

**TOWN OF LOCKPORT
INDUSTRIAL DEVELOPMENT AGENCY**

FINANCIAL STATEMENTS

DECEMBER 31, 2020

INDEPENDENT AUDITORS' REPORT

The Board of Directors
Town of Lockport Industrial Development Agency

We have audited the accompanying financial statements of Town of Lockport Industrial Development Agency (the Agency), a business-type activity, which comprise the balance sheets as of December 31, 2020 and 2019 and the related statements of revenues, expenses, and changes in net position and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a reasonable basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Agency as of December 31, 2020 and 2019, and the changes in its financial position and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Management's Discussion and Analysis

The Agency has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements is not affected by this missing information.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated February 10, 2021 on our consideration of the Agency's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Agency's internal control over financial reporting and compliance.



February 10, 2021

TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheets

December 31,	2020	2019
Assets		
Current assets:		
Cash	\$ 1,733,615	\$ 1,740,072
Accounts receivable	-	2,392
Prepaid expenses	212	-
Capital assets, net (Note 3)	<u>952,145</u>	<u>948,595</u>
	<u>\$ 2,685,972</u>	<u>\$ 2,691,059</u>
Liabilities and Net Position		
Current liabilities:		
Current portion of long-term debt (Note 4)	\$ -	\$ 10,000
Accounts payable	11,925	7,580
Accrued liabilities (Note 6)	<u>250,000</u>	<u>250,000</u>
	<u>261,925</u>	<u>267,580</u>
Net position:		
Unrestricted	<u>2,424,047</u>	<u>2,423,479</u>
	<u>\$ 2,685,972</u>	<u>\$ 2,691,059</u>

TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY

Statements of Revenues, Expenses, and Changes in Net Position

For the years ended December 31,	2020	2019
Operating revenues:		
Administrative, application, and other fees	\$ 109,200	\$ 606,800
Other revenue	-	3,000
Gain on sale of land	-	88,306
Total operating revenues	<u>109,200</u>	<u>698,106</u>
Operating expenses:		
Management and other fees	47,467	44,788
Legal and professional	44,321	34,919
Travel and meetings	3,048	2,116
Insurance	323	323
Repairs and maintenance	4,627	6,898
Property taxes	5,441	5,323
Dues and membership fees	1,330	1,730
Advertising and promotion	7,976	12,851
Depreciation	395	-
Interest	150	300
Total operating expenses	<u>115,078</u>	<u>109,248</u>
Operating income (loss)	(5,878)	588,858
Nonoperating revenue		
Interest	<u>6,446</u>	<u>10,115</u>
Change in net position	568	598,973
Net position - beginning	<u>2,423,479</u>	<u>1,824,506</u>
Net position - ending	\$ 2,424,047	\$ 2,423,479

TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY

Statements of Cash Flows

For the years ended December 31,	2020	2019
Operating activities:		
Receipts from administrative, application, and other fees	\$ 111,592	\$ 609,800
Payments for goods and services	(110,400)	(134,164)
Interest paid	(150)	(300)
Net operating activities	1,042	475,336
Capital and related financing activities:		
Proceeds from sale of land	-	135,465
Principal payments on debt	(10,000)	(10,000)
Net capital and related financing activities	(10,000)	125,465
Investing activities:		
Interest income	6,446	10,115
Purchase of equipment	(3,945)	-
Net investing activities	2,501	10,115
Net change in cash	(6,457)	610,916
Cash - beginning	1,740,072	1,129,156
Cash - ending	\$ 1,733,615	\$ 1,740,072
Reconciliation of operating results to net operating activities:		
Operating income (loss)	\$ (5,878)	\$ 588,858
Adjustments to reconcile operating results to net cash flows from operating activities:		
Depreciation	395	-
Gain on sale of land	-	(88,306)
Changes in other current assets and liabilities:		
Accounts receivable	2,392	(2,392)
Prepaid expenses	(212)	-
Accounts payable and accrued liabilities	4,345	(22,824)
Net operating activities	\$ 1,042	\$ 475,336

Notes to Financial Statements

1. Summary of Significant Accounting Policies:

Nature of Organization

Town of Lockport Industrial Development Agency (the Agency) was established by the Town of Lockport (the Town) under Title I of Article 18-A of the General Municipal Law of the State of New York (the State), as amended, and Chapter 426 of the Laws of 1981 of the State, the Industrial Development Agency Act. The purpose of the Agency is to promote, attract, encourage, and develop economically sound commerce and industry through governmental action. The Agency, although established by the Town Board, is a separate entity and operates independently of the Town. Its revenues stem from administrative fees, rents, and sale of property in an industrial development park.

Basis of Presentation

The financial statements of the Agency are prepared in conformity with accounting principles generally accepted in the United States of America as applied to governmental units. The Governmental Accounting Standards Board is the accepted standard setting body for establishing governmental accounting and financial reporting principles.

Measurement Focus

The Agency reports as a special-purpose government engaged in business-type activities. Business-type activities are those that are financed in whole or in part by fees charged to external parties for goods or services. The Agency's financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred.

The Agency's policy for defining operating activities in the statements of revenues, expenses, and changes in net position are those that generally result from exchange transactions such as payments received for services, including administrative, application, and other fees, and payments made to purchase those goods or services. Certain other transactions are reported as nonoperating activities and include interest income.

Capital Assets

Property acquired for resale is accounted for at the lower of cost or net realizable value.

Assets used in operations are recorded at cost net of accumulated depreciation. Depreciation is provided over estimated useful lives using the straight-line method. Estimated useful lives range from five to seven years.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

Tax Incentive Transactions

The Agency maintains a lease program to provide state and local tax benefits to companies developing industrial and other properties which includes sales tax abatement on construction materials and payments in lieu of taxes. The Agency charges an administrative fee for these services. Under this program, the Agency receives or retains title to properties under development, and leases the property to the previous title holder (lessee). Title to these properties is transferred to the lessee at the end of the maximum tax benefit period or at any time during the lease at the option of the lessee. The Agency does not record assets acquired or retained under the lease program since the Agency's primary function is to provide state and local tax benefits to the lessee. The Agency receives administrative fees from the lessee for providing this service which is recognized in income at lease inception (unconditional lease) or ratably over the term of the lease (conditional lease) depending on the terms between the lessee and the Agency. The original value of the property leased by the Agency under this program aggregated \$104,000,000 and \$112,580,000 in 2020 and 2019.

The Agency is also an issuer of tax-exempt bond financing. Industrial development revenue bonds and notes issued by the Agency are secured by the properties which are leased to companies and retired by lease payments. The financing arising from these bonds and notes is not an obligation of the Agency, the Town, the County of Niagara, or the State. The Agency does not reflect an asset or a liability resulting from bond and note issues.

The primary function of the Agency is to facilitate the financing between eligible companies with approved offerings and banks and other bond purchasers to provide either real property tax abatements or sales tax savings related to construction materials. The funds arising from these transactions are controlled by trustees or banks acting as fiscal agents. The Agency receives administrative fees from the companies issuing the bonds. There were no bonds issued or outstanding at December 31, 2020 and 2019.

2. Cash:

Cash management policies are governed by State laws and as established by the Agency's written policies. Cash resources must be deposited in FDIC-insured commercial banks or trust companies located within the State. The Agency's policies permit the treasurer to use demand accounts and certificates of deposit for daily operating funds. Invested resources are limited to obligations of the United States Treasury and its agencies, repurchase agreements, and obligations of the State or its localities.

Collateral is required for demand and time deposits and certificates of deposit not covered by Federal Deposit Insurance. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of the State and its municipalities and school districts.

Custodial credit risk is the risk that in the event of a bank failure the Agency's deposits may not be returned to it. At December 31, 2020, the Agency's bank deposits were fully insured by FDIC coverage or collateralized with securities held by the pledging institution's trustee.

3. Capital Assets:

	2020	2019
Land available for sale	\$ 858,595	\$ 858,595
Development property	90,000	90,000
Office equipment	14,133	10,188
	962,728	958,783
Less accumulated depreciation	10,583	10,188
	\$ 952,145	\$ 948,595

The Agency maintains land in an industrial park that is classified as available for sale. The land is recorded at cost; management believes that future sales proceeds will continue to exceed the recorded amount of the land.

4. Long-Term Debt:

In December 2020, the Agency made the final principal payment of \$10,000 on a serial bond.

In January 2021, the Agency financed the purchase of land from the Town for \$61,600, to be paid over 10 years at an interest rate of 1.5%. The first payment is due on November 15, 2021.

5. Risk Management:

The Agency purchases commercial insurance for various risks of loss due to torts, theft, damage, injuries to employees, and natural disasters in addition to insurance purchased to indemnify directors and officers. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three years.

6. Litigation:

The Agency is currently a participant in a lawsuit that may result in a judgment against the Agency in the amount of \$250,000, which has been accrued.

7. Risks and Uncertainties:

On January 31, 2020, the United States Secretary of Health and Human Services (HHS) declared a public health emergency related to the global spread of coronavirus COVID-19, and a pandemic was declared by the World Health Organization in February 2020. Efforts to fight the widespread disease included limiting or closing many businesses and resulted in a severe disruption of operations for organizations.

The extent of the impact of COVID-19 on the Agency's operational and financial performance will depend on further developments, including the duration and spread of the outbreak and its impact on local businesses, the economy, and vendors, none of which can be predicted.

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

The Board of Directors
Town of Lockport Industrial Development Agency

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Town of Lockport Industrial Development Agency (the Agency), a business-type activity, which comprise the balance sheet as of December 31, 2020, and the related statements of revenues, expenses, and changes in net position and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated February 10, 2021.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Agency's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Agency's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Agency's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Agency's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in blue ink that reads "Lunden & McCormick, LLP". The signature is written in a cursive style with a large, stylized initial 'L'.

February 10, 2021

INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH SECTION 2925(3)(f) OF THE NEW YORK STATE PUBLIC AUTHORITIES LAW

The Board of Directors
Town of Lockport Industrial Development Agency

We have audited, in accordance with auditing standards generally accepted in the United States of America, the financial statements of Town of Lockport Industrial Development Agency (the Agency), a business-type activity, which comprise the balance sheet as of December 31, 2020, and the related statements of revenues, expenses, and changes in net position and cash flows for the year then ended, and the related notes to the financial statements, and we have issued our report thereon dated February 10, 2021.

In connection with our audit, nothing came to our attention that caused us to believe that the Agency failed to comply with §2925(3)(f) of the New York State Public Authorities Law regarding investment guidelines during the year ended December 31, 2020. However, our audit was not directed primarily toward obtaining knowledge of such noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the Agency's noncompliance with the above rules and regulations.

The purpose of this report is solely to describe the scope and results of our testing. This communication is not suitable for any other purpose.



February 10, 2021