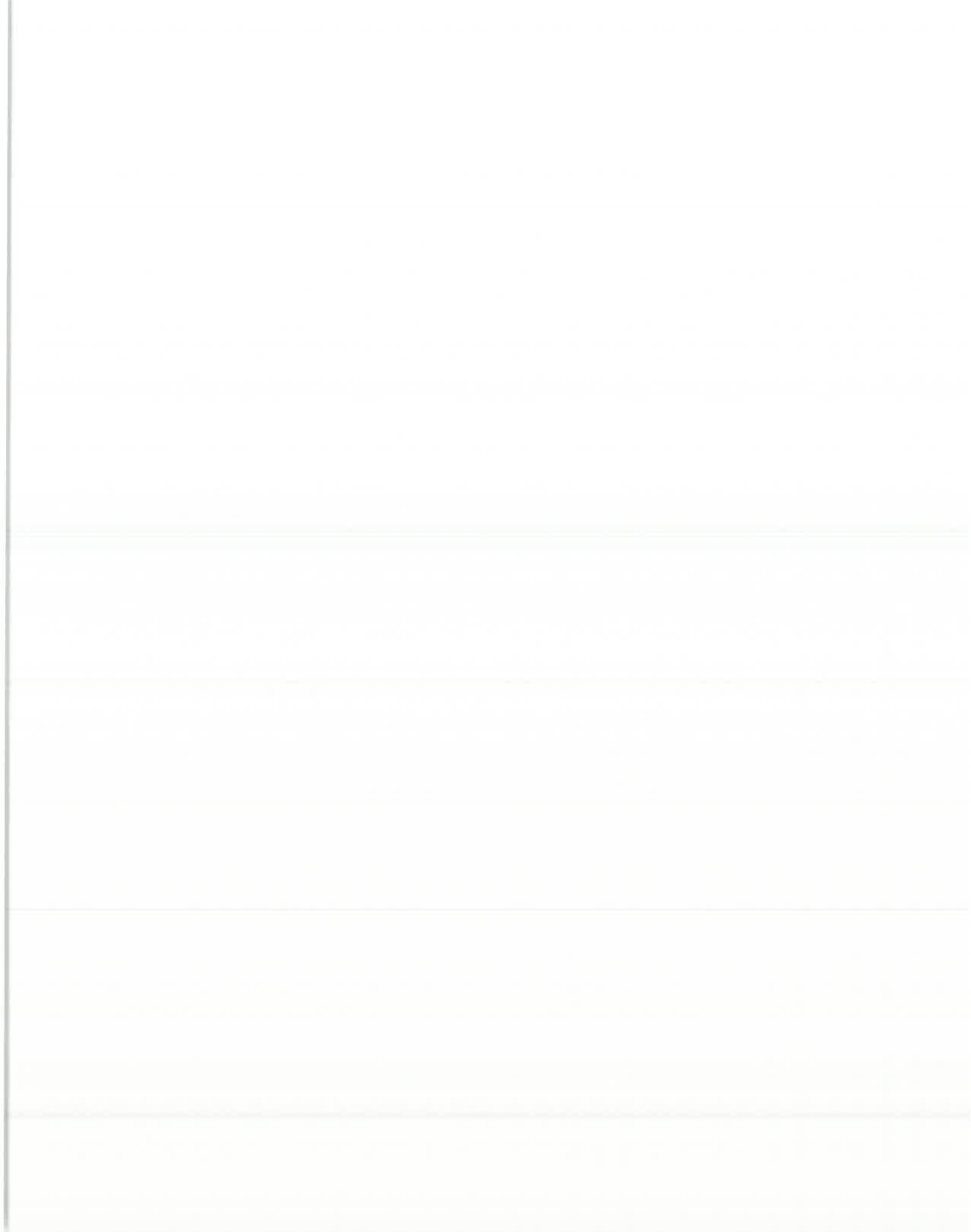


Agenda

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



Compliance Monitoring - Material Terms

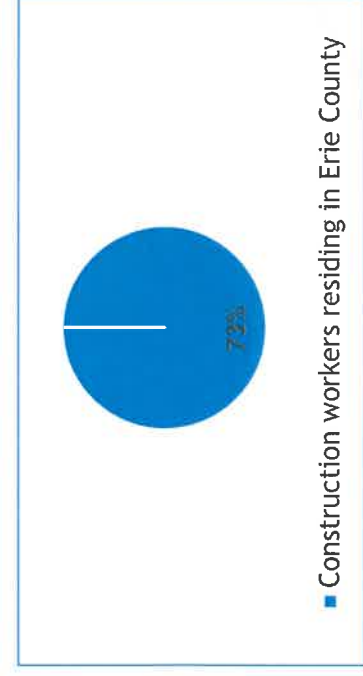
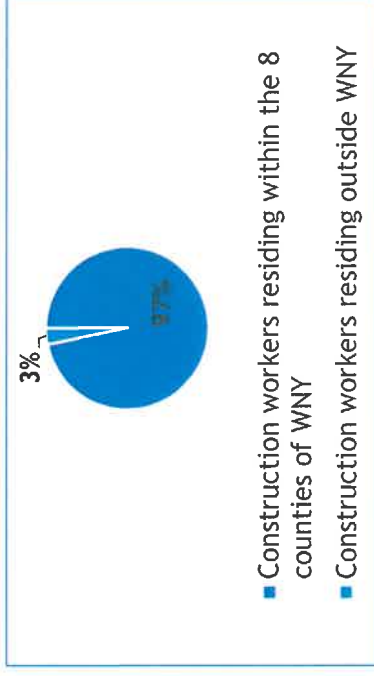
- ▶ **Investment**
 - ▶ Requires a private investment equal to at least 85% of the project cost
 - ▶ Clients submit an investment certification and a copy of their project budget
- ▶ **Job Retention**
 - ▶ Clients are required to maintain 90 or 95% of their jobs at application (depending on company size)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

Compliance Summary

- In 2018, 74 projects were obligated under the recapture policy
- These companies fulfilled their agreements with the ECIDA in 2018 and are no longer active:
 - Arco Lofts
 - MSBP 251, LLC
 - Phoenix Brewery
 - 500 Parker LLC
 - 486 Elmwood Buffalo LLC
 - Garrett Leather
 - Niagara Street Buffalo
- 100% compliance with the Local Labor Policy
- 100% compliance with the Pay Equity Policy
- 100% compliance with the Unpaid Tax Policy
- 93.2% compliance with job retention/job creation requirements
 - 5 clients were subject to benefit adjustments in 2018
- 92.6% compliance with investment requirement documentation requests
 - ECIDA staff is in the process of obtaining the outstanding investment verifications

2018 Local Labor Results

- ▶ **1st Quarter**
 - ▶ 1,607 total construction workers on-site
 - ▶ 97% resided within the 8 counties of WNY
 - ▶ 3% resided outside the 8 counties of WNY
 - ▶ 74% resided in Erie County
- ▶ **2nd Quarter**
 - ▶ 1,421 total construction workers on-site
 - ▶ 97% resided within the 8 counties of WNY
 - ▶ 3% resided outside the 8 counties of WNY
 - ▶ 70% resided in Erie County
- ▶ **3rd Quarter**
 - ▶ 1,602 total construction workers on-site
 - ▶ 97% resided within the 8 counties of WNY
 - ▶ 3% resided outside the 8 counties of WNY
 - ▶ 73% resided in Erie County
- ▶ **4th Quarter**
 - ▶ 1,200 total construction workers on-site
 - ▶ 96% resided within the 8 counties of WNY
 - ▶ 4% resided outside the 8 counties of WNY
 - ▶ 73% resided within Erie County



Sales Tax Compliance

- ▶ The Board approves the amount that a company can receive in sales tax savings
- ▶ When a company reports more than the approved amount, it must repay the overage
- ▶ Sales tax savings are monitored through the ST-340 forms that companies submit to the NYS Tax Dept.; ECIDA requests a copy of the form
- ▶ Staff compares the sales tax savings amount approved by the Board with the ST-340 forms that clients submit; if a client exceeds the approved amount, staff informs the client that they must pay the overage
- ▶ Client sends a check to the ECIDA; ECIDA staff completes the ST-65 form and forwards the check to the NYS Tax Dept.
 - ▶ In 2018, one company repaid the NYS Tax Dept. for sales tax overages
 - ▶ Total amount repaid \$15,683

ECIDA 2018 Progress Assessment Report

Project Code	Project Name	Investment Required	Investment Confirmed	Compliant with Local Labor Policy	Compliant with Pay Equity Policy	Compliant with Unpaid Tax Policy	Jobs at Application Required	Jobs to be created	2018 Full-Time	2018 Part-Time	2018 Total Jobs	2018 Job Status (see notes for formulas)	Jobs Creation Due Date	Recapture End Date	Notes
10352	Flexo-Transparent, Inc.	\$5,227,500	Y	N/A	Y	Y	104	5	128	0	128	24	12/31/20	12/31/25	
10317A	Flexovit USA, Inc.	\$6,817,753	Y	N/A	Y	Y	41	30	64	0	64	23	12/31/19	12/31/27	
10254A	Flying Bison Brewing Co.	\$2,125,000	Y	N/A	N/A	Y	5	3	8	6	11	3	7/7/17	12/31/23	
10330	Great Lakes Orthodontics, Ltd.	\$4,254,446	Y	N/A	Y	Y	210	8	249	16	257	47	12/31/19	12/31/28	
10389	Group V Real Estate, Inc.	\$1,289,875	N/A	Y	Y	Y	50	21	59	0	59	9	12/31/21	12/31/30	
10350	Iroquois Bar Corporation	\$782,000	Y	N/A	Y*	Y	59	2	89	35	106.5	47.5	9/30/19	12/31/25	
10380	ITT Enidine, Inc.	\$1,020,000	N	Y	Y	Y	248	8	294	0	294	46	12/31/20	12/31/20	
10331	Kohler Awning, Inc.	\$722,500	Y	N/A	Y	Y	45	1	63	20	73	28	7/31/19	12/31/24	
10353	Latina Boulevard Foods, LLC	\$8,500,000	Y	N/A	Y	Y	163	4	235	0	235	72	12/31/19	12/31/19	
10277	Lazarus Properties, LLC	\$2,110,550	Y	N/A	N/A	Y	0	9	20	15	27.5	27.5	6/30/19	6/30/19	
10209A	McGard, LLC	\$7,012,500	Y	N/A	N/A	Y	434	19	656	0	656	203	6/30/17	12/31/22	
10356	Moog, Inc.	\$27,710,000	N/A	Y	Y	Y	274	36	306	0	306	32	12/31/21	End of PILOT	
10390	Niagara Label/12715 Lewis Road, LLC	\$1,627,750	N/A	N/A	Y	Y	44	4	54	2	55	11	12/31/21	12/31/30	
10234	North American Salt Company	\$6,205,000	Y	N/A	N/A	Y	0	6	10	0	10	4	6/30/17	12/31/22	
10256	Orchard Heights, Inc.	\$24,310,000	Y	N/A	N/A	Y	65	11	77	56	105	40	6/30/19	12/31/24	
10378	Pearl Group, LLC	\$6,158,250	N/A	Y	Y	Y	0	29	0	0	0	0	12/31/21	12/31/21	
10366	Pierce Arrow Kanaka LLC	\$29,354,750	Y	Y	Y	Y	0	2	1	0	1	1	6/30/22	6/30/22	
10354	Pine Pharmaceuticals	\$4,760,000	Y	Y	Y	Y	14	10	37	14	44	30	6/30/20	12/31/28	
10212	Pollock Research & Design d/b/a Simmers Crane Design & Services	\$1,453,500	Y	N/A	N/A	Y	27	4	40	9	44.5	13.5	5/31/17	12/31/26	
10357	R&M Leasing, LLC/Pierce Arrow Business Park	\$9,002,350	Y	Y	Y	Y	45	17	113	0	113	68	7/31/20	7/31/20	
10211	Richardson Center Corporation/Richardson Olmsted Complex	\$46,880,714	Y	N/A	N/A	Y	0	47	51	123	112.5	112.5	9/30/19	12/31/28	
10349	Rosina Food Products Company	\$1,312,400	Y	Y	Y	Y	206	3	271	3	272.5	66.5	12/31/19	12/31/19	
10269	SelectOne RE Holdings	\$1,445,000	Y	N/A	N/A	Y	13.5	5	12	0	12	-1.5	5/3/19	12/31/25	Recapture due to employment shortfall in 2018
10365	Shea's Seneca Street, LLC	\$7,685,470	Y	Y	Y	Y	0	14	0	0	0	0	3/31/21	3/31/21	
10341	Shell Fab	\$2,324,750	Y	Y	Y	Y	41	8	50	3	51.5	10.5	7/31/20	12/31/25	
10292A	Shevlin Land & Cattle Company	\$1,445,000	Y	N/A	Y	Y	63	8	62	2	63	-8	6/30/18	12/31/24	Connected to Upstate #10327; recapture due to employment shortfall in 2018
10374	Silos at Elk Street	\$1,746,750	Y	Y	Y	Y	29	3	41	0	41	12	12/31/20	12/31/20	
10297	Sodexo, Inc.	\$5,164,600	Y	N/A	N/A	Y	485	0	491	5	493.5	8.5	11/30/19	11/30/19	Connected to Uniland #10295
10384	St. Paul Group, LLC	\$3,217,250	N/A	Y	Y	Y	0	15	0	0	0	0	12/31/21	12/31/21	
10360	Sumitomo Rubber USA, Inc.	\$8,252,650	Y	Y	Y	Y	1179	0	1345	0	1345	166	N/A	12/31/29	No job creation
10351	The Alexandre Apartments, LLC	\$3,629,165	Y	Y	Y	Y	0	4	5	0	5	5	1/31/20	1/31/20	
10295A	The Uniland Partnership of Delaware, LP	\$17,899,380	Y	N/A	N/A	Y	485	0	492	7	495.5	10.5	11/30/19	12/31/27	Connected to Sodexo #10297

ECIDA 2018 Progress Assessment Report

Project Code	Project Name	Investment Required	Investment Confirmed	Compliant with Local Labor Policy	Compliant with Pay Equity Policy	Compliant with Unpaid Tax Policy	Jobs at Application Required	Jobs to be created	2018 Full-Time	2018 Part-Time	2018 Total Jobs	2018 Job Status (see notes for formulas)	Jobs Creation Due Date	Recapture End Date	Notes
10358	128 Pearl Street, LLC/St. Paul's Apartments	\$1,564,362	Y	N/A	Y	Y	0	1	1	1	1.5	1.5	3/31/20	3/31/20	
10273	1391 Hertel, LLC	\$4,599,881	Y	Y	N/A	Y	0	3	2	3	3.5	3.5	2/28/20	2/28/20	
10377	166 Chandler Holdings, LLC	\$3,990,750	Y	Y	Y	Y	0	5.5	0	0	0	0	5/31/21	5/31/21	
10230	337 Ellicott Street, LLC/Big Ditch Brewing Company	\$2,176,000	Y	N/A	N/A	Y	0	11	38	49	62.5	51.5	12/31/18	12/31/23	
10219	4455 Genesee Street, LLC	\$4,250,000	N	N/A	N/A	Y	81	4	214	8	218	137	11/30/19	11/30/19	
10231A	500 Seneca Street, LLC	\$26,976,980	Y	N/A	N/A	Y	18	10	795	39	814.5	796.5	6/30/19	12/31/25	
10203	555 Riverwalk Parkway, LLC	\$10,628,000	Y	N/A	N/A	Y	732	70	957	9	961.5	159.5	8/31/16	12/31/24	
10355	570 Associates VI, LLC	\$17,633,250	N/A	Y	Y*	Y	0	105	0	0	0	0	12/31/22	End of PILOT	
10372	683 Northland Avenue/Workforce Training Center	\$49,357,729	N/A	Y	Y	Y	0	7	28	0	28	28	3/31/22	12/31/26	
10315	722 Group	\$4,896,000	Y	N/A	Y	Y	0	2	1	1	1.5	1.5	3/31/21	3/31/21	
10283	9271 Group, LLC/960 Busti	\$5,916,000	N	Y	N/A	Y	0	1	1	1	1.5	1.5	6/30/21	6/30/21	
10285A	93 NYRPT, LLC/Randall Benderson 1993-I Trust	\$5,508,000	N/A	Y	N/A	Y	0	30	0	0	0	0	12/31/21	12/31/24	
10298	95 Pirson Parkway, LLC	\$2,808,825	Y	N/A	N/A	Y	128	26	180	2	181	27	12/31/18	12/31/27	
10359	Aakron Rule Corporation	\$2,269,500	Y	Y	Y	Y	131	11	157	9	161.5	30.5	9/11/21	12/31/28	
10208	Automated Machine Technologies, Inc.	\$786,250	Y	N/A	N/A	Y	3	1	5	0	5	1	7/31/16	12/31/24	
10373	Barker Street Apartments/Glendale	\$4,243,200	Y	Y	Y	Y	0	1	1	0	1	1	9/30/20	9/30/20	
10340	Calspan Corporation/Genesee Holdings	\$6,009,500	Y	Y	Y	Y	102	9	121	8	125	23	6/30/21	12/31/28	
10394	Column Development	\$2,550,000	Y	Y	Y*	Y	27	6	27	0	27	0	9/30/21	12/31/26	
2123	Curtis Niagara, LLC	N/A	N/A	N/A	N/A	Y	157	0	164	0	164	7	N/A	12/31/20	In 2014, MacLean Curtis LLC purchased the assets of Curtis Screw. Recapture applies to employment only.
10255	Curtiss Buffalo, Inc.	\$20,510,500	N	N/A	N/A	Y	0	46	13	181	103.5	103.5	12/31/19	12/31/19	
10227	Custom Sheet Metal Fabricating, LLC	\$935,000	Y	N/A	N/A	Y	10	2	14	0	14	2	8/31/16	12/31/22	
10286A	David Gordon/Gordon Companies, Inc./Colvin Oakdale, LLC	\$1,551,250	Y	N/A	N/A	Y	74	5	106	0	106	32	7/31/19	12/31/24	
10363	Delaware Lodge Apartments	\$1,059,100	N	Y	Y	Y	0	0	0	0	0	0	N/A	5/31/21	No employment obligations
10225	DNC 250, Inc.	\$44,017,851	Y	N/A	N/A	Y	332	55	438	0	438	106	3/31/19	12/31/27	
10395	Ebenezer Railcar Services, Inc.	\$5,100,000	N/A	Y	Y	Y	76	11	91	3	92.5	16.5	12/31/21	12/31/21	
10385	Emerson Huron, LLC	\$32,231,525	N/A	Y	Y	Y	54	0	61	0	61	7	9/30/22	9/30/22	
10253	Fisher-Price, Inc.	\$6,800,000	Y	N/A	N/A	Y	750	0	614	106	667	-83	2/28/19	2/28/19	No job creation; recapture due to employment shortfall in 2018; jobs at application adjustment N/A due to permanent layoffs

ECIDA 2018 Progress Assessment Report

Project Code	Project Name	Investment Required	Investment Confirmed	Compliant with Local Labor Policy	Compliant with Pay Equity Policy	Compliant with Unpaid Tax Policy	Jobs at Application Required	Jobs to be created	2018 Full-Time	2018 Part-Time	2018 Total Jobs	2018 Job Status (see notes for formulas)	Jobs Creation Due Date	Recapture End Date	Notes
10388	Tomric Systems Expansion	\$1,338,750	Y	Y	Y	Y	23	2	23	1	23.5	0.5	12/31/20	12/31/20	
10221	Tonawanda Pirson, LLC/Wythe Will Tzetzto	\$15,895,000	Y	N/A	N/A	Y	206	29	304	2	305	70	8/31/18	12/31/26	
10328A	Trahwen-G, LLC	\$4,573,000	N/A	Y	Y	Y	0	30	0	0	0	0	12/31/21	12/31/24	
10326	Triad Recycling and Energy Corp.	\$2,544,050	Y	Y	Y	Y	0	2	44	5	46.5	46.5	3/31/21	3/31/21	
10260A	Unifrax 1, LLC	\$28,050,000	Y	N/A	Y	Y	255	21	244	0	244	-32	6/30/18	12/31/26	Recapture due to employment shortfall in 2018
10362	Unifrax 1, LLC	\$20,400,000	Y	Y	N/A	Y	0	21	25	0	25	25	3/31/20	12/31/25	
10327	Upstate Pharmacy	\$263,500	Y	N/A	N/A	Y	63	8	62	2	63	-8	11/30/18	11/30/18	Connected to Shevlin #10292A; recapture due to employment shortfall in 2018 (job creation)
10379	WNY Foreign Trade Zone Operations/Punto Franco Ltd.	\$1,496,000	Y	Y	Y	Y	5	2	8	0	8	3	3/31/21	12/31/27	

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

Compliant With Local Labor: N/A means the project was not under construction during 2018, therefore, the company was not obligated under the Local Labor Policy.

Pay Equity: N/A means the project was approved by the Board prior to the Pay Equity Policy approval date. Accordingly, these companies are not subject to the Pay Equity Policy. The companies listed with an asterisk (*) means the company was chosen to undergo a pay equity audit by the Erie County Division of Equal Employment Opportunity in 2018. Per the results from the DEEO, none of these companies violated the ECIDA Pay Equity Policy.

Unpaid Tax Policy - "Y" means the ECIDA is currently unaware of any violations relating to this Policy. ECIDA staff monitors this Policy by requesting a listing from the applicant of all properties in which he/she has a 25% or more ownership interest. The list of properties is forwarded to the Erie County Commissioner of Real Property Services for confirmation that all real property taxes, special district charges and/or PILOT payments are current.

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

2018 Job Status: Formula for companies whose job creation is not due: 2018 total jobs - jobs at application required. Formula for companies whose job creation was due during or before 2018: 2018 total jobs - (jobs at application required + jobs to be created).

Recapture Expiration: the recapture period for the following companies expired in 2018: (1) 486 Elmwood; (2) MSBP; (3) Niagara Street Buffalo; (4) Garrett Leather; (5) The Phoenix Brewery Apartments; (6) PAMS/500 Parker; and (7) PAMS/432 Abbott Road. The recapture period also expired for Upstate Pharmacy, however, Upstate fell below its job requirements prior to the expiration of the recapture period.