October 3, 2019
9:00 am
95 Perry Street, 5th Floor Conference Room
Buffalo, NY 14203

1. Call Meeting to Order

2. Approval of the August 1, 2019 Policy Committee Minutes (Pages 2 - 6)

3. Project Matrix (Page 7)

4. Project Presentations (Staff – Company Q&A)
   a) Rosina – Protein Operation Expansion (Pages 8 - 52)
   b) Moog Inc. – (Pages 53 - 82)

5. Adjournment – Next Meeting November 7, 2019 at 9:00 a.m.
MINUTES OF A MEETING OF THE
POLICY COMMITTEE OF THE
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

MEETING: August 1, 2019, at Erie County Industrial Development Agency, 95 Perry Street, 5th Floor Conference Room, Buffalo, New York

PRESENT: Hon. April Baskin, Richard Cummings, Colleen DiPirro, Richard Lipsitz, Jr., Hon. Glenn R. Nellis, Laura Smith, David J. State, Lavon Stephens and Maria Whyte

EXCUSED: Brenda W. McDuffie


OTHERS PRESENT: John Cappellino, Executive Vice President, Mollie Profic, Chief Financial Officer; Atiqa Abidi, Assistant Treasurer; Dawn Boudreau, Compliance Officer; Beth O'Keefe, Business Development Officer; Karen M. Fiala, Assistant Treasurer/Secretary

GUESTS: Robert G. Murray, General Counsel; Matt Mombrea on behalf of Cypress North Corp.; Robert Laughlin and Kirk Dorn on behalf of TMP Technologies; John Baldo on behalf of SelectOne RE Holdings

There being a quorum present at 9:10 a.m., the meeting of the Policy Committee was called to order by Mr. Lipsitz.

MINUTES

The minutes of the July 11, 2019 Policy Committee meeting were presented. Upon motion made by Mr. Nellis, and seconded by Mr. Cummings, the aforementioned Policy Committee meeting minutes were unanimously approved.

PROJECT MATRIX

Mr. Cappellino reviewed the Agency's project matrix. Mr. Lipsitz directed that the report be received and filed.

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1 Ms. McDuffie participated via telephone conference call, however, she did not count for quorum purposes and is not considered present or eligible for purposes of voting on any action items.
PROJECT PRESENTATIONS

Cypress North Corp./Hertel Pacific, LLC, 211 Hertel Avenue, Buffalo, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the renovation of an existing 8,500 sq. ft. former manufacturing facility located at 211 Hertel Avenue which has been vacant for approximately 10 years.

Mr. Cappellino stated that in exchange for providing the sales and use tax, mortgage recording tax 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**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount. Total Project Amount = $935,160 85% = $794,886</td>
</tr>
<tr>
<td>Employment</td>
<td>Coincides with 7-year PILOT</td>
<td>Maintain Base: 16 Create 85% of Projected Projected = 2 85% = 2 Recapture Employment = 18</td>
</tr>
<tr>
<td>Local Labor</td>
<td>Construction Period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Pay Equity</td>
<td>Coincides with 7-year PILOT</td>
<td>Adherence to policy</td>
</tr>
<tr>
<td>Unpaid Tax</td>
<td>Coincides with 7-year PILOT</td>
<td>Adherence to policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>PILOT Term</td>
<td>Recapture of state and local sales tax, mortgage recording tax and real property taxes.</td>
</tr>
</tbody>
</table>

Mr. Cappellino introduced Matt Mombrea of Cypress North who spoke on behalf of the project who noted that the company’s current lease is expiring and that the company needs to expand and grow.

Ms. DiPirro spoke in favor of the project and the reuse of a vacant building.

Ms. Whyte spoke in favor of the project.

Mr. Nellis moved and Ms. Whyte seconded to approve of the project as proposed and forward to the ECIDA Board for approval.

At this point in time, Ms. Baskin joined the meeting.
Mr. Lipsitz called for the vote and the project was then unanimously approved.

Time Release Properties, LLC / Time Release Sciences, Inc., 2303 Hamburg Turnpike, Lackawanna, New York. Mr. Cappellino presented this proposed sales tax, mortgage recording tax and real property tax abatement benefits project involving the construction of and equipping of an approximately 290,000 sq. ft. manufacturing facility at the former Bethlehem Steel site in the City of Lackawanna, New York.

Mr. Cappellino noted that the PILOT abatement is still in the process of being developed as it is anticipated that a custom PILOT with a unique abatement schedule will be developed for this project, said custom PILOT to ultimately be presented to and approved by the ECIDA board of directors.

Mr. Cappellino stated that in exchange for providing the sales and use tax, mortgage recording tax 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:

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<tbody>
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<td>Total Investment</td>
<td>At project completion</td>
<td>Investment amount equal to or greater than 85% of project amount.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Project Amount = $22,700,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>85% = $19,295,000</td>
</tr>
<tr>
<td>Employment</td>
<td>Coincides with 10-year PILOT</td>
<td>Maintain Base: 103</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Create 85% of Projected Projected = 12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>85% = 10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recapture Employment = 113</td>
</tr>
<tr>
<td>Local Labor</td>
<td>Construction Period</td>
<td>Adherence to policy including quarterly reporting</td>
</tr>
<tr>
<td>Pay Equity</td>
<td>Coincides with the term of the PILOT Agreement</td>
<td>Adherence to policy</td>
</tr>
<tr>
<td>Unpaid Tax</td>
<td>Coincides with the term of the PILOT Agreement</td>
<td>Adherence to policy</td>
</tr>
<tr>
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<td>Recapture of state and local sales tax, mortgage recording tax and real property taxes.</td>
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</tbody>
</table>

Mr. Cappellino introduced TMP representative, Mr. Laughlin, and thanked the company for its investment and patience in working with the landowner ILDC and ECIDA. Mr. Laughlin and Mr. Dorn gave a presentation to the Committee further describing the project and anticipated investment.
Ms. Smith queried as to the timing of the closing on the land purchase. Mr. Cappellino stated it could be as early as the end of August, 2019.

Ms. Whyte confirmed that the PILOT abatement schedule is still being worked out and will be presented to the Board of the ECIDA for final approval. Ms. Whyte also thanked TMP for investing in Lackawanna at the former Bethlehem Steel site, noted that there are inherent difficulties with developing and constructing at the Bethlehem Steel site that have resulted in TMP incurring greater costs than it may have incurred at alternative sites, although Ms. Whyte also noted that there are no viable alternative sites that suit TMP’s needs. Ms. Whyte also noted that the project is eligible for lucrative Brownfield Cleanup Program tax credits which more than offset such additional development costs.

Ms. Whyte moved and Ms. DiPirro seconded to approve of the project as proposed and forward to the ECIDA Board of Directors for approval.

Mr. Cummings asked the company about its diversity program related to the construction workforce. The company stated its goals are to obtain a diverse construction workforce and stated they will speak with its contractor to ask that diverse construction workers goals are meet.

Mr. Lipsitz called for the vote and the project was then unanimously approved.

**COMPLIANCE DISCUSSION**

*SelectOne RE Holdings.* Mr. Cappellino provided members with the background related to the company’s 2014 project involving the adaptive reuse of its facility. Mr. Cappellino explained that the receipt of financial assistance was conditioned upon adherence to certain material terms and conditions, and that the company was required to retain 14 full-time and 2 part time employees, and to create five new full-time positions by May 31, 2019, being two years following project completion. The company met those requirements from 2014-2017, however, it fell below its job retention requirements in 2018, by 1.5 employee positions, being 11% below its employment requirement.

Mr. Cappellino presented three recapture options to the committee, noting that Option 2, calling for the recapture of one year of PILOT benefits based on the company’s 11% employment shortfall, has been the option and rationale behind other similar recapture events approved by the ECIDA for other projects.

Mr. Baldo spoke on behalf of the company.

Mr. Stephens noted and commented on the tight labor market and noted that those people who are unemployed in today’s economy typically lack the skills to fill open positions.

Ms. Smith expressed support for Option #2.

Ms. Whyte spoke in favor of Option #2.
Ms. Whyte moved and Mr. Cummings seconded to approve of recapture option #2. Mr. Lipsitz called for the vote and recapture option #2 was then unanimously approved for recommendation to members of the Agency.

There being no further business to discuss, Mr. Lipsitz adjourned the meeting at 10:01 a.m.

Dated: August 1, 2019

Karen M. Fiala, Secretary
<table>
<thead>
<tr>
<th>Count</th>
<th>Project Name</th>
<th>Approval Date</th>
<th>Project Amount</th>
<th>Expenditure</th>
<th>Jobs Retained</th>
<th>Jobs Created</th>
<th>Factors</th>
<th>Clawback</th>
<th>Local Employer</th>
<th>Length of Term</th>
<th>Additional Funding</th>
<th>Incentive Amount</th>
<th>Adaptive Reason</th>
<th>Pay Equity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>River Logistics</td>
<td>Jan-19</td>
<td>$3,425,000</td>
<td>85% threshold</td>
<td>49</td>
<td>14</td>
<td>85% New 12 jobs</td>
<td>YES</td>
<td>PILOT Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 7 Years</td>
<td>Yes</td>
<td>Amenityary</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Refuse Affordable</td>
<td>Feb-19</td>
<td>$2,199,000</td>
<td>85% threshold</td>
<td>5</td>
<td>0</td>
<td>Mortgage Sales Tax</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>2 Years after Project Completion</td>
<td>Private Activity Bond $113,300,000</td>
<td>$480,000</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>McGuire/CAO</td>
<td>Feb-19</td>
<td>$9,416,538</td>
<td>85% threshold</td>
<td>37</td>
<td>2</td>
<td>PILOT Mortgage Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 7 Years</td>
<td>Yes</td>
<td>$962,000</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>McKesson</td>
<td>Mar-19</td>
<td>$18,200,000</td>
<td>85% threshold</td>
<td>62</td>
<td>13</td>
<td>Sales Tax</td>
<td>YES</td>
<td>2 Years after Project Completion</td>
<td>$1,330,000</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Strada Foods, Inc.</td>
<td>Mar-19</td>
<td>$36,854,185</td>
<td>85% threshold</td>
<td>555</td>
<td>27</td>
<td>PILOT Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 10 Years</td>
<td>Yes</td>
<td>$1,255,750</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Unitrx, LLC</td>
<td>Mar-19</td>
<td>$36,000,000</td>
<td>85% threshold</td>
<td>27</td>
<td>10</td>
<td>PILOT Mortgage Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 7 Years</td>
<td>Yes</td>
<td>$2,603,750</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>CPI Process Systems</td>
<td>May-19</td>
<td>$3,100,000</td>
<td>85% threshold</td>
<td>12</td>
<td>2</td>
<td>PILOT Mortgage Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 10 Years</td>
<td>Yes</td>
<td>$323,000</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Buffalo Material Handling</td>
<td>Jun-19</td>
<td>$3,315,000</td>
<td>85% threshold</td>
<td>30</td>
<td>0</td>
<td>PILOT Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 7 Years</td>
<td>Yes</td>
<td>$193,000</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Fisher Price</td>
<td>Jul-19</td>
<td>$4,020,058</td>
<td>85% threshold</td>
<td>224</td>
<td>5</td>
<td>Sales Tax</td>
<td>Yes</td>
<td>2 Years after Project Completion</td>
<td>Yes</td>
<td>$262,300</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Derhy, Warehousing</td>
<td>Jul-19</td>
<td>$4,332,000</td>
<td>85% threshold</td>
<td>6</td>
<td>1</td>
<td>PILOT Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 7 Years</td>
<td>Yes</td>
<td>$344,641</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Elliott/Bryant Miller</td>
<td>Aug-19</td>
<td>$6,901,900</td>
<td>85% threshold</td>
<td>0</td>
<td>45</td>
<td>PILOT Mortgage Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 7 Years</td>
<td>Yes</td>
<td>$607,513</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Isert Pacific/Express North</td>
<td>Aug-19</td>
<td>$955,160</td>
<td>85% threshold</td>
<td>16</td>
<td>3</td>
<td>PILOT Mortgage Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 7 Years</td>
<td>Yes</td>
<td>$76,875</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Time Release Sciences</td>
<td>Aug-19</td>
<td>$22,700,000</td>
<td>85% threshold</td>
<td>103</td>
<td>20</td>
<td>PILOT Mortgage Sales Tax</td>
<td>YES</td>
<td>Period of PILOT 10 Years</td>
<td>Yes</td>
<td>$145,167</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Fedder Lofts, LLC</td>
<td>Jan-19</td>
<td>$26,725,000</td>
<td>85% threshold</td>
<td>0</td>
<td>2</td>
<td>Mortgage Sales Tax</td>
<td>YES</td>
<td>2 Years after Project Completion</td>
<td>Yes</td>
<td>$972,500</td>
<td>Adaptive Reason</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Buffalo High Technology</td>
<td>Jul-19</td>
<td>$6,805,892</td>
<td>85% threshold</td>
<td>0</td>
<td>4</td>
<td>PILOT Mortgage Sales Tax</td>
<td>Yes</td>
<td>Period of PILOT 7 Years</td>
<td>Yes</td>
<td>$672,240</td>
<td>Adaptive Reason</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Michigan Memora Group</td>
<td>Aug-19</td>
<td>$6,712,000</td>
<td>85% threshold</td>
<td>1</td>
<td>35</td>
<td>Mortgage Sales Tax</td>
<td>YES</td>
<td>2 Years after Project Completion</td>
<td>$336,665</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

| Total | $13,314,447 | 41 | $13,314,447 | 41 | $13,314,447 | 

| 2029   | $1,485,118,276 | 146 | $1,485,118,276 | 146 | $1,485,118,276 |
Rosina - Protein Operation Expansion  
$58,000,000  
INDUCEMENT RESOLUTION

<table>
<thead>
<tr>
<th>Eligibility</th>
<th>Project Title: Rosina - Protein Operation Expansion</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS Section - 311612</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Company Incentives</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Approximately $1,443,750 in sales tax savings</td>
<td></td>
</tr>
<tr>
<td>Approximately $1,325,000 in real property tax savings</td>
<td></td>
</tr>
<tr>
<td>Up to 3/4 of 1% of the final mortgage amount estimated at $210,000</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Retained Jobs - 100</td>
<td></td>
</tr>
<tr>
<td>Projected New Jobs - 40</td>
<td></td>
</tr>
<tr>
<td>Total Jobs After Project Completion: 140</td>
<td></td>
</tr>
<tr>
<td>Annual payroll: $4,945,000</td>
<td></td>
</tr>
<tr>
<td>Estimated salary of jobs to be created: $38,600</td>
<td></td>
</tr>
<tr>
<td>Estimated salary of jobs to be retained: $34,010</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project History</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>08/20/2019 - Public hearing held. Transcript attached.</td>
<td></td>
</tr>
<tr>
<td>The Town of West Seneca adopts a Negative Declaration in accordance with SEQRA.</td>
<td></td>
</tr>
<tr>
<td>10/23/2019 - Lease/Leaseback Inducement Resolution presented to the Board of Directors</td>
<td></td>
</tr>
</tbody>
</table>

Agency Request

A sales tax, mortgage recording tax and real property tax exemption in connection with the construction of a 105,000 sq. ft. manufacturing facility.

- New Building Construction $28,500,000
- Infrastructure $4,000,000
- Manufacturing Equipment $15,500,000
- Non-Manufacturing Equipment $500,000
- Soft Costs $4,500,000
- Other Costs (Remediation) $5,000,000

Total Project Cost $58,000,000

85% $49,300,000

Company Description

Rosina Food Products was founded in 1963 and is a manufacturer of frozen foods such as pre-cooked meatballs, sausages and pasta.

Rosina markets its products to retail and food service industries throughout North America as well as internationally. The company sells to 95% of the nation's largest supermarkets including Wegmans and Publix. Sixty nine percent of its products are sold to companies located outside of New York State.

Project Description

The proposed project known as "the Protein Operation Expansion" entails the construction of a 105,000 sq. ft. protein plant including a new high-speed, state of the art production line for the manufacture of a variety of frozen meatballs, sliced sausages and toppings.

The new facility will be adjacent to Rosina's other West Seneca plant that produces pastas and entrees.

At maximum capacity, the new production plant in West Seneca will be able to produce 40 million pounds annually (some of which is presently co-packed in Chicago) and will be replacing outdated processing line currently located at the 75 Industrial Parkway facility in Cheektowaga that has a current capacity of only 20 million pounds annually.

The company will also be purchasing new production equipment as part of the project.

There is a high possibility of this expansion representing one phase of a multi-phased development at the project site.

Since the project results in the transfer and retention of approximately 100 employees from Cheektowaga to a location in West Seneca, we are following our Inter-Municipal Move Policy and have notified the Supervisors of both the Town of Cheektowaga and West Seneca.
Rosina stated that if this project does not proceed the company will be forced to outsource more production functions to their Chicago co packer as the outdated line will be shut down; potentially resulting in more than 100 employees being laid off. Additionally, 40 new jobs would not be created locally.

Rosina currently has production facilities at the following locations: 75 and 109 Industrial Parkway and 170 French Road in the Town of Cheektowaga and 75 Empire Drive in the Town of West Seneca. Along with the retention of 100 jobs, 40 new jobs are associated with this expansion project. The Cheektowaga operation will continue to employ 166 people.

### New Tax Revenue Estimated

<table>
<thead>
<tr>
<th>Current Yearly Taxes</th>
<th>Estimated New Assessed Value</th>
<th>Additional County Revenue over abatement period</th>
<th>Additional Local Revenue Over abatement period</th>
<th>New Yearly Taxes Upon Expiration of Abatement Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$2,140,000</td>
<td>$58,000</td>
<td>$294,000</td>
<td>$167,000</td>
</tr>
<tr>
<td>Combined Tax Rate:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$78</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
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</tr>
<tr>
<td>Employment</td>
<td>Coincides with 10-year PILOT</td>
<td>Maintain base; 100 Create 85% of Projected Projected = 40 85% = 34 Recapture Employment = 134</td>
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<td>Construction period</td>
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<td>Adherence to Policy</td>
</tr>
<tr>
<td>Recapture Period</td>
<td>Coincides with 10-year PILOT</td>
<td>Recapture of Mortgage recording tax, state and local sales taxes</td>
</tr>
</tbody>
</table>

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 100 FTE and created 40 FTE jobs, iii) confirm adherence to local labor policy during construction and iv) its adherence to unpaid tax/pay equity policies for recapture term.
ADDENDUM TO PROJECT LOG

Rosina Food Products - 2019

<table>
<thead>
<tr>
<th>Evaluative Criteria</th>
<th>Erie County median worker income: $33,350</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wage Rate (above median wage for area)</td>
<td>Company estimated average salary of jobs to be retained: $34,010</td>
</tr>
<tr>
<td></td>
<td>Company estimated average salary of jobs to be created: $38,600</td>
</tr>
<tr>
<td>Regional Wealth Creation (% sales/customers outside area)</td>
<td>Sales:</td>
</tr>
<tr>
<td></td>
<td>Outside NYS and within U.S.: 64%</td>
</tr>
<tr>
<td></td>
<td>Outside U.S.: 5%</td>
</tr>
<tr>
<td>In Region Purchases (% of overall purchases)</td>
<td>Approximately 26.5% of total annual supplies, raw materials and vendors services are purchased from firms located within Erie County.</td>
</tr>
<tr>
<td>Research &amp; Development Activities</td>
<td>Approximately 3% of annual operating expenses are devoted to research and development activities.</td>
</tr>
<tr>
<td>Investment in Energy Efficiency</td>
<td>New production equipment is being purchased and will have the most effective energy efficiency.</td>
</tr>
<tr>
<td>Locational Land Use Factors, Brownfields or Locally Designated Development Areas</td>
<td>The site is eligible for the brownfield cleanup program.</td>
</tr>
<tr>
<td>LEED/Renewable Resources</td>
<td>Not applicable to this project</td>
</tr>
<tr>
<td>Retention/Flight Risk</td>
<td>According to the company, if the project does not proceed, they may look to outsource production functions to their Chicago co-packer as the antiquated line will be shut down; resulting in more than 100 employees being laid off.</td>
</tr>
<tr>
<td>MBE/WBE Utilization</td>
<td>Rosina is an equal opportunity employer. According to its CFA application: The site of the new plant is located near a bus route to connect with the inner city and provide prospective employees transportation to the facility. The company has raised hourly wages every 6 months over the past 2.5 years for all hourly plant associates and plans to continue this trend to provide a better standard of living for current and future hourly production associates. Rosina plans to continue offering free training classes at BOCES tailored to operating the production</td>
</tr>
<tr>
<td>Workforce Access — Proximity to Public Transportation</td>
<td>Facility is on bus route #2 — Clinton</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
</tbody>
</table>

October 23, 2019
**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 - Rosina Food Products - 2019

<table>
<thead>
<tr>
<th>Dollar Value of New Construction and Renovation Costs</th>
<th>Estimated New Assessed Value of Property Subject to IDA*</th>
<th>County Tax Rate/1000</th>
<th>Local Tax Rate (Town/City/Village)/1000</th>
<th>School Tax Rate/1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>$32,500,000</td>
<td>$2,140,000</td>
<td>12.98</td>
<td>21.25</td>
<td>44.18</td>
</tr>
</tbody>
</table>

*Apply equalization rate to value

<table>
<thead>
<tr>
<th>PILOT Year</th>
<th>% Payment</th>
<th>County PILOT Amount</th>
<th>Local PILOT Amount</th>
<th>School PILOT Amount</th>
<th>Full Tax Payment w/o PILOT</th>
<th>Net Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10%</td>
<td>$2,778</td>
<td>$4,548</td>
<td>$9,455</td>
<td>$16,780</td>
<td>$167,797</td>
</tr>
<tr>
<td>2</td>
<td>10%</td>
<td>$2,778</td>
<td>$4,548</td>
<td>$9,455</td>
<td>$16,780</td>
<td>$167,797</td>
</tr>
<tr>
<td>3</td>
<td>10%</td>
<td>$2,778</td>
<td>$4,548</td>
<td>$9,455</td>
<td>$16,780</td>
<td>$167,797</td>
</tr>
<tr>
<td>4</td>
<td>20%</td>
<td>$5,555</td>
<td>$9,095</td>
<td>$18,909</td>
<td>$33,559</td>
<td>$167,797</td>
</tr>
<tr>
<td>5</td>
<td>20%</td>
<td>$5,555</td>
<td>$9,095</td>
<td>$18,909</td>
<td>$33,559</td>
<td>$167,797</td>
</tr>
<tr>
<td>6</td>
<td>20%</td>
<td>$5,555</td>
<td>$9,095</td>
<td>$18,909</td>
<td>$33,559</td>
<td>$167,797</td>
</tr>
<tr>
<td>7</td>
<td>30%</td>
<td>$8,333</td>
<td>$13,643</td>
<td>$28,364</td>
<td>$50,339</td>
<td>$167,797</td>
</tr>
<tr>
<td>8</td>
<td>30%</td>
<td>$8,333</td>
<td>$13,643</td>
<td>$28,364</td>
<td>$50,339</td>
<td>$167,797</td>
</tr>
<tr>
<td>9</td>
<td>30%</td>
<td>$8,333</td>
<td>$13,643</td>
<td>$28,364</td>
<td>$50,339</td>
<td>$167,797</td>
</tr>
<tr>
<td>10</td>
<td>30%</td>
<td>$8,333</td>
<td>$13,643</td>
<td>$28,364</td>
<td>$50,339</td>
<td>$167,797</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$58,332</td>
<td>$95,498</td>
<td>$198,545</td>
<td>$352,375</td>
<td>$1,677,974</td>
</tr>
</tbody>
</table>

*** 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:

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>Estimated Value of PILOT</th>
<th>Estimated Value of Sales Tax Incentive</th>
<th>Estimated Value of Mortgage Tax Incentive</th>
<th>Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$58,000,000</td>
<td>$1,325,599</td>
<td>$1,443,750</td>
<td>$210,000</td>
<td>$12,000,000</td>
</tr>
</tbody>
</table>

Calculate %

\[
\text{(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: } 26\% 
\]
Internal Report: Rosina Food Products, Inc. - Rosina Food Products, Inc.

Table 1: Basic Information

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Rosina Food Products, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Industry</td>
<td>(311) Food Manufacturing</td>
</tr>
<tr>
<td>Municipality</td>
<td>West Seneca Town</td>
</tr>
<tr>
<td>School District</td>
<td>West Seneca</td>
</tr>
<tr>
<td>Project Cost</td>
<td>$58,000,000</td>
</tr>
<tr>
<td>Construction Budget</td>
<td>$28,500,000</td>
</tr>
<tr>
<td>Direct Employment</td>
<td>140 (40 created and 100 retained)</td>
</tr>
<tr>
<td>Direct Labor Income</td>
<td>$5,404,000</td>
</tr>
<tr>
<td>Direct Construction Jobs</td>
<td>208</td>
</tr>
<tr>
<td>Direct Construction Labor Income</td>
<td>$10,953,253</td>
</tr>
<tr>
<td>Total Labor Income</td>
<td>$16,357,253</td>
</tr>
</tbody>
</table>

Table 2: Estimated State & Regional Benefits*

<table>
<thead>
<tr>
<th>Region</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Property Tax Revenue (PILOT or Improvements)</td>
<td>$345,822</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$2,835,494</td>
</tr>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Income Tax Revenue</td>
<td>$6,939,339</td>
</tr>
<tr>
<td>Sales Tax Revenue</td>
<td>$2,387,784</td>
</tr>
<tr>
<td><strong>TOTAL Estimated Revenue</strong></td>
<td><strong>$12,508,438</strong></td>
</tr>
</tbody>
</table>

Table 3: Estimated Project Incentives*

<table>
<thead>
<tr>
<th>Incentive</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax Savings</td>
<td>$1,363,939</td>
</tr>
<tr>
<td>Sales Tax Savings</td>
<td>$1,421,875</td>
</tr>
<tr>
<td>Mortgage Tax Savings</td>
<td>$210,000</td>
</tr>
<tr>
<td><strong>TOTAL Estimated Incentives</strong></td>
<td><strong>$2,995,814</strong></td>
</tr>
</tbody>
</table>
Table 4: Employment Breakdown

<table>
<thead>
<tr>
<th>Project</th>
<th>Direct**</th>
<th></th>
<th>140 (40 created and 100 retained)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indirect***</td>
<td></td>
<td>237</td>
</tr>
<tr>
<td></td>
<td>Induced****</td>
<td></td>
<td>141</td>
</tr>
</tbody>
</table>

Construction

<table>
<thead>
<tr>
<th>Project</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td></td>
<td>208</td>
</tr>
<tr>
<td>Indirect</td>
<td></td>
<td>75</td>
</tr>
</tbody>
</table>

Table 5: Ratios

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefit to Cost Ratio</td>
<td>4.2:1</td>
</tr>
<tr>
<td>Overall ROI</td>
<td>75.3:1</td>
</tr>
</tbody>
</table>

* Figures over 10 years and discounted by 3.49%
** Direct - The recipient of IDA assistance adds new jobs to the regional economy and/or retains jobs at risk of being lost to another region. Investments that result in displacing existing jobs (e.g., most retail and many service sector industries) do not fall under this definition.
*** Indirect - The recipient of IDA assistance makes purchases from regional firms, which stimulates suppliers to add jobs and payroll that are new to the regional economy or are saved from being lost to competitors outside the region.
**** Induced - The recipient of IDA assistance by adding to and/or retaining payroll stimulates household spending that is new to the regional economy and/or saved from being lost to competitors outside the region.
August 29, 2019

To whom it may concern,

On behalf of the Town of West Seneca, I am writing in support of the expansion of Rosina Foods and their request for ECIDA assistance for their proposed project which is constructing and equipping a 105,000 +/- SF protein manufacturing plant at 3100 Clinton Street, West Seneca, NY 14224.

There are many positive aspects to this project including the cleanup of the parcel which has been vacant since the 1960's. The representatives from Rosina Foods also indicated the project will create approximately 40 new jobs, bringing positive job expansion to West Seneca. Rosina Foods has been an exemplary business in our Town and it is the Town's desire to support their growth and continued investment in our community.

Please give this application every consideration for tax incentives. If you have any questions, or require additional information, please contact me at (716) 558-3202. In advance, thank you for your consideration of this highly worthwhile project.

Sincerely,

Sheila M. Meegan, Supervisor
Town of West Seneca
PUBLIC HEARING SCRIPT

Rosina Food Products, 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 August 20, 2019 at 9:00 a.m.,
at the Town of West Seneca Community Center & Library
located at 1300 Union Road (Community Room), West Seneca, NY 14224

ATTENDANCE:

Cheryl Krawczyk – Citizen
Gene Jerge - Citizen
Randy Bernick – Rosina Food Products
Mike Wass - Citizen
Greg Setter – Rosina Food Products
Russell Corigliano – Rosina Food Products
John Chryniwicz – Citizen
Kirk Ruhlman – Citizen
Taylor Nigrelli – Bee Group News Paper
Philip Swift – Resident
Lian Bunny – West Seneca Sun
Ron Vaughn – Salsaron’s Foods

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

Hearing Officer: Welcome. This public hearing is now open; it is 9:02 a.m. My name is Beth O’Keefe. I am the Business Development Officer of the Erie County Industrial Development Agency, and I have been designated by the Agency to be the hearing officer to conduct this public hearing.

☐ 2. PURPOSE: Purpose of the Hearing.

Hearing Officer: We are here to hold the public hearing on the Rosina Food Products, 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 Saturday, August 10, 2019.
3. **PROJECT SUMMARY:** Description of Project and Contemplated Agency Benefits.

*Hearing Officer:* The proposed project (the “Project”) consists of: (i) a portion of a vacant parcel of land located at 3100 Clinton Street, Town of West Seneca, Erie County, New York (the “Land”); (ii) the construction and equipping of a 105,000+/- SF protein manufacturing plant including the installation of a new high speed, state-of-the-art production line (the “Improvements”); and (iii) the acquisition and installation by the Company of certain items of machinery, equipment and other tangible personal property (the “Equipment”, and collectively with the Land and the Improvements, the (the “Facility”).

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

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

*Hearing Officer:* All those in attendance are required to register by signing the sign-in sheet at the front of the room; you will not be permitted to speak unless you have registered. If you have a written comment to submit for the record, you may do so. Written comments may also be delivered to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203 until the comment period closes on September 24, 2019. There are no limitations on written comments.

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

*Hearing Officer:* If anyone is interested in making a 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 comments to 5 minutes, and if possible, 3 minutes.

Russell Corigliano - I am Co-owner, President & CEO of Rosina Products. The company is owned by my brother Frank and myself. We are born and raised in this area Buffalo, New York. We have been doing business here since 1963. We have the need to improve our plant and operations from our Cheektowaga site. We acquired the property in West Seneca back in 2005 with the idea that this day would come where we needed to expand and improve operations. We employ about 500 people. Approximately 425 of whom are in Western New York and several people throughout the County in sales positions and things like that. So, this is not a want but a necessary item for us to keep the company viable in Western New York. With that being said I don’t want to continue to go on and on. I could probably go on for 8 hours or so.

Greg Setter – Beth did you want me to give a few specifics about the project?

Beth O’Keefe – Yes if you want to give a few specifics about the project

Greg Setter – As far as why the location and size of the project and things like that?

Beth O’Keefe – Yeah, that would be wonderful. Thank you.
Greg Setter – Besides the comments that Russ made that we bought it back in 2005. It is adjacent to Empire Drive where our Pasta & Entrée plant is located, which is next to 3100 Clinton Street. That was the long foresight if you will as why we wanted that location and are choosing that site now. It makes it ideal from a synergy standpoint when you got transportation and things like that which is as close as having those two plants really within 100 yards from each other or a couple of 100 yards of each other. So, that’s the basis behind it and why it has to be there and why we are choosing it to be there. In addition, the land has been vacant since the 1960’s when it was a rail center more like a rail yard where they used to combine the trains and things like that. So, for the last 60 years it has been vacant land and the good news from that, assuming that the project is funded to move forward, is that we would be doing a clean-up of that land which has some environmental concerns on it from both the coal deposits and cero site that was part of the rail. Not terrible from an environmental impact study, not bad news, but there are some things that need to be cleaned up. Nothing in the water, nothing like that, it’s all in the sub-surface which would be removed and transported to a landfill. There is also a benefit to the community from a standpoint of cleaning up an environmental hazard. The new facility will mainly produce meatballs it will be in addition to what we are currently doing at French Road or the backside which is Industrial Parkway in Cheektowaga. When we open this new facility, the current plant will be re-tooled and remain open for the foreseeable future. We do plan on bringing 40 new jobs to the facility in addition to transferring some from French Road. The big news is that we are bringing some production that is currently being made in Chicago, which is about ten million pounds that we would bring back to Western New York and that is why we need 40 new jobs to operate that facility.

Philip Swift – I am a resident of the Town. The 40 new jobs that you are proposing, are they full-time, part-time, salary, hourly?

Greg Setter - It would be a mix of salary and full-time hourly.

Cheryl Krawczyk – I don’t know if you know it but come 3:30-4:00 the traffic is backed up all the way up to Harlem Road of people trying to get home from work. So how will this impact with all those people working there coming out onto Clinton? Are there going to be trucks coming in and out of there? Because it’s already an issue there.

Greg Setter – Yes to answer the question we did do a traffic study. I don’t remember the exact period of time, but it was conducted, and the traffic was deemed to be very little impact if any from that standpoint.

Cheryl Krawczyk – Yeah Right

Greg Setter – I’m just telling you what the study said ma’am

Cheryl Krawczyk – I’m just saying come around 3:30 – 4:00 p.m. and you will see it all the way until Harlem Road.

Greg Setter – It also depends on when our shift’s change. So, our shifts change on a swing shift. We don’t all start at 3:00 p.m., 4:00 p.m. or 7:00 p.m. It starts between 6:00 – 7:30 in the morning and ends between 2:30 – 4:30 in the evening.

Cheryl Krawczyk – And what about the tractor trailer trucks?

Greg Setter - The tractor trailers would be coming mostly during the early morning and probably later at night rather than during afternoon itself. You’re probably talking one about one or two trucks during rush hour if that many during a rush hour of time. So, it’s not like there’s a mass exit at one time or a mass inflow. They will be coming and going all day. It’s one here one there. They are sporadic, it’s not like a chain of trucks, it’s like a distribution center.

Cheryl Krawczyk – So it’s going to be a 24-hour operation?

Greg Setter – Yes, it’s a 24-hour operation

Cheryl Krawczyk – So, the tractor trailers will be coming and going? Will they be coming and going at midnight?
Greg Setter - Possibly. They will probably be sitting and waiting for the morning. Typically, we don’t receive deliveries after midnight. Could it happen? Sure. We have sanitation going on from 11:00 p.m. until 6:00 a.m. of which there are no tractors, they are cleaning the operation. They are cleaning the facility.

Cheryl Krawczyk – So inside the plant?

Greg Setter – Yes inside the plant

Gene Jerge – I would like to know why is it that you want $1.26M in tax deductions? Why should we be paying for your buildings?

Greg Setter - The tax deduction that we are looking at is a sales tax deduction, it is not an income tax deduction. But at the same time there is a significant investment that is close to $58M. We are a large company, but we are not that large of a company to see the biggest investment that Rosina has ever made in its history by far. It is a large investment. There is a benefit to the community on top of it. The $1.2M will help us spread some of that capital cost.

Gene Jerge – I just can’t see it.

Greg Setter - I just wanted to add that if you look at this way, if the facility is not built the $1.2M will not come either. It’s a sales tax exemption. So therefore, if you build a building and the sales tax from a materials standpoint of what’s going in the building and if you don’t build a building the $1.2M doesn’t either. It’s a net effect of zero to the community.

Gene Jerge – Well it’s still coming from somewhere. Well it’s coming from the state then.

Russell Corigliano – No it is not

Gene Jerge - Somebody will be giving you this money. Its our money you are getting back. Its not being charged.

Russell Corigliano - So, if I could, it’s like going to the store and buying a pair of slacks. They charge you sales tax and it goes to the state. We buy a fork truck and we just don’t pay that sales tax. It’s not coming in.

Greg Setter – So, its not that the community or county is losing anything they just would not be getting it. It’s just a different way of looking at it. So, if you don’t build a facility that $1M would not come in. Its not like the community is giving us $1M that they already had, and they are giving it back, they are just not charging it.

Gene Jerge - Well I’m saying no matter how you look at it, its still tax money that’s taken away from you paying for that we are paying for it. Somewhere along the line somebody will be paying for it.

Greg Setter - No sir, it’s actually not. You wouldn’t have it in the first place. So, in other words if you didn’t build the $50M you wouldn’t have a sales tax of $1M for the materials going in it. So, today you don’t have the million dollars. Its not like the county is giving us a million dollars that they already had that they are taking out of your coffers. It’s not in your coffers right now. They are just saying we don’t need to charge it right now with the community is operating right now its fine in their opinion. So therefore, we can afford to not charge Rosina the million dollars. You are not losing anything, you are not gaining anything, because you’re not losing anything.

Gene Jerge – Its coming from somewhere.

Russell Corigliano - It’s not coming, it’s not going.

Chery Krawczyk – Yeah, Fine.

Gene Jerge – But its money that should have been saved that they shouldn’t have paid that somebody else would have had. That the state would have had some.
Greg Setter - You could look at it this way, if we pay the million dollars the county would have $1M more dollars than they have today. The State and the County because of the sales tax. But the million dollars would be there but what they are saying it that you don’t have to pay it. So, it’s a net zero to the state and the county. Beth do you have anything to add to that?

Beth O’Keefe – I think that there is another speaker.

Mike Wass – I live on Westcliff across the street. Currently the parcel is about what 13-14 acres correct?

Russ Corigliano - The entire park is 40 acres.

Mike Wass – What is the estimated taxes you pay on that parcel? The County and the Town tax.

Beth O’Keefe – If you would like I can give you my card and I can provide that to you.

Mike Wass – Once the facility is completed and built what would the taxes, the property taxes be to the county wise and town wise on that parcel.

Beth O’Keefe – I will provide you with that information after the meeting.

Mike Wass – I will give you my e-mail

Beth O’Keefe – That would be wonderful thank you. I will give you my card and you can e-mail me an I will send you the information.

Greg Setter - Just in round numbers it’s about $12,000 that we are paying annually right now

Mike Wass – Ok

Greg Setter - The number will be much higher with the tax abatement for the first few years. I don’t have the exact number, but we will get it for you.

Mike Wass – All right

Russell Corigliano - But we also pay on another plant a substantial amount more than that.

Mike Wass – Which is adjacent to it correct?

Russell Corigliano – Yes

Greg Setter - I think what you’re looking for is what is the benefit to the community right?

Mike Wass – Right

Beth O’Keefe – We have those numbers and I will share them with you.

Kirk Ruhland – I live on Clinton Street. I have been there over 60 years. Where is the sewage and waste going to be pumped to?

Russell Corigliano - There is a 27” main sewer line that runs northeast to old French Road & Union Road.

Kirk Ruhland – So you are pumping to that?

Russell Corigliano -- Yes
Kirk Ruhlman – Because in our area there are about 8 houses involved and we pay sewer taxes and we have no sewers.

Russell Corigliano - Hum

Gene Jerge – And we also pay sanitary and we have auto septic

Russell Corigliano - That's terrible. How come?

Cheryl Krawczyk – Because they need a lift station and they don't want to put one in for the few houses that are here.

John Chryniewicz – They won't put in a lift station.

Russell Corigliano - I think that is terrible.

Cheryl Krawczyk – Yeah so do we. We have dealt with that for a lifetime.

John Chryniewicz - Her mother fought it for over 75 years.

Cheryl Krawczyk – Yeah, she did.

John Chryniewicz - And they don't care

Cheryl Krawczyk – Yeah, they don't care. But we get charged for it.

John Chryniewicz – I also live on Clinton Street. Do you have a blueprint of the layout of the property of where everything is going to be placed?

Russell Corigliano – Sure

John Chryniewicz – The driveway, do you have a copy of it here?

Russell Corigliano – You can probably get a copy of it next door. The town has it. They have the SEQRA.

Gene Jerge – Yeah, good luck. I've been in there. I have asked questions and they don't give up anything.

Greg Setter - Well we can get it for you though.

John Chryniewicz – Yeah, they don't give up nothing. I'm worried about the pond in the back and wondering what they're going to be doing with it and where the waters going to go?

Cheryl Krawczyk – Yeah, where is the water going to go?

Greg Setter - The retention pond?

John Chryniewicz – Yes, the retention pond. But there is a big water pond back there right now

Russell Corigliano – There are wetlands back there right now.

John Chryniewicz – Oh believe me I know. It runs near my property and they call it a creek, an intermittent stream. It's not an intermittent stream. It runs aloft and when it pours my backyard floods.

Russell Corigliano - There is a retention pond going up near the street.

John Chryniewicz – Right
Russell Corigliano - And then it will cross over to it.

Greg Setter - it's going to go to the storm drain.

John Chryniewicz - Well here is the problem. There is only a 20" pipe down there.

Greg Setter - Right.

John Chryniewicz - When I had the DEC on my property, and they told me I would have to put in a 48" round pipe which would cost me $10,000 in piping to put 100 ft. in. I'm not paying $10,000 to put in the ground and it still wouldn't help the problem.

Greg Setter - The net effect to the wetlands would be zero. So, what we have done is a number of studies working with the DEC, Army Corps of Engineers, etc. it's a big concern with the DEC to make sure that we leave the wetlands the way they are. We cannot increase the size of the wetlands and we cannot mitigate or remove the wetlands. It must be status quo. Anything that we remove which is approximately .8 acres. Because where the building is going to be located, we have to remove those wetlands. We have to actually purchase additional wetlands from Ducks Unlimited to offset that for the wildlife that we might be disturbing in this area. The point that I think you are making is the concern about additional water running through that. We have a storm retention area that will be closer to the front of the street. I don't have the exact metrics.

Russell Corigliano - I think there will be less flow because we are moving it. It's going to be moved southwest.

John Chryniewicz - Which it will move it away from me but it's going to cause more problems on the other side of the street. Because all there is now is a 20" culvert pipe in there which would put it back to the early 1980's.

Russell Corigliano - But this retention pond is going to hold a 2-3 day rain fall.

John Chryniewicz - I understand that. Its all good on paper until you go look at the soccer field retention pond that was put in.

Cheryl Krawczyk - Yep

John Chryniewicz - And the same thing, they gave everybody a spiel, and no one takes care of it. Right now, it's so overgrown.

Cheryl Krawczyk - It's a woods there. No water retention going on.

John Chryniewicz - And no one takes care of retention ponds once they are built.

Russell Corigliano - What we are doing was approved by the DEC and the Town.

John Chryniewicz - Yeah, I know they approve everything. But down the road nobody does anything.

Russell Corigliano - I guess I don't have all the answers.

John Chryniewicz - The town doesn't do anything. I've asked questions; I've asked them to do stuff and they say it's not their property and we can't touch it?

Cheryl Krawczyk - Nobody maintains them.

Russell Corigliano - We can tell you that we will maintain our property. Not only do we like to, but we have to, it's a USDA facility. There are rules and regulations that we have to abide to if we want to operate.
Cheryl Krawczyk – If you look at Canisius’s retention pond, it’s a woods. There is no water that can go in there. There are trees growing in it. It’s ridiculous.

Russell Corigliano – This won’t be that way. Have you ever seen our property on French Road? Have you ever driven by it? It’s very immaculate and that’s the way we keep our properties and that’s our promise.

John Chryniwicz – Well there’s really nothing there on French Road

Russell Corigliano – As far as what?

John Chryniwicz – Well nothing but a little grass in front.

Russell Corigliano – Yeah but with what we have there we take care of it and the same thing with our pasta plant. Have you seen that facility? I would invite you to drive by and look at how we maintain our properties.

John Chryniwicz – Where is the pasta plant?

Russell Corigliano – Do you know where Empire Drive is?

John Chryniwicz – Yes

Russell Corigliano – It’s right on Empire 75.

Gene Jerge – Ok

Russell Corigliano – Please take a ride through there.

Gene Jerge – Which building is it? Is it the one at the very end?

Russell Corigliano – No. When you drive in off Union Road go around the curve to the right and you will see the large building on the right-hand side, that is our pasta building.

Cheryl Krawczyk – I guess so where is this building going to go? Because we took our golf carts and we rode through there along the railroad tracks. So, there is your plant.

Russell Corigliano – Yeah here

Cheryl Krawczyk – But isn’t that the bagel plant?

Russell Corigliano – We bought the bagel plant

Cheryl Krawczyk – Yeah, right so are you going to use that?

Russell Corigliano – That is going to stay where it is, and the new building is going to be built right behind it a little bit, kitty-corner. Its going to be like 200 yards off Clinton Street. You won’t even see the building.

Cheryl Krawczyk – You won’t even see it. I didn’t think so.

Russell Corigliano – You won’t even see it at all.

Greg Setter – There is actually a little bit of wetlands that’s actually in front of the building that is closer to Clinton that we can’t touch.

Cheryl Krawczyk – So, it’s right around that bagel building, that whole area?

Greg Setter – Right. The entrance will be on Clinton Street.
Cheryl Krawczyk – Well that concerns me because of the traffic.

Greg Setter - Which we commented on already.

Russell Corigliano – I don’t think you’re going to see much of an impact with the traffic.

Cheryl Krawczyk – It can’t get worse than it is. Its bumper to bumper all the way to Harlem Road.

Russell Corigliano – I would say it probably won’t get worse than it is now.

Cheryl Krawczyk – It can’t.

Russell Corigliano – Ok

Cheryl Krawczyk – It’s already an issue there without the extra traffic.

Russell Corigliano- How close are you? Are you on the border of the nursing home?

Gene Jerge – Yes, our property borders it

Russell Corigliano - We will be a couple hundred yards away from the border.

Kirk Ruhland - What 600 ft?

Greg Setter - More than that. It’s at least 200 yards.

Kirk Ruhland - The power line that goes south, what side are you going to be on?

Russell Corigliano – If you are facing the building just to the left of it. We are closer to the industrial track and the power line will actually go through part of the parking lot of the proposed parking lot. So, we will be closer to Empire Drive than we are to the nursing home.

Kirk Ruhland - Down the road you could still expand from that correct?

Greg Setter - Yes possibly. It’s on that blueprint that was submitted with SEQRA

Kirk Ruhland – As far as the expansion?

Greg Setter – Yes, so we have a proposed II phase assuming everything goes well. Phase I and phase II would be sometime in the future but haven’t found out if phase II could be there yet.

Kirk Ruhland – And what would that be?

Greg Setter - Same thing another meatball line.

Kirk Ruhland - Size wise?

Greg Setter - About 45,000 sq. ft. So about half of what we are proposing for this facility.

Kirk Ruhland -Would that come down towards the nursing home?

Greg Setter - Yes, but when I told you how far away it was it included being built already.

Kirk Ruhland -Oh, that included that
Greg Setter - Yes. We are assuming that's going to be built someday

Kirk Ruhland - Oh ok

Russell Corigliano - We are not trying to hide it.

Greg Setter - We have a ring for a road that goes around it. So, we have to build that road in anticipation that something might fill it. So, if you got a site this big building the road would be over here, and it allows this much needed space for the new building to be built sometime in the future. We didn't want to move this road so, part of the blueprint then includes all of this and also because of the wetland we had to disclose to the DEC what our long-term plan was because of the wetlands and make sure that we didn't get in and say ok now I need the rest of the space. We had to disclose what we were thinking about doing even though we might be 5 years into the future.

Kirk Ruhland - Ballpark time is 5-10 years?

Greg Setter- Could be yes

Randy Bernick - I think the other point on that site at some point we are going to try and hook in Empire Drive because there is that extension and also, we would be at the back of our other plant.

John Chryniewicz - Well that's a great plan for traffic

Randy Bernick - We are going to try an eliminate some of the traffic that you are concerned about.

John Chryniewicz - That's a great plan

Gene Jerge - So it would pour out onto Union Road?

Russell Corigliano – Yes

Gene Jerge - So, who do all those tractor trailers belong to?

Russell Corigliano - Our trucking company

Gene Jerge - Rosina, I don’t understand, if you’re going to build a building there why do you have to come in off of Clinton Street?

Russell Corigliano - That will probably be for our employees and ease of their access.

Greg Setter - Also, we need two entrances for safety reasons. You have to have a front and a back way in and out. The one thing that Randy mentioned would be a 3<sup>rd</sup> entrance, one from Clinton Street, One from Empire Drive and one from our current facility also on Empire Drive. So, for emergency exits if one gets blocked for whatever reason they would have other ways in and out and that’s a requirement that goes back to that ring that goes around the plant. If there is ever a fire, there is multiple ways out.

Kirk Ruhland - Do you know what size pipe is going to be put in the retention pond?

Russell Corigliano - We do, it’s all part of the dynamics, but I don’t know off the top of my head, but we can find that out for you. Back to that for one second though. It was designed by our engineering firm and on the storm water it also took into account a 10-year rain fall. So, a 10-year rain fall event as far as the size of the amount of water that is going to go in there on a normal rainfall will not be even close to filling that pond up.

Kirk Ruhland - So, where is it supposed to exit to?

Greg Setter - So what happens then it goes to the bottom and there will be sand there and a drain underneath it that then drains through the sand. When it goes through that fill it will go to that pipe then released to the storm sewer.
Kirk Ruhl - There is no storm sewer there

Greg Setter - There is a ditch there

Kirk Ruhl - Right, but nobody takes care of the ditch right now. There is a 20” pipe leading to it which is adjacent to Mr. Swift’s property which is probably closer to you guys on the other side of the street. So that would plug his whole property. Nobody has taken care of it since the 80’s since the pipe was installed. That ditch has not been dug, cleaned, nothing.

Greg Setter - I can’t comment on the ditch or cleaning of the ditch.

Kirk Ruhl - See that’s the problem we have with West Seneca. Nobody wants to do anything with the residents over there but all of a sudden, they want to build more stuff and give us more water.

Russell Corigliano - Is there anybody available to field these questions?

Beth O’Keefe - I think this is a public hearing to talk about what we do, and we are recording all of these comments. There might be some to do’s afterwards. We can contact West Seneca. I know that you’re going through the planning board and perhaps some of these questions can be answered.

Russell Corigliano - I mean these are some valid points that we don’t have answers to.

Kirk Ruhl - That’s a good point

John Chryniwcz - I wish we did too. That’s a very good point. No one around here wants to hear us.

Beth O’Keefe - Right

Kirk Ruhl - When we get flooded, we call and they call it an intermittent stream and say it isn’t our problem. They call it an intermittent stream, there is no such thing because if it was an intermittent stream it would stay the same. Yeah, it might get a little water but where are the storm drains leading to this? And it always floods into our backyards. I got photos from years ago and he may even have some on his phone when the lady next store to us, its normally that much water. Maybe a foot deep, if that.

Russell Corigliano - Right, ok

Kirk Ruhl - When we get a very good rain like the other day that turns into 25 ft. across and 4ft. deep and there’s our backyards for hours and hours.

Beth O’Keefe - So, some of these points have to do with West Seneca. Lets table those and maybe I can get a contact for you there. This is about the company.

Kirk Ruhl - I understand that but what I am saying is that this is where the Town keeps letting not just you guys, we are not attacking you personally but this is where the town keeps letting people build these places and build retention ponds that are supposed to hold the water. It’s like they did years ago where Galley Floor’s use to be. There are all these retention ponds back there and if you go up there after a big rain, the grass isn’t wet. The retention ponds drain all in our backyards and it floods all our stuff and they don’t care. I’ve had the DEC, Matt English from the Highway Dept, John Gullo, the engineer from West Seneca back there on my bridge which is deteriorating because it cuts my property in half. The problem is you can’t touch it, you need a permit to touch it, but it’s my property and its not a storm drain they are calling it. I’ve asked for storm drains and sewer drains on Clinton. There is no such blueprint because there are none and the only time it floods is when we get a good rain and all that water comes down and we get flooded out.

Russell Corigliano - I understand.
Gene Jerge- What about odors coming out of the plant. I live on French Road and now and then, that plant on French Road. Sometimes I tell you that smell is really strong.

Russell Corigliano - What’s the baking smell?

Gene Jerge- I don’t know what it is but it’s an unpleasant smell. The meatballs must be burning or something.

Russell Corigliano - Hopefully somebody’s watching the oven

Beth O’Keefe – Ok so there is a comment

Gene Jerge – My wife doesn’t work there, and she burns everything.

Kirk Ruhland – No one’s going to do anything anyways

Beth O’Keefe – I am sorry we are still just recording let’s just finish up the public hearing and we can address the odor issue.

Greg Setter – To address the odor. The odor we are talking about is likely the meatball smell when it comes off the stacks. The stacks will be higher up than our current facility. For one the technology is 25 years newer. So, there will still be a meatball smell from time to time depending on which way the wind blows. The good news from where the plant will be located is when the wind comes out of the southwest it will blow across the property where basically the other 40 acres which is currently vacant. By the time it gets to the end it should be fully dissipated and the smokestack is higher on top of it and there less coming out of it on top of that. So, we believe that that issue that we have on French Road from time to time will be even less.

Russell Corigliano - Part of its waste treatment. No odors omitting from waste treatment at all. Where are current facility is older technology and this is all updated technology and there should be no foul smell.

Gene Jerge – It is terrible the odor you get from it at times. It’s not alot but when it is there it is bad.

Greg Setter - So, we believe we addressed that with the new facility.

Philip Swift - Can I ask one more question?

Beth O’Keefe – Yeah, sure just one additional question. Go ahead and state your name again.

Philip Swift – The 40 additional jobs are going to full-time?

Russell Corigliano – Correct

Phillip Swift – You are going to be bringing how many people over from the French Road facility?

Russell Corigliano - Approximately about 100 people

Philip Swift – Ok, so there will be about 140 employees at the plant?

Russell Corigliano - Yes for 3 shifts.

Greg Setter- So, we will have about 30-45 per shift. There are more on first and second shift. Third shift is all cleaning.

Philip Swift – How is the Erie County Industrial Development Association involved with this? What is the Industrial Association providing money? I don’t understand.
Beth O'Keefe – We are providing benefits that I mentioned. So, sales tax, property tax abatement and mortgage tax abatement. I can send you a statement after this meeting showing you what those benefits are if you would like.

Philip Swift – Mortgage tax abatement. So, where is the money coming from to build the facility?

Beth O'Keefe – From Rosina. Rosina is making an investment of $58M.

Philip Swift – So you already have the money and you are giving yourself a break?

Greg Setter - No, we don’t have the money. We are going to borrow the money

Philip Swift – That's what I'm trying to find out. Where is the money coming from?

Greg Swift - We are borrowing the money. We will be financing it.

Philip Swift – Thanks

Beth O'Keefe – I’m sorry I just need you to state your name, where you are from and if you want to make a brief comment.

My name is Ron Vaughn from Salsaron’s Foods. I am originally from Washington, D.C. but via Jamestown I’ve relocated. I found out about Rosina in the Buffalo area and my concerns are what type of gifts and incentives are you offering? I am a Military Vet for example, and I noticed you have gotten over $4M from Empire State Development for your current facility to upgrade. The article here that I read is that you claim that your production line is outdated, and aging and you are sourcing outside the State in Chicago. My main question is what did you do with the $4.5M grant that you got from Empire State?

Russell Corigliano - One is the protein facility in Cheektowaga and the other is our pasta and entrée facility in West Seneca. The dollars that you are referring to were used in that pasta and entrée operation to bring that up to standard and part of it was used for us to meet the compliance of what we call BRC which is a food safety global initiative on improvements that needed to be done to our current operation in Cheektowaga that we needed to bring up to standards so we could continue to operate. But it is an aging facility that needs to be re-built or replaced. That is under consideration right now. I hope that answers your question.

Ron Vaughn – Ok

Randy Bernick - I would like to add to that in addition to that we bought a 10,000 sq. ft. warehouse at 109 Industrial Parkway and made that into what we call a customer focus center which includes a research & development area and we have about 40 associates working in that facility and its beautiful building. If you drive by go down Industrial Parkway. We have increased the employment there by 10 associates. Very good paying jobs. We went from about 2 people in our R&D area and we now have about 5 or 6. Five full-time chef’s and we also are able to bring our customers in to see what our capabilities are. In addition to what Russ said we used that money to get our plants up to the quality standards that our customers expect or we would lose the business from the larger entities like Aldi’s, Walmart, Publix; all those large retailers.

Beth O’Keefe – Do you have a follow up question or comment?

Ron Vaughn – Yes. I actually reached out to some of your executives last year. I think it was Mr. Frank Corigliano about a potential partnership that could increase sales revenue with the product that my company offers. This may potentially create additional jobs as well. But I guess I got kind of forgotten about. I think there still is a potential opportunity there that would help more quickly.

Russell Corigliano - I apologize for that happening. Let me give you my card. But I’m sure it wasn’t intentional or anything else.
Beth O’Keefe – Ok are there any other comments about the project that anyone would like to make. I want to thank you all for coming.

6. ADJOURNMENT:

As there were no further comments, the Hearing Officer closed the public hearing at 9:39 a.m.
SIGN IN SHEET
PUBLIC HEARING

August 20, 2019, at 9:00 a.m.
at the Town of West Seneca Community Center & Library
located at 1300 Union Road (Community Room), West Seneca, NY 14224
regarding:

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

Project Location: 3100 Clinton Street, West Seneca, New York 14224

<table>
<thead>
<tr>
<th>Name</th>
<th>Company and/or Address</th>
<th>X box to speak/comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheryl Krawczyk</td>
<td>2965 Clinton Street&lt;br&gt;West Seneca, New York 14224</td>
<td>X</td>
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<tr>
<td>Gene Jerge</td>
<td>159 French Road&lt;br&gt;West Seneca, New York 14224</td>
<td>X</td>
</tr>
<tr>
<td>Randy Bernick</td>
<td>Rosina Food Products&lt;br&gt;170 French Road&lt;br&gt;Cheektowaga, New York 14227</td>
<td>X</td>
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<tr>
<td>Mike Wass</td>
<td>150 Westcliff Drive&lt;br&gt;West Seneca, New York 14224</td>
<td>X</td>
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<tr>
<td>Greg Setter</td>
<td>Rosina Food Products&lt;br&gt;170 French Road&lt;br&gt;Cheektowaga, New York 14227</td>
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<td>Russell Corigliano</td>
<td>Rosina Food Products&lt;br&gt;170 French Road&lt;br&gt;Cheektowaga, New York 14227</td>
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<td>John Chryniewicz</td>
<td>2982 Clinton Street&lt;br&gt;West Seneca, New York 14224</td>
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<td>Kirk Ruhland</td>
<td>2979 Clinton Street&lt;br&gt;West Seneca, New York 14224</td>
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<tr>
<td>Taylor Nigrelli</td>
<td>Bee Group News Papers</td>
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<tr>
<td>Philip Swift</td>
<td>3089 Clinton Street&lt;br&gt;West Seneca, New York 14224</td>
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<tr>
<td>Lian Bunny</td>
<td>West Seneca Sun</td>
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<tr>
<td>Ron Vaughn</td>
<td>Salsaron’s Foods&lt;br&gt;Jamestown, New York</td>
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Rosina - Protein Operation Expansion

I Section I: Applicant Background Information

Applicant Information - Company Receiving Benefit

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<thead>
<tr>
<th>Project Name</th>
<th>Rosina - Protein Operation Expansion</th>
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<tbody>
<tr>
<td>Applicant Name</td>
<td>Rosina Food Products, Inc.</td>
</tr>
<tr>
<td>Applicant Address</td>
<td>170 French Road</td>
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<tr>
<td>Applicant Address 2</td>
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<tr>
<td>Applicant City</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Applicant Zip</td>
<td>14227</td>
</tr>
<tr>
<td>Phone</td>
<td>716-668-0123</td>
</tr>
<tr>
<td>Fax</td>
<td>716-668-5762</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:rbernick@rosina.com">rbernick@rosina.com</a></td>
</tr>
<tr>
<td>Website</td>
<td><a href="http://www.rosina.com">www.rosina.com</a></td>
</tr>
<tr>
<td>Federal ID#</td>
<td>16-0876738</td>
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<tr>
<td>NAICS Code</td>
<td>311612 &amp; 311412</td>
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<tr>
<td>Will a Real Estate Holding Company be utilized to own the Project property/facility</td>
<td>Yes</td>
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<tr>
<td>What is the name of the Real Estate Holding Company</td>
<td>Two Brothers Realty, LLC (likely to be transferred to a new LLC - 3100 Clinton Street, LLC in the future)</td>
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<tr>
<td>Federal ID#</td>
<td>32-0046449</td>
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<tr>
<td>State and Year of Incorporation/Organization</td>
<td>New York, 2002</td>
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<tr>
<td>List of stockholders, members, or partners of Real Estate Holding Company</td>
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Individual Completing Application

<table>
<thead>
<tr>
<th>Name</th>
<th>Randy Bernick</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Vice President - Finance &amp; Administration</td>
</tr>
<tr>
<td>Address</td>
<td>170 French Road</td>
</tr>
<tr>
<td>Address 2</td>
<td></td>
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<tr>
<td>City</td>
<td>Buffalo</td>
</tr>
<tr>
<td>State</td>
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<tr>
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https://www.ecidany.com/app/tax-incentive-application-2014/print/783
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  Roger Cominsky
Firm Name  Barclay Damon
Address  The Avant Building
Address 2  200 Delaware Avenue, Suite 1200
City  Buffalo
State  New York
Zip  14202
Phone  716-566-1413
Fax  716-566-4000
E-Mail  rcominsky@barclaydamon.com

Identify the assistance being requested of the Agency

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)

Business Organization

Type of Business  Corporation
Type of Ownership
Year Established  1963
State of Organization  New York

List all stockholders, members, or partners with % of ownership greater than 20%

https://www.ecidany.com/app/tax-incentive-application-2014/print/783
Please include name and % of ownership.

Russell A. Corigliano 50% and Frank J. Corigliano 50%
Applicant Business Description

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

Rosina manufactures frozen foods including pre-cooked meatballs, Italian sausages, filled pasta, eggplant, entrees, and pizza toppings. Rosina was founded in 1963, originally manufacturing sausage products which were sold to neighborhood meat markets, supermarkets, and restaurants, from a single Buffalo store-front location. By 1981, Rosina had launched its pre-cooked meatball line and was distributing products nationwide. Between 2000 and 2010 the Company continued its growth, and Rosina Holding, Inc. (the "Parent") and its affiliates acquired the assets of Celentano Brothers (Verona, NJ), purchased the frozen pasta brand names Gina Italian Village and Floresta (collectively known as Italian Village) from High Liner Foods (USA), incorporated of NH, bought the former Lender’s Bagels, Inc. (West Seneca, NY) plant, and moved the production there. In 2011, the Company had created an International Division in Cheektowaga, NY and also purchased and relocated the assets of San Rallo Pasta Company Division from Mitsui Foods, Inc. (Norwood, NJ) to WNY. Additionally, the Company has recently outsourced its sauced entrees and eggplant products to accommodate the addition on a new $4 million pasta manufacturing line increasing capacity by 10 million pounds annually. Rosina markets its products to retail and food service industries and can be found in supermarkets, supercenters, military commissaries, wholesale clubs, and restaurants throughout North America and internationally. Rosina’s products are also used by other manufacturers to produce soups, pizza, and lasagna. The Company sells to 95 of the nation’s largest supermarkets including Wegman’s Food Markets, Inc. (Rochester, NY), Publix Super Markets, Inc. (Lakeland, FL), and major food service distributors such as Performance Foodservice Group (Richmond, VA). Some of its major competitors are Armour-Eckrich Meats (Cincinnati, OH), Windsor Foods (Houston, TX), and Mama Rosie’s (Charlestown, MA).

Estimated % of sales within Erie County

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

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

Estimated % of sales outside the U.S.

(*Percentage to equal 100%)

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases.

26.5% (schedule attached)
Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations
Cheektowaga and West Seneca, NY

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

In which Municipality will the proposed project be located
West Seneca

Address
3100 Clinton St., West Seneca, NY 14224

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 than that Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?
Yes
(If yes, you will need to complete the Retail Section of this application)

SBL Number for Property upon which proposed Project will be located
SBL 124.15-2-10

What are the current real estate taxes on the proposed Project Site
$11,028.49

Assessed value of land
$130,800

Assessed value of building(s)
0

Are Real Property Taxes current?
Yes

If no please explain

Town/Cty/Village of Project Site
West Seneca

School District of Project Site
West Seneca Central

Does the Applicant or any related entity currently hold fee title to 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
It is vacant land.
Please provide narrative of the proposed project and the purpose of the proposed project (new build, renovations, 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 Protein Operation Expansion project entails building a brand new 105,000 square foot Protein plant including a new high speed state-of-the-art production line for the manufacturing of a variety of frozen meatballs, sliced sausage, and toppings. It will be built on land that we owned for over 10 years and is located at 3100 Clinton Street, West Seneca, NY 14224 and runs adjacent to Empire Dr. where our Pasta & Entree plant is located. At maximum capacity, the new production line will be able to produce 40 million pounds of products annually and will be replacing an antiquated processing line in one of our kitchens at our 75 Industrial Parkway, Cheektowaga, NY facility that has a maximum capacity of 20 million pounds annually. Additionally, we will be adding 40 new jobs and transferring another 10 million pounds of the approximately 15 million pounds that we currently have produced by a co-packer in Chicago, IL to the new facility. This is phase I of a potentially multi-phased master plan to keep Rosina a viable business ingrained in Western New York.

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

Describe the reasons why the Agency’s Financial Assistance is necessary and how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

This $58 million capital project is financially challenging. The existing meatball processing line at the 75 Industrial Parkway facility is antiquated and must be replaced with a new automated production line to be profitable. ECIDA financial assistance is essential to make the new facility economically viable and but for dedicated exemption from sales tax, exemption from mortgage tax, and exemption from real property tax, the project will not move forward. If the project is undertaken, it will result in the creation of 40 jobs. If the project is not undertaken with a new facility at the West Seneca site, the Company will be forced to outsource more production to our Chicago Co-packer as the antiquated line will be shut down regardless, a move that will result in the lay-off of more than 100 production, support and administrative associates.

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?

The requested level of ECIDA Financial Assistance is necessary to achieve a level of financial viability for the project. The Company must make sound financial decisions and will be investing significant equity and bank financing to accomplish the project. Without the requested level of financial assistance, the return on investment is not sufficient to warrant the capital expenditure. This would likely eliminate the project, instead moving more business to the Chicago based co-packer. Further, without the investment in the new facility, and the ability to replace the existing antiquated production line as the existing plant would need to be down for an extended period of time, if not permanently. Exemption from sales tax will be used to offset a portion of the capital investment and ensure that the Company can afford to build the new facility to the food safety and quality standards in order to maintain BRC Certification, which is required by key customers, and for USDA compliance. Additionally, exemption from the mortgage tax and exemption from real property taxes will help to get the new facility off the ground by lessening the burden of ongoing operating costs.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

Yes possibly. Leasing the required production equipment is still being evaluated versus buying it outright. Leasing terms would be in the 7 - 8 year range with an option to buy and be priced based on current long term rates and whether tax benefits remain with the lessor.

Site Characteristics

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

Yes

Describe the present zoning/land use

Vacant Industrial land.

Describe required zoning/land use, if different

https://www.ecidany.com/app/tax-incentive-application-2014/print/783
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?

Yes

If yes, please explain

Yes but only to the extent that it is extending the timeline to develop it. This site was a formerly home to a railroad yard and contains some low level surface contaminants. We have conducted both Phase I and Phase II studies and have applied and been accepted into the NYSDEC's Brownfield Cleanup Program. We are working with the architect and Tetra Tech to complete its environmental impact analysis and confirm the entity that will serve as lead agency for the environmental review process of the Protein Operation Expansion. SEQRA should be completed in the next month. We have a Phase I environmental report that is over 600 page long. Do to the size of this file, I will only upload the summary section.

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

Yes

If yes, please provide a copy.

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

Yes

If yes, please provide copies of the study.

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

Yes.

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, please explain.

We have new Research & Development space nearby is part of a 10,000 square foot warehouse that was gutted and renovated into our new "Customer Focus Center". The Research and Development department moved into this location in late December 2017 and the space includes a test kitchen, box freezer, and production area.

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

3%

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all uses as identified below.

Retail Sales  No  Services  No  

For purposes of this question, 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.

Yes  Manufacturing  No  Multi-Tenant  No  Mixed Use
No  Acquisition of Existing Facility  No  Commercial  No  Facility for the Aging
No  Housing  No  Back Office  No  Civic Facility (not for profit)
No  Equipment Purchase  No  Retail  No  Other
Project Information

Estimated costs in connection with project

Land and/or Building Acquisition

- $0 square feet acres

New Building Construction

- $28,500,000 105,000 square feet

New Building addition(s)

- $0 square feet

Infrastructure Work

- $4,000,000

Renovation

- $0 square feet

Manufacturing Equipment

- $15,500,000

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

- $500,000

Soft Costs: (professional services, etc.)

- $4,500,000

Other Cost

- $5,000,000

Explanation of Other Costs

Land remediation required under the NYSDEC Brownfield Clean-up program.

Total Cost

- $58,000,000

Project Refinancing; estimated amount (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):

- $3,000,000

Bank Financing:

- $43,000,000

Tax Exempt Bond Issuance (if applicable):

- $0

Taxable Bond Issuance (if applicable):

- $0

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

https://www.ecidany.com/app/tax-incentive-application-2014/print/783
Identify each state and federal grant/credit:
$1,000,000 Empire State Development (applied through CFA for this amount so this is an estimate only). $100,000 in Excelsior Job Tax Credits annually for 10 years. NYSDEC BCP with 50% tax credit for clean-up & 20% tax credit for qualified investments in the property.

Total Sources of Funds for Project Costs:
$58,000,000

Has a financing preapproval letter or loan commitment letter been obtained?
No

Mortgage Recording Tax Exemption Benefit:
Estimated Mortgage Amount (Sum total of all financing – construction and bridge).
*Amount of mortgage, if any, that would be subject to mortgage recording tax.
$28,000,000

Lender Name, if Known
N.A.

Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):
$210,000

Construction Cost Breakdown:
Total Cost of Construction
$33,000,000

Cost for materials
$16,500,000

% sourced in Erie County
100%

% sourced in State
100% (including Erie County)

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
$16,500,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure, above):
$1,443,750

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:
N.A.

For proposed facility please include # of sq ft for each of the uses outlined below

<table>
<thead>
<tr>
<th>Manufacturing/Processing</th>
<th>Cost</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>56,000 square feet</td>
<td>$17,490,000</td>
<td>53</td>
</tr>
<tr>
<td>Warehouse</td>
<td>$10,230,000</td>
<td>31</td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Commercial</td>
<td>$0</td>
<td>0</td>
</tr>
</tbody>
</table>

Retail

0 square feet $0 0

Office

5,500 square feet $1,650,000 5

Specify Other

11,500 square feet $3,630,000 11

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

N.A.

Will project result in significant utility infrastructure cost or uses

Yes

What is your project timetable (Provide dates)

Start date: acquisition of equipment or construction of facilities

10/1/2019

End date: Estimated completion date of project

12/31/2020

Project occupancy: estimated starting date of operations

1/1/2021

Have construction contracts been signed?

No

Have site plans been submitted to the appropriate planning department for approval?

No

Has the Project received site plan approval from the appropriate planning department?

No

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Employment Plan (Specific to the proposed project location):

| Full time | 0 | 0 |
| Part time | 0 | 0 |

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Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PT jobs to be created upon TWO Years after Project Completion **

40 0

40 0
** The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. 

***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).

**Salary and Fringe Benefits for Jobs to be Retained and Created:**

<table>
<thead>
<tr>
<th>Category of Jobs to be Retained and Created</th>
<th># of Employees Retained and Created</th>
<th>Average Salary for Full Time</th>
<th>Average Fringe Benefits for Full Time</th>
<th>Average Salary for Part Time (if applicable)</th>
<th>Average Fringe Benefits for Part Time (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td>7</td>
<td>$64,000</td>
<td>$19,200</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Professional</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Administrative</td>
<td>3</td>
<td>$30,000</td>
<td>$9,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Production</td>
<td>111</td>
<td>$32,000</td>
<td>$9,600</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Independent Contractor</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other</td>
<td>19</td>
<td>$45,000</td>
<td>$13,500</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Address</th>
<th>Full time</th>
<th>Part time</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>75 Industrial Pkwy, Cheektowaga, NY 14227</td>
<td>177</td>
<td>4</td>
<td>181</td>
</tr>
<tr>
<td>75 Empire Dr. West, Seneca, NY 14224</td>
<td>151</td>
<td>0</td>
<td>151</td>
</tr>
<tr>
<td>170 French Rd. &amp; 109 Industrial Pkwy, Cheektowaga, NY 14227</td>
<td>89</td>
<td>1</td>
<td>90</td>
</tr>
</tbody>
</table>

https://www.ecidany.com/app/tax-incentive-application-2014/print/783
Will any of the facilities described above be closed or subject to reduced activity?
Yes

Payroll Information

Annual Payroll at Proposed Project Site
$ 4,945,000

Estimated average annual salary of jobs to be retained (Full Time)
$ 34,010

Estimated average annual salary of jobs to be retained (Part Time)
$ 0

Estimated average annual salary of jobs to be created (Full Time)
$ 38,600

Estimated average annual salary of jobs to be created (Part Time)
$ 0

Estimated salary range of jobs to be created

<table>
<thead>
<tr>
<th>From (Full Time)</th>
<th>To (Full Time)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 0</td>
<td>$ 68,000</td>
</tr>
<tr>
<td>$ 30,000</td>
<td></td>
</tr>
</tbody>
</table>

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
If the project is not undertaken with a new facility at the West Seneca site, the Company will be forced to outsource more production to our Chicago Co-packer as the antiquated line will be shut down regardless, a move that will result in the lay-off of more than 100 production, support and administrative Associates.

What competitive factors led you to inquire about sites outside of New York State?
We are already doing business with this Co-packer and have been for more than 10 years and they have excess capacity with multiple plants in the Chicago area that are capable of producing our product. They currently produce about 33% or 15 million pounds of the meatball products we sell annually.

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

Do you anticipate applying for any other assistance for this project?
Yes

If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)
Yes ... grants and jobs tax credits
### Section III: Facility Type - Single or Multi Tenant

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

Single Use Facility

**For Single Use Facility**

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Occupant Name</strong></td>
<td>Rosina Food Products, Inc.</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>170 French Road</td>
</tr>
<tr>
<td><strong>Contact Person</strong></td>
<td>Randy Bernick</td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td>7166088503</td>
</tr>
<tr>
<td><strong>Fax</strong></td>
<td>716-668-5762</td>
</tr>
<tr>
<td><strong>E-Mail</strong></td>
<td><a href="mailto:rbernick@rosina.com">rbernick@rosina.com</a></td>
</tr>
<tr>
<td><strong>Federal ID #</strong></td>
<td>16-0876738</td>
</tr>
<tr>
<td><strong>SIC/NAICS Code</strong></td>
<td>5147/311612 (Protein items) &amp; 2038/311412 (Pasta &amp; Entree items)</td>
</tr>
</tbody>
</table>

**Multi-Tenant Facility**

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

Have any tenant leases been entered into for this project?

<BLANK>

If yes, please fill out a tenant form in section VII, for each tenant.

<table>
<thead>
<tr>
<th>Tenant Name</th>
<th>Current Address (city, state, zip)</th>
<th># of sq ft and % of total to be occupied at new project site</th>
<th>SIC or NAICS—also briefly describe type of business, products, services, % of sales in Erie Co.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section IV: Tenant Information
Section V: Environmental Questionnaire

General Background Information

Address of Premises
3100 Clinton Street West Seneca, NY 14224

Name and Address of Owner of Premises
Two Brothers Realty, LLC 170 French Road Buffalo, NY 14227 (will likely be subdividing & transferring the property to 3100 Clinton Street, LLC in the future before the property is developed)

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.)
The Site is located in a moderately developed commercial and industrial area in the Town of West Seneca. The Site is vacant/wooded land. It also contains an easement to New York State Electric and Gas Corporation for a power line right-of-way, an Erie County waterline easement, and the approximate location of a Buckeye Pipeline that bisects a portion of the parcel. The parcel currently is 36.2 acres, but once subdivided the actual site will be approximately 14 acres and includes less than half an acre of jurisdictional wetlands. It also has access to municipal sanitary sewer, electric, natural-gas and public 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 premises will be developed to include the construction of an approximately 105,000 square foot food plant which will be used to manufacture pre-cooked frozen protein items including meatballs, sliced sausage, and toppings. Upon completing the manufacturing process these frozen protein items will then be transported to frozen distribution centers to be sold to our customer base.

Describe all known former uses of the Premises
The Site primarily consists of historic railroad areas with railroad tracks and numerous ties and ballasts remaining on-Site. From the late 1800s/early 1900s to 1960s there were multiple active railroad tracks and yards with fill material from unknown origins brought to the Site to buildup railroad areas. From 1960s to current the site has been vacant/undeveloped land with abandoned railroad tracks.

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

Currently at 75 Industrial Pkwy - 30 million gallons of discharge from one process source (see attached including permit) Proposed at 3100 Clinton Street - estimated 30 million gallons of process discharge from one source. Wastewater is treated prior to discharge to the municipalities.

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

Proposed at 3100 Clinton Street - one domestic sanitary discharge and one process discharge to include wastewater generated during equipment cleaning and sanitation. Included in this discharge will be condensate from evaporate refrigeration and process wastewater.

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?

Yes

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

Currently at 75 Industrial Pkwy - there are three emission sources (see attached including permit) Proposed at 3100 Clinton Street - there will be one emission point from a high capacity cooking oven and one emission point for a gas fired steam boiler

Are any of the air emission sources permitted?

Yes

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

https://www.ecidany.com/app/tax-incentive-application-2014/print/783
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 VI: 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.

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 or abandonment of an existing facility?  
Yes

Within New York State

Within Erie County

If Yes to either question, please explain the extent that we will be transferring some Associates and manufacturing from our current 75 Industrial Pkwy, Cheektowaga, NY Protein Plant to a new Protein Facility to built at 3100 Clinton Street, West Seneca. The Cheektowaga plant will remain open.

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.)

105,000 square foot plant with ceilings in the manufacturing and warehouse areas reaching nearly 40 feet and including shipping and receiving docks and asphalt parking areas.

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

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

We own a lot of vacant land in West Seneca and Cheektowaga and the new Protein manufacturing site is in close proximity to our Pasta & Entree factory. Additionally, the incentives offered by both New York State and Erie County are invaluable in our ability to move forward with the project. Lastly, we have a very good core work force of Associates who make Erie County their home.

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 VII: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program?  
No

What is the age of the structure (in years)?  
0

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)

If vacant, number of years vacant.
0

If underutilized, number of years underutilized.
0

Describe the use of the building during the time it has been underutilized:
<BLANK>

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)

If yes, please provide dollar amount of income being generated, if any
$

If apartments are planned in the facility, please indicate the following:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Sq. Ft. Range Low to High</th>
<th>Rent Range Low to High</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>$</td>
</tr>
</tbody>
</table>

Does the site have historical significance?  
No

Are you applying for either State/Federal Historical Tax Credit Programs?  
No

If yes, provide estimated value of tax credits  
$

Briefly summarize the financial obstacles to development that this project faces without ECIDA or other public assistance. Please provide the ECIDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide ECIDA with documentation of this support in the form of signed letters from these entities

Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments
Section VIII: Senior Citizen Rental Housing Projects

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

No

Has the project received written support from the city, town or village government in which it is located?

<BLANK>

Describe the location of the project as it relates to the project’s proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?

<BLANK>

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?

<BLANK>

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?

<BLANK>

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?

<BLANK>

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?

<BLANK>

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, call systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project’s return on investment?

<BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?

<BLANK>

If yes, please describe provide a narrative citing key facts that substantiate this finding.
Section IX: Retail Determination

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

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? 0 %

If the answer to this is less than 33% do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).

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. <BLANK>

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. <BLANK>

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 <BLANK>

Is the project located in a Highly Distressed Area? <BLANK>
# Moog, Inc.
$44,300,000
AMENDATORY INDECENT RESOLUTION

## Eligibility
- NAICS Section - 336410

## Company Incentives
- Approximately $684,000 in real property tax savings.
- Approximately $2,100,000 in sales tax savings.

## Project Benefits
- The project will generate approximately $182,000 of revenue to the local taxing jurisdictions over the abatement period representing $44,300 to the County of Erie, $2,150 to the Town of Elma, $135,000 to the Iroquois Central School District.

## Former Employment
- Retained = 251
- Projected Jobs = 293

## 1st Amended Employment
- Retained Jobs = 288
- Projected Jobs = 330

## 2nd Amendment - Employment
- Retained Jobs = 288
- Projected Jobs = 357
- Annual Payroll: $30,000,000
- Estimated salary of jobs to be created & retained: $83,000

## Project History
- 02/21/2017 - Public hearing held. No oral or written comments.
- 03/22/2017 - Lease/Leaseback Inducement Resolution presented to the Board of Directors.
- 10/25/2017 - Amendatory Inducement Resolution presented to the Board of Directors.
- 10/10/2019 - Public hearing held.
- 10/23/2019 - Amendatory Inducement Resolution presented to the Board of Directors.

## Agency Request
A sales tax and real property tax abatement in connection with the expansion of the company’s Aircraft Division operations.

## Amended Agency Request
To increase the company’s investment in the project from $32,600,000 to $44,300,000 and to increase the sales tax benefitted amount from $1,575,000 to $2,100,000.

<table>
<thead>
<tr>
<th>Prior</th>
<th>Current</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Building Addition</td>
<td>$21,500,000</td>
</tr>
<tr>
<td>Renovation</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Manufacturing Equipment</td>
<td>$500,000</td>
</tr>
<tr>
<td>Non-Manufacturing Equipment</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Soft Costs/Other Costs</td>
<td>$500,000</td>
</tr>
<tr>
<td>Total Project Cost</td>
<td>$32,600,000</td>
</tr>
<tr>
<td>85%</td>
<td>$27,710,000</td>
</tr>
</tbody>
</table>

## Company Description
Moog is a worldwide designer, manufacturer and integrator of precision motion control products and systems. Moog’s high-performance systems control military and commercial aircraft, satellites and space vehicles, launch vehicles, missiles, industrial machinery, wind energy, marine applications and medical equipment.

66% of the company’s sales are to customers located outside of New York State and 33% of customers are located outside of the United States.

## Project Description
The proposed project consists of the addition of 95,000 sq. ft. to Moog’s Aircraft Division operations. Approximately 75-80% of the addition will be used for mechanical and electronic assembly and test facilities for military and commercial aircraft flight control products. The remaining space will be utilized as mixed office space to include engineering, manufacturing support and administrative functions.

While Moog’s overall employment reaches approximately 2,500, the Aircraft Division accounts for 251 existing jobs. This division will be adding an additional 42 employees as part of the project.

## Amended to Project Description
While the overall project scope related to the addition of 95,000 sq. ft. of space to Moog’s existing East Aurora campus has not changed, they are anticipating an increase in total project costs of approximately $11,700,000. The reason for the increase includes both cost overruns as well as unforeseen circumstances surrounding remediation efforts at the site which led to additional spending.

9/25/2019 8:27 AM
Employment Projections

At the time of Moog's original application, they indicated 251 employees would be retained as these employees were associated with the Aircraft Division operations. Upon further internal review, the company revised the number to 288 and committed to an additional 42 jobs which was the subject of the 1st amendment to the original resolution. This 2nd amendment reflects the commitment of an additional 27 jobs associated with this expansion project.

Upon project completion, the company expects 357 employees will be associated with the project. Additional employment opportunities are anticipated over the next 5 years as well.

<table>
<thead>
<tr>
<th>New Tax Revenue Estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Yearly Taxes</strong></td>
</tr>
<tr>
<td><strong>Estimated New Assessed Value</strong></td>
</tr>
<tr>
<td><strong>Additional County Revenue over 10-Year Abatement Period</strong></td>
</tr>
<tr>
<td><strong>Additional Local Revenue over 10-Year Abatement Period</strong></td>
</tr>
<tr>
<td><strong>New Yearly Taxes Upon Expiration of Abatement Period</strong></td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>Combined Tax Rate: $494.00</td>
</tr>
</tbody>
</table>

Draft Recapture Material Terms

<table>
<thead>
<tr>
<th>Condition</th>
<th>Term</th>
<th>Recapture Provision</th>
</tr>
</thead>
</table>
| **Total Investment**     | At project completion | Investment amount equal to or greater than 85% of the project amount. Total Project Amount = $44,300,000
|                          |                       | 85% = $37,655,000                                                                      |
| **Former Employment**    | Coincides with 10-Year PILOT | Maintain Base = 251
Create 85% of Projected
Projected = 42
85% = 36
Recapture Employment: 287 |
| **Amended Employment**   | Coincides with 10-Year PILOT | Maintain Base = 288
Create 85% of Projected
Projected = 69
85% = 58
Recapture Employment: 346 |
| **Local Labor**          | Construction Period   | Adherence to Policy Including Quarterly Reporting |
| **Pay Equity**           | Coincides with 10-Year PILOT | Adherence to Policy |
| **Unpaid Tax**           | Coincides with 10-Year PILOT | Adherence to Policy |
| **Recapture Period**     | Coincides with 10-Year PILOT | Recapture of Real Property Taxes, State and Local Sales Taxes |

Recapture applies to:
- Real Property Taxes
- State and Local Sales Taxes
Amendatory 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 project company must certify i) total investment amount equal to or greater than 85% of the anticipated project amount proposed ii) confirm that company has maintained 288 employees at the facility and created 85% of projected jobs = 69 iii) adhere to local labor policy and iv) confirm adherence to ECIDA unpaid taxes and pay equity policy for the recapture term.

Company History / Project Investment Totals

<table>
<thead>
<tr>
<th>Year</th>
<th>Investment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>1981</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>1983</td>
<td>$750,000</td>
</tr>
<tr>
<td>1983</td>
<td>$475,000</td>
</tr>
<tr>
<td>1997</td>
<td>$4,324,848</td>
</tr>
<tr>
<td>1997</td>
<td>$16,234,200</td>
</tr>
<tr>
<td>1999</td>
<td>$7,709,540</td>
</tr>
<tr>
<td>2006</td>
<td>$6,700,000</td>
</tr>
<tr>
<td>2007</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>2008</td>
<td>$11,000,000</td>
</tr>
</tbody>
</table>
## ADDENDUM TO PROJECT LOG

### MOOG

<table>
<thead>
<tr>
<th>Evaluative Criteria</th>
<th>Notes</th>
</tr>
</thead>
</table>
| Wage Rate (above median wage for area) | Erie County median worker income: $33,350  
Company estimated average salary of jobs to be retained: $83,900  
Company estimated average salary of jobs to be created: $83,900 |
| Regional Wealth Creation (% sales/customers outside area) | Sales:  
Outside Erie County and within NYS: 66%  
Outside NYS and within U.S.: 33% |
| In Region Purchases (% of overall purchases) | 13% of total annual supplies, raw materials and vendors services are purchased from firms located within Erie County. |
| Research & Development Activities | Approximately 35% of the company’s costs are devoted to research and development. |
| Investment in Energy Efficiency | It is likely that the new machinery and equipment will demonstrate energy efficiency benefits. |
| Locational Land Use Factors, Brownfields or Locally Designated Development Areas | The land is currently zoned for industrial use. |
| LEED/Renewable Resources | NA |
| Retention/Flight Risk | The company has existing operations in Salt Lake City, Utah and have had discussions with the Governor’s Office of Economic Development regarding Economic Development Tax Increment Financing refundable tax credits as well as other tax and financing incentives available to companies seeking relocation and expansion of operations within Utah. |
| MBE/WBE Utilization | Moog is an Equal Opportunity Employer, and as such affirms the right of every person to participate in all aspects of employment without regard to race, religion, color, national origin, citizenship, sex, sexual orientation, gender identity, age, veteran status, disability, genetic information, or any other protected characteristic. |
| Workforce Access – Proximity to Public Transportation | Facility is on bus route 70. |

October 23, 2019
** 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-Moog 2017 Project amended in 2019

<table>
<thead>
<tr>
<th>Dollar Value of New Construction and Renovation Costs</th>
<th>Estimated New Assessed Value of Property Subject to IDA*</th>
<th>County Tax Rate/1000</th>
<th>Local Tax Rate (Town/City/Village)/1000</th>
<th>School Tax Rate/1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>$38,100,000</td>
<td>$175,275</td>
<td>$120.24</td>
<td>$5.84</td>
<td>$367.62</td>
</tr>
</tbody>
</table>

*Apply equalization rate to value

<table>
<thead>
<tr>
<th>PILOT Year</th>
<th>% Payment</th>
<th>County PILOT Amount</th>
<th>Local PILOT Amount</th>
<th>School PILOT Amount</th>
<th>Total PILOT</th>
<th>Full Tax Payment w/o PILOT</th>
<th>Net Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10%</td>
<td>$2,108</td>
<td>$102</td>
<td>$6,443</td>
<td>$8,653</td>
<td>$86,533</td>
<td>$77,880</td>
</tr>
<tr>
<td>2</td>
<td>10%</td>
<td>$2,108</td>
<td>$102</td>
<td>$6,443</td>
<td>$8,653</td>
<td>$86,533</td>
<td>$77,880</td>
</tr>
<tr>
<td>3</td>
<td>10%</td>
<td>$2,108</td>
<td>$102</td>
<td>$6,443</td>
<td>$8,653</td>
<td>$86,533</td>
<td>$77,880</td>
</tr>
<tr>
<td>4</td>
<td>20%</td>
<td>$4,215</td>
<td>$205</td>
<td>$12,887</td>
<td>$17,307</td>
<td>$86,533</td>
<td>$69,226</td>
</tr>
<tr>
<td>5</td>
<td>20%</td>
<td>$4,215</td>
<td>$205</td>
<td>$12,887</td>
<td>$17,307</td>
<td>$86,533</td>
<td>$69,226</td>
</tr>
<tr>
<td>6</td>
<td>20%</td>
<td>$4,215</td>
<td>$205</td>
<td>$12,887</td>
<td>$17,307</td>
<td>$86,533</td>
<td>$69,226</td>
</tr>
<tr>
<td>7</td>
<td>30%</td>
<td>$6,323</td>
<td>$307</td>
<td>$19,330</td>
<td>$25,960</td>
<td>$86,533</td>
<td>$60,573</td>
</tr>
<tr>
<td>8</td>
<td>30%</td>
<td>$6,323</td>
<td>$307</td>
<td>$19,330</td>
<td>$25,960</td>
<td>$86,533</td>
<td>$60,573</td>
</tr>
<tr>
<td>9</td>
<td>30%</td>
<td>$6,323</td>
<td>$307</td>
<td>$19,330</td>
<td>$25,960</td>
<td>$86,533</td>
<td>$60,573</td>
</tr>
<tr>
<td>10</td>
<td>30%</td>
<td>$6,323</td>
<td>$307</td>
<td>$19,330</td>
<td>$25,960</td>
<td>$86,533</td>
<td>$60,573</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$44,258</td>
<td>$2,149</td>
<td>$135,313</td>
<td>$181,719</td>
<td>$865,329</td>
<td>$683,610</td>
</tr>
</tbody>
</table>

*** 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:

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>Estimated Value of PILOT</th>
<th>Estimated Value of Sales Tax Incentive</th>
<th>Estimated Value of Mortgage Tax Incentive</th>
<th>Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$44,300,000</td>
<td>$684,000</td>
<td>$2,100,000</td>
<td>N/A</td>
<td>$0</td>
</tr>
</tbody>
</table>

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: 6.3 %
Moog A&T Addition Plants 1 and 3

Section I: Applicant Background Information

**Applicant Information - Company Receiving Benefit**

<table>
<thead>
<tr>
<th><strong>Project Name</strong></th>
<th>Moog A&amp;T Addition - Plants 1 and 3 - AMENDED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant Name</strong></td>
<td>Moog Inc</td>
</tr>
<tr>
<td><strong>Applicant Address</strong></td>
<td>400 Jamison Rd</td>
</tr>
<tr>
<td><strong>Applicant City</strong></td>
<td>East Aurora</td>
</tr>
<tr>
<td><strong>Applicant State</strong></td>
<td>New York</td>
</tr>
<tr>
<td><strong>Applicant Zip</strong></td>
<td>14052</td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td>716-687-7487</td>
</tr>
<tr>
<td><strong>Fax</strong></td>
<td>716-652-0176</td>
</tr>
<tr>
<td><strong>E-mail</strong></td>
<td><a href="mailto:hchudzik@moog.com">hchudzik@moog.com</a></td>
</tr>
<tr>
<td><strong>Website</strong></td>
<td><a href="http://www.moog.com">www.moog.com</a></td>
</tr>
<tr>
<td><strong>Federal ID#</strong></td>
<td>16-0757636</td>
</tr>
<tr>
<td><strong>NAICS Code</strong></td>
<td>336410</td>
</tr>
<tr>
<td><strong>Will a Real Estate Holding Company be utilized to own the Project property/facility?</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>What is the name of the Real Estate Holding Company?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Federal ID#</strong></td>
<td></td>
</tr>
<tr>
<td><strong>State and Year of Incorporation/Organization</strong></td>
<td></td>
</tr>
<tr>
<td><strong>List of stockholders, members, or partners of Real Estate Holding Company</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Individual Completing Application**

<table>
<thead>
<tr>
<th><strong>Name</strong></th>
<th>Heather Chudzik</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title</strong></td>
<td>Tax Director</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>400 Jamison Rd</td>
</tr>
<tr>
<td><strong>Address 2</strong></td>
<td></td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>East Aurora</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td>New York</td>
</tr>
<tr>
<td><strong>Zip</strong></td>
<td>14052</td>
</tr>
</tbody>
</table>

https://www.ecidany.com/app/tax-incentive-application-2014/print/592
Company Contact (if different from individual completing application)

Name: Mark Graczyk  
Title: Group Vice President, Aircraft  
Address: 160 Jamison Road  
City: East Aurora  
State: New York  
Zip: 14052  
Phone: 716-687-4474  
Fax:  
E-Mail: mgraczyk@moog.com

Company Counsel

Name of Attorney: Amy Fitch  
Firm Name: Hodgson Russ  
Address: 140 Pearl Street, Suite 100  
City: Buffalo  
State: New York  
Zip: 14202  
Phone: 716-848-1244  
Fax:  
E-Mail: afitch@hodgsonruss.com

Identify the assistance being requested of the Agency

Exemption from Sales Tax: Yes  
Exemption from Mortgage Tax: No  
Exemption from Real Property Tax: Yes  
Tax Exempt Financing*: No  
* (typically for not-for-profits & small qualified manufacturers)

Business Organization

Type of Business: Corporation  
Type of Ownership:  
Year Established: 1951  

List all stockholders, members, or partners with % of ownership greater than 20%
Please include name and % of ownership.

Publicly Owned ~ Not Applicable for A shares. B share 20% or more ownership is as follows: Moog Inc. Retirement Savings Plan - 41.2 percent of B shares Moog Inc. Employees' Retirement Plan - 23.5 percent of B shares
Applicant Business Description

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

Moog Inc. is a worldwide designer, manufacturer, and integrator of precision motion control products and systems. Moog's high-performance systems control military and commercial aircraft, satellites and space vehicles, launch vehicles, missiles, industrial machinery, wind energy, marine applications, and medical equipment.

Estimated % of sales within Erie County 0
Estimated % of sales outside Erie County but within New York State 1
Estimated % of sales outside New York State but within the U.S. 66
Estimated % of sales outside the U.S. 33

(*Percentage to equal 100%)

What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Erie County? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation of the estimated percentage of local purchases.

13 percent
Section II: Eligibility Questionnaire - Project Description & Details

Project Location

Municipality or Municipalities of current operations
Town of Elma, Erie County

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

In which Municipality will the proposed project be located
Town of Elma, Erie County

Address
Jamison Road, East Aurora, New York

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 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 Retail Section of this application)

SBL Number for Property upon which proposed Project will be located
155.00-1-8.31

What are the current real estate taxes on the proposed Project Site
$95,000

Assessed value of land
N/A - New Construction

Assessed value of building(s)
N/A - New Construction

Are Real Property Taxes current?
Yes

If no please explain

Town/City/Village of Project Site
Elma

School District of Project Site
Iroquois

Does the Applicant or any related entity currently hold fee title to 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
Owned land available for expansion
Please provide narrative of the proposed project and the purpose of the proposed project (new build, renovations, 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 amended application is due to a change in the total forecasted costs in connection with this project, therefore Moog is requesting revised sales tax exemptions amounting to $2,100,000 versus $1,575,000 as per the original application. While the project scope related to the addition of 95,000 sq ft of space to Moog’s existing East Aurora campus has not changed, we are anticipating an increase of total project costs of approximately $11,700,000. The cause of the increase in total estimated costs include both cost overruns as well as unforeseen circumstances surrounding remediation efforts at the site which led to additional spend. Also, please note the original application included soft costs of $500,000. On March 19, 2018 we had informed ECIDA that the total project costs related to 400 Jamison Road of $32,600,000 included architect, construction manager and interior design fees amounting to $3,700,000. Therefore, revised soft costs totaled $4,200,000. At the time of this amendment this estimate has not changed. Lastly, at the time of the original application Moog projected the creation of 42 additional jobs as a result of this project. As of June 30, 2019 Moog has created 69 additional jobs, exceeding the original estimate by 27 jobs. The Project would add approximately 95,000 Sq ft of space to Moog’s existing East Aurora campus. Approximately 75% to 80% of the area would be for mechanical and electronic assembly and test facilities for military and commercial aircraft flight control products. The remaining space would be for mixed office space (engineering; manufacturing support and administrative). The space would address projected growth from existing known programs or expected future contract awards in addition to relieving congestion in current work areas. The project cost is estimated at between $22 and $24 million (construction; machinery and furniture costs) which would provide an estimated 957 man months (or 79.75 man years) of employment in construction related employment in the 2017/2018 time frame. The facility will be utilized to support R&D activities in pump and motor technology to be utilized in the Aerospace industry. As the facilities are brought on line and existing programs expand and forecasted new contracts are awarded it is expected that over a five year period 90 to 110 new jobs will be created (42 expected in the first two years). Financing is expected to occur through existing Moog credit facilities.

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:

Financial assistance is necessary as described below.

Describe the reasons why the Agency’s Financial Assistance is necessary and how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and/or job retention. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary)

Moog operates in highly competitive markets across all our Business Segments. As such, cost control is essential to maintaining our competitive position. The reduction in cost associated with construction materials and property taxes via a PILOT program provide meaningful cost reductions which are critical to the decision to move forward with the new facility.

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?

The company would/has consider(ed) placing the expansion of the facility to its Aircraft facility in Salt Lake City, UT. This would result in lost jobs for Erie County/NYS.

Will project include leasing any equipment?

Yes

If yes, please describe equipment and lease terms.

This project may include leasing of manufacturing, test and computer equipment; lease term for major equipment will generally be six to seven years.

Site Characteristics

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

https://www.ecidany.com/app/tax-incentive-application-2014/print/592
If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements

N/A

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

Yes

If yes, please explain

The proposed project is planned where contaminated groundwater is naturally collected in the stormwater sewer pipes through infiltration. The groundwater is treated using an air stripper to SPDES discharge standards. The groundwater contamination is solvent based. No specific source of the contamination has been determined. A Gore Module and Test Pit investigation was conducted in September 2011, but could not determine the source of the contamination. In addition to the Gore study, a limited groundwater investigation was conducted to delineate the extent of the groundwater. The groundwater present in the proposed developed area has been sampled from both the manholes of the storm sewer system and the monitoring wells installed for the limited groundwater investigation. All samples taken consistently show that groundwater varies between 0 and 800 ppb for the solvents, with the primary contaminants being 1,1-Dichloroethane and Freon.

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?

It is likely the machinery and equipment will demonstrate energy efficiency benefits.

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, please explain.

Pump and motor technology as well as advanced manufacturing

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

Approximately 35 percent

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

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Determination contained in Section IV of the Application.

Please check any and all end uses as identified below.

Retail Sales    No       Services    No

For purposes of this question, 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.

Yes    Manufacturing
No    Acquisition of Existing Facility
No    Housing

No    Multi-Tenant
No    Commercial
Yes    Back Office

Yes    Mixed Use
No    Facility for the Aging
No    Civic Facility (not for profit)

Other

https://www.ecidany.com/app/tax-incentive-application-2014/print/592
Project Information

Estimated costs in connection with project

Land and/or Building Acquisition

$0

square feet

New Building Construction

$0

square feet

New Building addition(s)

$29,250,000

95,000 + square feet

Infrastructure Work

$0

Renovation

$8,850,000

square feet

Manufacturing Equipment

$500,000

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

$1,500,000

Soft Costs: (professional services, etc.)

$4,200,000

Other Cost

$0

Explain Other Costs

Total Cost

$44,300,000

Project Refinancing; estimated amount (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:

Initial exploratory cost only.

Sources of Funds for Project Costs:

Equity (excluding equity that is attributed to grants/tax credits):

$44,300,000

Bank Financing:

$0

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):

https://www.ecidany.com/app/tax-incentive-application-2014/print/592
$0

Identify each state and federal grant/credit:

Total Sources of Funds for Project Costs:

$44,300,000

Has a financing preapproval letter or loan commitment letter been obtained?

No

Mortgage Recording Tax Exemption Benefit:

Estimated Mortgage Amount (Sum total of all financing – construction and bridge).

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

$0

Lender Name, if Known

Estimated Mortgage Recording Tax Exemption Benefit (% of estimated mortgage amount stated above):

$0

Construction Cost Breakdown:

Total Cost of Construction

$38,100,000

(sum of 2,3,4,5, and/or 7 in Question K, above)

Cost for materials

$21,000,000

% sourced in Erie County

100%

% sourced in State

100% (including Erie County)

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

$24,000,000

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

$2,100,000

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:

N/A

For proposed facility please include # of sq ft for each of the uses outlined below

<table>
<thead>
<tr>
<th>Manufacturing/Processing</th>
<th>Cost</th>
<th>% of Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>66,500 square feet</td>
<td>$26,670,000</td>
<td>70</td>
</tr>
<tr>
<td>Warehouse</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>9,500 square feet</td>
<td>$3,810,000</td>
</tr>
<tr>
<td>Commercial</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Retail</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Office</td>
<td>14,250 square feet</td>
<td>$5,915,000</td>
</tr>
<tr>
<td></td>
<td>4,750</td>
<td>$1,905,000</td>
</tr>
</tbody>
</table>
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

Will project result in significant utility infrastructure cost or uses

Yes

What is your project timetable (Provide dates)

Start date: acquisition of equipment or construction of facilities

6/1/2017

End date: Estimated completion date of project

12/31/2020

Project occupancy: estimated starting date of operations

12/31/2020

Have construction contracts been signed?

Yes

Have site plans been submitted to the appropriate planning department for approval?

Yes

Has the Project received site plan approval from the appropriate planning department?

Yes

Is project necessary to expand project employment?

Yes

Is project necessary to retain existing employment?

Yes

Employment Plan (Specific to the proposed project location):

<table>
<thead>
<tr>
<th>Current # of jobs at proposed project location or to be relocated at project location</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be RETAINED</th>
<th>IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be CREATED upon TWO years after Project completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full time</td>
<td>288</td>
<td>288</td>
</tr>
<tr>
<td>Part time</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>288</td>
<td>288</td>
</tr>
</tbody>
</table>

** The Labor Market Area includes the Counties of Erie, Niagara, Genesee, Cattaraugus, Wyoming and Chautauqua. For the purposes of this question, please estimate the number of FTE and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.

https://www.ecidany.com/app/tax-incentive-application-2014/print/592
***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).

**Salary and Fringe Benefits for Jobs to be Retained and Created:**

<table>
<thead>
<tr>
<th>Category of Jobs to be Retained and Created</th>
<th># of Employees Retained and Created</th>
<th>Average Salary for Full Time</th>
<th>Average Fringe Benefits for Full Time</th>
<th>Average Salary for Part Time (if applicable)</th>
<th>Average Fringe Benefits for Part Time (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td>49</td>
<td>$200,000</td>
<td>$33,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Professional</td>
<td>140</td>
<td>$93,000</td>
<td>$33,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Administrative</td>
<td>14</td>
<td>$60,000</td>
<td>$33,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Production</td>
<td>100</td>
<td>$65,000</td>
<td>$33,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Independent Contractor</td>
<td>24</td>
<td>$130,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other</td>
<td>54</td>
<td>$65,000</td>
<td>$33,000</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Address</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>31 Ellicott Rd, West Falls, NY 14170</td>
<td>13</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Full time</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part time</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

https://www.ecidany.com/app/tax-incentive-application-2014/print/592
Will any of the facilities described above be closed or subject to reduced activity?

No

Payroll Information

Annual Payroll at Proposed Project Site

$ 30,000,000

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

$ 83,900

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

$ 0

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

$ 83,900

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

$ 0

Estimated salary range of jobs to be created

From (Full Time) $ 56,000 To (Full Time) $ 108,000

From (Part Time) $ 0 To (Part Time) $ 0

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

Due to existing operations in Salt Lake City, UT, we had discussions with the UT Governors Office of Economic Development regarding Economic Development Tax Increment Financing refundable tax credits as well as other tax and financing incentives available to companies seeking relocation and expansion of operations to the State of Utah.

What competitive factors led you to inquire about sites outside of New York State?

Existing out-of-state operations coupled with cost control.

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

Empire State Development

Do you anticipate applying for any other assistance for this project?

Yes

If yes, what type of assistance (Historic Tax Credits, 485(a), Grants, Utility Loans, Energy Assistance, Workforce Training)

Energy Assistance Empire State Development
Section III: 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: Moog Inc.
Address: 160 Jamison Road, East Aurora, NY 14052
Contact Person: Mark Graczyk
Phone: 716-687-4474
Fax
E-Mail: mgraczyk@moog.com
Federal ID #: 16-0757636
SIC/NAICS Code: 336410

Multi-Tenant Facility

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

Have any tenant leases been entered into for this project?
<BLANK>

If yes, please fill out a tenant form in section VII, for each tenant.

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

https://www.ecidany.com/app/tax-incentive-application-2014/print/592
Section IV: Tenant Information
Section V: Environmental Questionnaire

General Background Information

Address of Premises
Seneca and Jamison Roads, East Aurora, NY 14052

Name and Address of Owner of Premises
Moog Inc. - Seneca and Jamison Roads, East Aurora, NY 14052

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

Moog is located on 331 acres of property between Seneca and Jamison Roads. A wetland map is included in the provided files as Wetland Map 3-22-16.

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

Operations/processes carried out at the premises include manufacturing, assembly and test, research and development and back office activities. The following are the plants, square footage and dates of construction for properties at Seneca Street & Jamison Road Elma, NY 14059.

- Addition- Plant 1, 29,480 Sq. ft., 7/8/55
- Addition- Plant 2, 42,975 Sq. ft., 4/29/57
- Addition- Plant 2B, 35,500 Sq. ft., 11/18/75
- Addition- Plant 2C, 7,840 Sq. ft., 2008
- Addition- Plant 3A, 30,200 Sq. ft., 2/18/63
- Addition- Plant 3B, 26,520 Sq. ft., 2/18/63
- Addition- Plant 4, 21,900 Sq. ft., 1/20/80
- Addition- Plant 4A, 29,069 Sq. ft., 2001
- Addition- Plant 4B, 7,860 Sq. ft., 1/20/80
- Addition- Plant 5, 19,800 Sq. ft., 6/9/59
- Addition- Plant 5A, 8,200 Sq. ft., 11/30/78
- Addition- Plant 6, 11,160 Sq. ft., 6/8/76
- Addition- Plant 6A, 16,390 Sq. ft., 5/24/07

The following are the plants, square footage and dates of construction with their respective addresses.

- Addition- Plant 8, 9,600 Sq. ft., 7661 Seneca Street
- Addition- Plant 11, 20,247 Sq. ft., 5/23/66
- Addition- Plant 11A, 31,020 Sq. ft., 4/26/76
- Addition- Plant 11B, 13,072 Sq. ft., 1/10/80
- Addition- Plant 11C, 65,643 Sq. ft., 4/16/81
- Addition- Plant 11D, 39,690 Sq. ft., 3/26/09
- Addition- Plant 12, 7,850 Sq. ft., 7211 Seneca Street Elma, NY 14059
- Addition- Plant 12A, 9,000 Sq. ft., 7211 Seneca Street Elma, NY 14059
- Addition- Plant 15A, 18,480 Sq. ft., 9/3/80
- Addition- Plant 15B, 11,100 Sq. ft., 9/3/80
- Addition- Plant 15C, 6375 Sq. ft., 9/3/80
- Addition- Plant 17, 50,000 Sq. ft., 7/12/69
- Addition- Plant 20, 19,720 Sq. ft., 10/30/84
- Addition- Plant 20A, 57,620 Sq. ft., 7/15/09
- Addition- Plant 23, 17,500 Sq. ft., 7060 Seneca Street Elma, NY 14059
- Addition- Plant 24, 68000 Sq. ft., 8/15/89
- Addition- Plant 26, 69,050 Sq. ft., 12/17/12
- Addition- Plant 27, 5,000 Sq. ft., 8/10/11
- Addition- Plant 31, 10,500 Sq. ft., 3/15/11
- Addition- Plant 32, 7,500 Sq. ft., 7000 Seneca Street Elma, NY 14059
- Addition- Plant 33, 7,700 Sq. ft., 555 Pound Road Elma, NY 14059
- Addition- Plant 34, 2,500 Sq. ft., 2007
- Addition- Plant 35, 500 Buffalo Road East Aurora, NY 14052
- Addition- Plant 36, 5,130 Sq. ft., 6 Caserta Street & Jamison Road Elma, NY 14059
- Addition- Plant 37, 1250 Sq. ft., 6/29/79
- Addition- Plant 38, 1,000 Sq. ft., 621 Conley Road Elma, NY 14059
- Addition- Plant 39, 8,000 Sq. ft., 621 Conley Road Elma, NY 14059
- Addition- Plant 40, 1,000 Sq. ft., 621 Conley Road Elma, NY 14059
- Addition- Plant 41, 3,520 Sq. ft., 741 Conley Road, Elma, NY 14059

Describe all known former uses of the Premises

N/A

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?

Yes

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

There have been small spills that have occurred near the premises. A description of the spills including spill location, description of the spill and the status of the spill are found in the table below. Supporting documentation by spill number is found in the provided files.

- Spill #: 1402646, Location- Oil Storage Building, Spill Date- 06-11-2014, Material Spilled- Diesel fuel; Oil, Description- A Diesel Fuel spill occurred from overfilling snow removal vehicles parked over a gravel surface. Other spots of oil contamination from crushed oil drums in a scrap metal dumpster were also remediated during the same spill clean-up. Spill has been closed by the DEC.
- Spill #: 1404602, Location- Plant 3, Spill Date- 07-28-2014, Material Spilled- Mineral oil, Description- A new transformer catastrophically failed resulting in a spill of approximately 10 gallons of Envirotemp FR3 dielectric fluid (mineral oil). Spill has been closed by the DEC.
- Spill #: 1407084, Location- Plant 2, Spill Date- 10-07-2014, Material Spilled- Oily Mop Water, Description- A wastewater treatment process tank overflowed spilling 10 gallons of oily mop water into the sanitary sewer
and to Moog’s Sanitary WWTP. Spill has been closed by the DEC. Spill #: 1506181, Location- Oil Storage Building, Spill Date- 09-16-2015, Material Spilled- Historical Petroleum Staining, Description- During excavation to pave an area that has been gravel covered, historical petroleum staining was discovered in an area where drums where historically (25+ years ago) stored. Since the area will be effectively capped by the asphalt paving, the DEC determined that the spill will have a status of inactive.

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?

Yes

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

As Moog constructed buildings and maintained the grounds over the years, a large pile of soil was created on the south side of Plant 11. The pile consisted of soil, tree branches, concrete and brick, leaves, and grass clippings. Since all of these items were mixed together, the site was classified as a Construction and Demolition Debris Landfill and subject to a consent order from the DEC to "close" the soil pile. A closure plan was prepared and approved by the DEC. As of October 19, 2016 the soil pile was closed in accordance with DEC regulations. Annual post closure groundwater monitoring must continue for a minimum of 5 years. See the provided file "C&D Final Closure Letter from DEC". Building 11 is listed on the Registry of Inactive Hazardous Waste Sites. In 1994, an Underground Storage Tank containing used oil leaked and was replaced with the existing double-walled tank. The site has an ID of #915164, however, a consent order was never signed for this remediation. There is a deed restriction in place for a section of the eastern portion of Plant 11 as Part of a Site Management Plan that was developed with oversight by the NYSDEC. Building 11 also has a subslab depressurization system to maintain indoor air quality in the area of the building impacted by the historic VOC contamination. The facility is currently employing natural attenuation in accordance with Quarterly Groundwater monitoring to bring VOC levels in groundwater to the NYSDEC clean-up standard.

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

No

If yes, describe in full detail.

Solid And Hazardous Wastes And Hazardous Substances

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

Yes

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

EPA ID# NYD002103166

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

- Waste Type: All Hazardous Waste, Classification: Hazardous, Transporter: Nexo Solutions, Binghamton, NY
- Waste Type: Select Profiled Non-hazardous wastes, Classification: Non-Hazardous, Transporter: Nexo Solutions, Binghamton, NY
- Waste Type: Used Oil, Classification: Used Oil, Transporter: Noco - Tonawanda, NY
- Waste Type: Used Batteries, Classification: Universal Waste, Transporter: Fedex Ground in prepaid UN Box
- Waste Type: Used Lamps, Classification: Universal Waste, Transporter: Veolia Environmental Solutions, Tonawanda, NY
- Waste Type: Solid Waste, Classification: Solid, Transporter: Waste Management - Chaffee, NY
- Waste Type: Grinding Sludge & Filters from 3-D printing powdered metals, Classification: Solid, Transporter: Tonawanda Tank - Tonawanda, NY
- Waste Type: Plastic, single stream, scrap metal, Classification: Solid, recycled, Transporter: Great Lakes Recycling - N. Tonawanda, NY
- Waste Type: Grease, Classification: Solid Waste, Transporter: Darling International Inc - Buffalo, NY

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

- Waste Type: All Hazardous Waste, Classification: Hazardous, Disposal Facility Nexo Solutions, Binghamton, NY
- Waste Type:...

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

Moog submitted an application for a SPDES permit in 1989. The application is in the provided files as Seneca & Jamison_SPDES Permit Application_12-11-1989.pdf. Moog has continued to renew this permit until 2013 when Moog requested the State that a new full-blown permit was needed due to operational changes and temperature limits within the current permit that cannot be met. Some of the permit renewals are in the provided files as SPDES Permit 1993-98.pdf and SPDES Permit Renewal 2008-2013.pdf. Since only the State can initiate a new full-blown permit renewal, Moog was instructed to continue to operate under its expired permit until the State initiated a new permit application. Documentation for this is found in the provided files: Letter to DEC on Permit Discussion.pdf and Expired Permit -continuance from 2014.pdf.

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

The facility has its own wastewater treatment plant (WWTP) for sanitary wastewater treatment. The facility does discharge some industrial wastewater to this plant but only after it has been pre-treated to meet Part 433 of the CWA - Metal Finishing. The facility discharges approximately 35000 gpd of sanitary wastewater, of which 6,000 gpd is pre-treated industrial wastewater. Non-contact cooling water is generated on a seasonally adjusted basis of 0 - 33,000 gpd with zero being winter time (no cooling water discharge needed) and 33,000 gpd being a very hot humid day with a high need for air conditioning. The facility does generate contact cooling water. The facility discharges Stormwater through 6 outfalls identified on the SPDES Permit (identified in question 1 above). There is a septic tank at Building 17 on the Premises. This tank is regularly pumped out but is redundant because the septic tank discharges to the sanitary wastewater treatment plant where it is also treated.

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

Yes

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

The facility has 6 outfalls through which water discharges. Outfalls 001, 002, 003, and 006 discharge to a tributary of Cazenovia Creek, a Class C stream. Outfalls 004 and 005 discharge to a tributary of the Buffalo River, also a Class C waterbody. Outfall 001 is at the outlet of the Moog WWTP. This outfall averages 50,000 gpd of which 35,000 is sanitary the remainder from stormwater. Since Moog's WWTP is open to rainwater the discharge can exceed 100,000 gpd during significant rainfall/snowmelt events. The other outfalls discharge mainly stormwater with a small bit of comfort cooling non-contact cooling water mixed in. Outfall 002 is approximately 91,500 gpd which also includes Outfall 001's discharge. The additional 41,500 gpd is from stormwater, non-contact cooling water and groundwater infiltration. Outfall 003 is approximately 16,600 gpd of stormwater. Outfall 004 is approximately 16,900 gpd of stormwater. Outfall 005 is approximately 105,700 gpd of stormwater and surface water. There is a creek that leads to two ponds one of which whose outlet leads to Outfall 005. Outfall 006 averages 16,100 gpd and is a mixture of groundwater infiltration and stormwater.

Air Pollution

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

Yes

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

Moog Inc.’s East Aurora, NY facility is a designer and manufacturer of motion control systems. Parts made from various metals, including aluminum, stainless steel, and titanium, are machined and tested on site. • Facility-wide stationary combustion sources include emergency generators, boilers, furnaces and engines. • Facility-wide sources of particulate emissions from exhaust or ventilation systems are dust collectors, mist eliminators, and cooling towers. Soldering process operations, which also contribute to particulate emissions, include hand held soldering stations, wave soldering, and selective solder machines. Some process sources of particulate emissions, such as electron beam welding machines, metal cutting and laser engravers, also emit small amounts of hazardous air pollutants (HAPs). • Facility-wide process operations that emit volatile organic compounds (VOCs) include many small sources, such as solvent metal parts cleaners. This emission unit also includes some process sources, such as non-destructive inspection or testing using liquid penetrants, drying/curing of paints, adhesives, coatings, and forming/curing of cables, that emit small amounts of hazardous air pollutants (HAPs). • Moog operates a non-electrolytic metal coating process operation consisting of a chromate conversion plating line that contains chromium, a hazardous air pollutant (HAP). However, under normal operations, only water vapor is emitted from this area. • Painting operations include three (3) paint booths that emit both volatile organic compounds (VOCs) and particulates, and one (1) dip tank that emits methylene chloride, a hazardous air pollutant (HAP). • A natural gas-fueled wastewater evaporator is used to evaporate wash waters, because the facility is not connected to a municipal sanitary sewer system. Spent aqueous parts washer solutions may contain detergents with small amounts of volatile organic compounds (VOCs) and are also processed in the wastewater evaporator. • Moog has a chemical cleaning process operation which consists of numerous tanks for metal parts that use various strong acids, including hydrochloric acid, to remove surface imperfections such as embedded iron, oxides, heat tint stains, inorganic contaminants, rust or scale. Any hydrochloric acid emissions are defined as a Hazardous Air Pollutant (HAP).

Are any of the air emission sources permitted?

Yes

If yes, attach a copy of each permit.

Storage Tanks

List and describe all above and underground 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

- Tank Type- Underground, Location-Plant 2, Chemical Stored - Used Oil, Tank Size- 2,000 gallons
- Tank Type- Underground, Location- Plant 11, Chemical Stored- Used Oil, Tank Size- 1,000 gallons
- Tank Type- Aboveground Emergency Generator, Location- Plant 3, Chemical Stored- Diesel Fuel, Tank Size- 600 gallons
- Tank Type- Aboveground Emergency Generator, Location- Plant 20, Chemical Stored- Diesel Fuel, Tank Size- 900 gallons
- Tank Type- Aboveground Emergency Generator, Location- Plant 20, Chemical Stored- Diesel Fuel, Tank Size- 400 gallons
- Tank Type- Aboveground Emergency Generator, Location- Plant 11D, Chemical Stored Diesel Fuel, Tank Size- 200 gallons
- Tank Type- Aboveground Emergency Generator, Location- Plant 26, Chemical Stored- Diesel Fuel, Tank Size- 875 gallons
- Tank Type- Aboveground Emergency Generator, Location- Microwave Tower, Chemical Stored- Diesel Fuel, Tank Size- 80 gallons
- Tank Type- Aboveground, Location- Plant 5, Chemical Stored- Liquid Nitrogen, Tank Size- 9,000 gallons
- Tank Type- Aboveground, Location- Plant 11, Chemical Stored- Liquid Nitrogen, Tank Size- 1,500 gallons
- Tank Type- Aboveground, Location- Plant 15B, Chemical Stored- Liquid Nitrogen, Tank Size- 9,000 gallons
- Tank Type- Aboveground, Location- Plant 20, Chemical Stored- Liquid Nitrogen, Tank Size- 9,000 gallons
- Tank Type- Trailer of Cylinders, Location- Plant 20, Chemical Stored Helium, Tank Size- 60,000 cubic feet
- Tank Type- Thermo Oxidizer holding tank, Location- Inside 2 Aqueous rinse waters, Chemical Stored- oily mop water, Tank Size- 2,000 gallons

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

Yes

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

There was an overflow of the thermo oxidizer holding tank. Oily mop water containing cutting oils was discharged through a lavatory floor drain to Moog’s onsite waste water treatment plant. A sheen was noted in the pump station to the treatment plant but none at the plant itself. A spill boom was placed in the pump station as a precautionary measure. The spill was reported to the NYSDEC - Spill #140708B. It has been closed out. The spill report is referenced in Section IX (A)(7) of this application.

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?

https://www.ecidany.com/app/tax-incentive-application-2014/print/592
No

If yes, relate all the circumstances

Do the Premises have any asbestos containing materials?
No

If yes, please identify the materials
All known asbestos containing materials on this site have been remediated at the time of discovery. Due to the size and age of the facility, that is approach we take. All renovation jobs are evaluated at that time and if any asbestos is found, it is remediated by an outside contractor and disposed of in accordance with Federal and State regulations.
Section VI: 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.

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 or abandonment of an existing facility?  
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.)

The primary requirements include adequate utility availability (primarily gas and electric); building infrastructure strength to hold heavy test equipment and machinery; temperature and humidity control to maintain extremely tight tolerances.

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?  
NA

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

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.  
NA
Section VII: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program?
No

What is the age of the structure (in years)?
0

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)
<BLANK>

If vacant, number of years vacant.
0

If underutilized, number of years underutilized.
0

Describe the use of the building during the time it has been underutilized:
NA

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)
No

If yes, please provide dollar amount of income being generated, if any
$

If apartments are planned in the facility, please indicate the following:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Sq. Ft. Range Low to High</th>
<th>Rent Range Low to High</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>0</td>
<td>$</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>$</td>
</tr>
</tbody>
</table>

Does the site have historical significance?
No

Are you applying for either State/Federal Historical Tax Credit Programs?
No

If yes, provide estimated value of tax credits
$

Briefly summarize the financial obstacles to development that this project faces without ECIDA or other public assistance.

Please provide the ECIDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide ECIDA with documentation of this support in the form of signed letters from these entities

Please indicate other factors that you would like ECIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments
Section VIII: Senior Citizen Rental Housing Projects

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

No

Has the project received written support from the city, town or village government in which it is located?

<BLANK>

Describe the location of the project as it relates to the project's proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?

<BLANK>

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details.

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?

<BLANK>

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?

<BLANK>

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?

<BLANK>

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?

<BLANK>

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, call systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project's return on investment?

<BLANK>

If yes, please briefly summarize the financial obstacles to development that this project faces without IDA or other public assistance. Please provide the IDA with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without IDA and other tax credits included indicating below average return on investment rates compared to regional industry averages)

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Erie County?

<BLANK>

If yes, please describe provide a narrative citing key facts that substantiate this finding.
Section IX: Retail Determination

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?
If yes, complete the Retail Questionnaire Supplement below.

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?
If the answer to this is less than 33% do not complete the remainder of the page and proceed to the next section (Section V: Inter-Municipal Move Determination).
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?

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?
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?
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?
If yes, explain

Is the project located in a Highly Distressed Area?