamburg Turnpike	Commercial warehouse	\$ 1,140,000
ECIDA	1132 Military Rd/900 Ontario St	Vacant land	\$ 20,100

Table 2. The following is a listing of personal property (with a fair market value ("FMV") in excess of \$5,000) and all real property that was disposed of during 2009.

Owner	Address and Location of Property	Full Description of Property	Estimated FMV of Property	Name & Address of Purchaser	Date of Sale	Price Received by ILDC/ECIDA
ILDC	1150 Maple Street, Elma, New York	180,000 square foot industrial facility (with additional 520,000 sq. ft. of rough light industrial space & 150 acres of land), transferred to tenant under pre-existing 1983 Lease Agreement purchase option.	*	Steuben Foods, 1150 Maple Road, Elma, NY 14059	9/3/09	Monthly lease payments pursuant to 1983 lease agreement**
ECIDA	1714 Fuhrmann Blvd., Buffalo, New York	19.47 acres of vacant land that was transferred back to BUDC after the completion of NYS DEC Environmental Restoration Program investigation.	Less than \$0 due to cost of remediation	Buffalo Urban Development Corporation, 275 Oak Street, Buffalo, NY 14203	12/11/09	\$ -

Table 3. The following is a listing of all real property that was acquired during 2009.

Owner	Address and Location of Property	Full Description of Property	Estimated FMV of Property	Name & Address of Seller	Date of Purchase	Price Paid by ECIDA
	None		\$ -			\$ -

Please note that the above listing excludes the hundreds of properties in which the ECIDA has technical title in order to convey certain tax or other benefits. The properties presented are those where the ECIDA has "real" beneficial ownership.

\* Due to the unique nature of this property (size, condition & location) and the nature of the lease agreement with the sole tenant, the fair market value of this property is not readily determinable.

\*\* Under the 1983 Lease Agreement with Steuben Foods total lease payments of \$6,000,000 were received from 1984 to 2007 and were applied towards the purchase price of the facility under a Federal Urban Development Action Grant (UDAG) agreement.

**Erie County Industrial Development Agency (“ECIDA”),  
Buffalo and Erie County Regional Development Corporation  
 (“RDC”), Buffalo and Erie County Industrial Land  
Development Corporation (“ILDC”), Buffalo Niagara Regional  
Development Corporation (“BNRDC”) and ATC of Buffalo  
and Erie County, Inc. (“ATC”)**

**CODE OF ETHICS**

This Code of Ethics is adopted upon approval by the respective Boards of each corporation in accordance with Section 2824 of the Public Authorities Law and applies to all directors, officers and employees of the Erie County Industrial Development Agency (ECIDA) and its affiliates: Buffalo and Erie County Regional Development Corporation (RDC), Buffalo and Erie County Industrial Land Development Corporation (ILDC), Buffalo Niagara Regional Development Corporation (BNRDC), ATC of Buffalo and Erie County (ATC) and any other affiliated entities that may hereafter be established by ECIDA (hereinafter collectively referred to as the “Agency”).

This Code of Ethics shall serve as a guide for official conduct and is intended to enhance the ethical and professional performance of the Agency’s directors, officers and employees and to preserve public confidence in the Agency’s mission.

**ARTICLE I  
Standards of Conduct**

1. No director, officer or employee of the Agency should accept other employment which will impair their independence of judgment in the exercise of their official duties.
2. No director, officer or employee of the Agency should accept employment or engage in any business or professional activity which will require them to disclose confidential information which they have gained by reason of their official position or authority.
3. No director, officer or employee of the Agency should disclose confidential information acquired by them in the course of their official duties nor use such information to further their personal interests.
4. No director, officer or employee of the Agency should use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.

5. No director, officer or employee of the Agency should engage in any transaction as representative or agent of the Agency with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their official duties.

6. No director, officer or employee of the Agency should by their conduct give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

7. Each director, officer and employee of the Agency should abstain from making personal investments in enterprises which they have reason to believe may be directly involved in decisions to be made by them or which will otherwise create substantial conflict between their duty in the public interest and their private interest.

8. Each director, officer or employee of the Agency should endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of his or her trust.

## **ARTICLE II Prohibited Conflicts**

General Municipal Law (“GML”) Article 18 regulates financial conflicts of interest of directors, officers and employees of the Agency.

1. No director, officer or employee shall have a direct or indirect financial interest in a contract with the Agency where such director, officer or employee has some form of control over the contract (“Prohibited Interest”).

Disclosure and recusal will not cure a Prohibited Interest. In order to avoid a violation of a “Prohibited Interest” the contract may not be acted upon or the director, officer or employee would have to resign.

Violations: Any director, officer or employee who is determined to have “willfully and knowingly” violated the Prohibited Interest provisions of Article 18 of the GML may be found guilty of a misdemeanor. In addition, the contract, if willfully entered into, may be determined “null, void and wholly unenforceable”

Article 18 of the GML provides fifteen exceptions to the Prohibited Interest provision. One of the more commonly claimed exceptions comes into play when the director, officer or employees (“officials”) interest in the contract is prohibited solely by reason of the official’s employment with the entity that has the contract with the Agency. This exception applies provided: (a) the official’s compensation from the private employer is not contingent upon the contract between the employer and the Agency and (b) the official’s duties for the private employer do not directly involve the procurement,

preparation or performance of any part of the contract. [Note: This exception does not cover an Agency official who is a director, partner, member, or shareholder of the private employer]. The second most commonly claimed exception is where the official has an interest in a contract that was entered into with the Agency prior to the time the official was elected or appointed as such director, officer or employee of the Agency. Provided, however, this exception does not authorize the renewal of any such contract.

Disclosure of Interest that falls within one of the Exceptions: The official is required to publicly disclose the nature and extent of his or her prospective, existing or subsequently acquired interest in any actual or proposed contract. The disclosure must be made in writing and must be placed, in its entirety, in the official record. The official must recuse him or herself from participating in any discussion or action on the contract.

Every director, officer or employee shall immediately notify the Agency's Ethics Officer of any potential conflict of interest due to a direct or indirect financial interest in any matter coming before the Agency where such director, officer or employee has the power or duty to negotiate, prepare, authorize or approve the matter before the Agency. The Ethics Officer shall review the potential financial conflict of interest pursuant to the provisions of Article 18 of the GML in consultation with Agency counsel.

### **ARTICLE III**

#### **Ethics Officer**

The Agency's Board shall designate an officer, director or employee of the Agency to serve as the Ethics Officer of the Agency. In the event of a vacancy, the Agency Board Chair shall serve as the Ethics Officer until such time as the Agency Board appoints a successor.

The Ethics Officer shall report to the Board. The Ethics Officer shall have the duties set forth below, and such other duties as may be prescribed by the Board:

1. Advise in confidence each director, officer or employee of the Agency who seeks guidance regarding ethical behavior.
2. Receive and investigate complaints about possible violations of this Code of Ethics.
3. Dismiss complaints found to be without substance.
4. Prepare investigative reports of his or her findings to be submitted for action by the Executive Director or the Board.

**ARTICLE IV**  
**Reporting Unethical Behavior**

Directors, officers and employees of the Agency should report violations of this Code of Ethics to the Ethics Officer. If the complaint involves the Ethics Officer, the complaint should be made to the Agency Board Chair or Vice Chair. Reports will be kept confidential to the extent possible. The Ethics Officer shall promptly forward reports of violations of this Code of Ethics to the Agency's legal counsel, who shall assist the Ethics Officer in the prompt investigation of the claim.

In addition to any penalties contained in any applicable provision of law, any director, officer or employee of the Agency who knowingly and intentionally violates any of the provisions of this Code of Ethics may be removed from office or employment in the manner provided for by law. Nothing herein shall be construed to modify the employment-at-will status of the Agency's employees.

**ARTICLE V**  
**Retaliation Prohibited**

No individual, regardless of his or her position with the Agency, will be subject to retaliation for reporting in good faith a violation (or violations) of this Code of Ethics or other acts of wrongdoing, misconduct, malfeasance, or inappropriate behavior. Claims of retaliation will be promptly investigated. Any director, officer or employee who retaliates against a person who has reported a violation shall be subject to disciplinary action by the Agency, which may include removal from office and/or termination of employment.

**ARTICLE VI**  
**Implementation; Annual Review**

This Code of Ethics shall be provided to all directors, officers and employees of the Agency upon commencement of employment or appointment and shall be reviewed annually by the Agency's Governance Committee.

Approved and adopted this 8<sup>th</sup> day of March, 2010 by the respective Boards of each corporation referenced above.