Form 5500-SF

Department of the Treasury Internal Revenue Service

Employee Benefits Security Administration Pension Benefit Guaranty Corporation

Department of Labor

Short Form Annual Return/Report of Small Employee **Benefit Plan**

This form is required to be filed under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA), and sections 6057(b) and 6058(a) of the Internal Revenue Code (the Code).

▶ Complete all entries in accordance with the instructions to the Form 5500-SF.

2016

OMB Nos. 1210-0110

1210-0089

This Form is Open to Public Inspection

Part I		t Identification Information						
For calenda	ar plan year 2016 or t	fiscal plan year beginning 07/01/2	2016	and ending 0	6/30/2017			
A This ret	urn/report is for:	a single-employer plan		plan (not multiemployer) (employer information in ac				
	·	a one-participant plan	a foreign plan					
B This retu	urn/report is	the first return/report	the final return/repor					
		an amended return/report	a short plan year ret	urn/report (less than 12 m	nonths)			
C Check I	oox if filing under:	Form 5558	automatic extension	1	DFVC program			
	<u> </u>	special extension (enter desc	. ,					
Part II		ormation—enter all requested in	formation		41	1		
1a Name SMITH BRO		TION CO., INC. 401(K) PROFIT SE	HARING PLAN		1b Three-digit plan numbe (PN) ▶	r 001		
					1c Effective da	te of plan 7/15/1971		
	· · ·	oyer, if for a single-employer plan) om, apt., suite no. and street, or P.C	D. Box)			entification Number 6-0955283		
	town, state or provin THERS CONSTRUC	structions)	2c Sponsor's t	elephone number -297-3600				
					2d Business co	de (see instructions)		
3305 HASEL						36110		
NIAGARA F	ALLS, NY 14304							
3a Plan a	dministrator's name a	and address X Same, as Plan Spo	nsor		3b Administrate	or's FIN		
3a Plan administrator's name and address ⊠ Same as Plan Sponsor.								
					3c Administrator's telephone number			
4 If the r	name and/or FINI of th		the leat return/report files	d for this plan antor the	4h FINI			
		ne plan sponsor has changed since umber from the last return/report.	the last return/report filed	nor this plan, enter the	4b EIN			
a Spons	or's name				4c PN			
5a Total i	number of participant	s at the beginning of the plan year.			5a	5		
b Total i	number of participant	s at the end of the plan year			5b	5		
		account balances as of the end of			5c	5		
d(1) Tota	al number of active pa	articipants at the beginning of the p	lan year		5d(1)	2		
d(2) Tot	al number of active p	articipants at the end of the plan ye	ar		5d(2)	2		
than	100% vested	t terminated employment during the			5e	(
Caution: A	penalty for the late	or incomplete filing of this retur	n/report will be assesse	d unless reasonable ca				
SB or Sche		other penalties set forth in the instru and signed by an enrolled actuary, a nplete.						
SIGN	Filed with authorized	d/valid electronic signature.	11/09/2017	DONALD SMITH				
HERE	Signature of plan	administrator	Date	Enter name of individ	ividual signing as plan administrator			
SIGN								
HERE	Signature of empl	oyer/plan sponsor	Date	Enter name of individ	dual signing as emp	loyer or plan sponsor		
Preparer's		name, if applicable) and address (in			Preparer's teleph	<u> </u>		

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6a	Were all of the plan's assets during the plan year invested in eligib	le assets?	? (See instructions.)						X Ye	s No		
b	Are you claiming a waiver of the annual examination and report of under 29 CFR 2520.104-46? (See instructions on waiver eligibility If you answered "No" to either line 6a or line 6b, the plan cann	and condi	tions.)						X Ye	s No		
С	If the plan is a defined benefit plan, is it covered under the PBGC in					_	-		Not det	ermined		
	rt III Financial Information		(111)		- ,	<u> </u>	1					
7	Plan Assets and Liabilities		(a) Beginning	of Year				(b) End c	of Year			
a	Total plan assets	7a		743876			'	(b) Lila c	86180	9		
_	al plan liabilities)					0		
	Net plan assets (subtract line 7b from line 7a)	7c		743876	5				86180	9		
8	Income, Expenses, and Transfers for this Plan Year		(a) Amour	(a) Amount				(b) Total				
а	Contributions received or receivable from:		(1)					()				
	(1) Employers	8a(1)		0								
	(2) Participants	8a(2)		0	_							
	(3) Others (including rollovers) 8a(3)			0								
<u>b</u>	Other income (loss)	8b		117933								
	Total income (add lines 8a(1), 8a(2), 8a(3), and 8b)	8c							11793	3		
d	Benefits paid (including direct rollovers and insurance premiums to provide benefits)	8d		0								
	Certain deemed and/or corrective distributions (see instructions).			0								
	Certain deemed and/or corrective distributions (see instructions). 8e U Administrative service providers (salaries, fees, commissions) 8f											
a	Other expenses	8g		0)							
	Total expenses (add lines 8d, 8e, 8f, and 8g)									0		
- i	Net income (loss) (subtract line 8h from line 8c)					117933						
÷	Transfers to (from) the plan (see instructions)			C								
, Doi	rt IV Plan Characteristics	8j										
9a	If the plan provides pension benefits, enter the applicable pension	feature co	odes from the List of Pl	an Cha	racteri	stic Co	ndes in	the instri	ictions:			
	2E 2G 2J 3D	roataro ot	odeo irom the blet of the	arr oria	raotorii		, acc 111		201101101			
b	If the plan provides welfare benefits, enter the applicable welfare for	eature cod	des from the List of Pla	n Chara	acterist	tic Cod	des in t	he instrud	ctions:			
Par	t V Compliance Questions											
10	During the plan year:				Yes	No	N/A		Amount			
а	Was there a failure to transmit to the plan any participant contributed described in 29 CFR 2510.3-102? (See instructions and DOL's Verogram)	oluntary F	Fiduciary Correction	100		X						
b	,	t? (Do not	include transactions	10a 10b		X						
	,			10c	X					100000		
d		fidelity bo	ond, that was caused	10d		X						
е		her persor ne or all of	ns by an insurance the benefits under	10e	Х					1957		
f	Has the plan failed to provide any benefit when due under the pla	ın?		10f		X						
g	Did the plan have any participant loans? (If "Yes," enter amount a	as of year-	end.)	10g		X						
h	If this is an individual account plan, was there a blackout period? 2520.101-3.)	•		10h		X						
i	If 10h was answered "Yes," check the box if you either provided the exceptions to providing the notice applied under 29 CFR 2520.10			10i								

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Part	VI	Pension Funding Compliance							
11		s a defined benefit plan subject to minimum funding requirements? (If "Yes," see instructions and c n 5500) and line 11a below)				Yes X No			
		r the unpaid minimum required contributions for all years from Schedule SB (Form 5500) line 40							
12		is a defined contribution plan subject to the minimum funding requirements of section 412 of the Co A?						Yes X No	
	(If "\	es," complete line 12a or lines 12b, 12c, 12d, and 12e below, as applicable.)							
	grant	raiver of the minimum funding standard for a prior year is being amortized in this plan year, see ins ing the waiver	onth _	s, and	d enter t Day		of the lette Year _	er ruling	
If	you c	ompleted line 12a, complete lines 3, 9, and 10 of Schedule MB (Form 5500), and skip to line 1	13.	1		1			
<u>b</u>	Enter	the minimum required contribution for this plan year			12b				
С	Enter	the amount contributed by the employer to the plan for this plan year		12c					
d		ract the amount in line 12c from the amount in line 12b. Enter the result (enter a minus sign to the l tive amount)			12d				
e Will the minimum funding amount reported on line 12d be met by the funding deadline?							No	N/A	
Part	VII	Plan Terminations and Transfers of Assets			1				
13a	Has a	a resolution to terminate the plan been adopted in any plan year?				Yes	s X N	lo	
	If "Ye	es," enter the amount of any plan assets that reverted to the employer this year			13a				
b Were all the plan assets distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?							Yes	No	
С		ring this plan year, any assets or liabilities were transferred from this plan to another plan(s), identinassets or liabilities were transferred. (See instructions.)	ify the p	lan(s)) to				
	13c(1)	Name of plan(s):	1	3c(2)	EIN(s)		13c(3	B) PN(s)	
Part	VIII	Trust Information			•				
14a	Name	of trust			14b ⁻	Trust's E	ΞIN		
14c	Name	of trustee or custodian					s or custod ne number	lian's	
Par	t IX	IRS Compliance Questions							
15a	Is the	plan a 401(k) plan? If "No," skip b		Yes			No		
		did the plan satisfy the nondiscrimination requirements for employee deferrals under section (3) for the plan year? Check all that apply:	- LL ;		n-based narbor	d [Test	ear" ADP	
			ΙП '	"Curre	ent year test	<u>"</u>	N/A		
16a 	16a What testing method was used to satisfy the coverage requirements under section 410(b) for the plan year? Check all that apply:				entage	— Average —			
	for the	be plan satisfy the coverage and nondiscrimination requirements of sections 410(b) and 401(a)(4) be plan year by combining this plan with any other plan under the permissive aggregation rules?	'	Yes			No		
	the le								
	letter	plan is an individually-designed plan that received a favorable determination letter from the IRS, er	nter the	date	of the m	nost rec	ent determ	ination	
18	Were	ed Benefit Plan or Money Purchase Pension Plan Only: any distributions made during the plan year to an employee who attained age 62 and had not sepa e?		rom	Ye	s [No		
19	Was	any plan participant a 5% owner who had attained at least age 70 $\frac{1}{2}$ during the prior plan year?			Ye	s	No		

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Department of the Treasury Internal Revenue Service

Department of Labor Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Short Form Annual Return/Report of Small Employee Benefit Plan

This form is required to be filed under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 6057(b) and 6058(a) of the Internal Revenue Code (the Code).

This Form is Open to Public

OMB Nos. 1210-0110 1210-0089

2016

► Complete all entries in accordance with the instructions to the Form 5500-SF.

	art I Annual Repo	rt Identification Information				
For	calendar plan year 2016 or	fiscal plan year beginning	07/01/2016	and ending	06/30/2017	
Α	This return/report is for:	a single-employer plan		dan (not multiemployer) employer information in a		
		a one-participant plan	a foreign plan			
В	This return/report is:	the first return/report	the final return/report			
		an amended return/report	a short plan year retu	rn/report (less than 12 m	nonths)	
С	Check box if filing under:	Form 5558	automatic extension		DFVC progr	am
		special extension (enter descr	iption)			
P	art II Basic Plan In	formation enter all requested	ínformation			
	Name of plan	TOTAL CITES AN TOGGESTED	illioiniadori		1b Three-digit	
	Smith Brothers Co	enstruction Co., Inc. 401	(K) Profit Sharing	r Plan	plan number	001
			,,	,	(PN) ► 1c Effective date	
					07/15/1971	
2a	Mailing Address (include r	ployer, if for a single-employer plan) room, apt., suite no. and street, or P.	O. Box)		2b Employer Iden (EIN) 16-09	
	City or town, state or provi	ince, country, and ZIP or foreign post	tal code (if foreign, see ins	tructions)		· · · · · · · · · · · · · · · · · · ·
	Smith Brothers Co	nstruction Co., Inc.			2c Sponsor's tele (716) 297-	-3600
	3305 Haseley Driv	e			2d Business code 236110	(see instructions)
	US Niagara Falls NY 14	.304				
3a		and address X Same as Plan Spo	onsor		3b Administrator's	EIN
					3c Administrator's	telephone number
4		the plan sponsor has changed since	the last return/report filed	for this plan, enter the	4b EIN	
_		number from the last return/report.			40 00	
	Sponsor's name				4c PN 5a	5
b b		nts at the beginning of the plan year			5a 5b	5
C		nts at the end of the plan yearth account balances as of the end of			 	<u> </u>
	complete this item)	***************************************	*******************************		5c	5
		participants at the beginning of the pla			5d(1)	2
d(participants at the end of the plan yea			5d(2)	2
е	Number of participants tha less than 100% vested	at terminated employment during the	plan year with accrued be	refits that were	5e	0
<u> </u>		to or incomplete filling of this	n/ronart will be seened	Lunion von	una ia agéabliahad	
		te or incomplete filing of this retur				:
SE		l other penalties set forth in the instru d and signed by an enrolled actuary, a pmolete.				
	10 00	V Amuly		λ // //	/ 5 .//	
	IGN Umake (Day 11/4/62	"-300x/A /7	Jan Jan	
		11 1	Date /// 9 / 17	Enter name of individua	ii signing as plan adm	inistrator
- X	IGN Canaloff		121-1	Donald H	. In th	
	ERE Signature of employ		Date // /9//7	Enter name of individua		
	eparer's name (including firn K ip this question	m name, if applicable) and address (i	nclude room or suite numb	er)	Preparer's telephone Skip this quest	
	, 4				Zing tine quoo	

	Form 5500-SF 2016		Page 2			•••					
6a	Were all of the plan's assets during the plan year invested in eligible assets? (See instructions.)										
	Are you claiming a waiver of the annual examination and report of a under 29 CFR 2520.104-46? (See instructions on waiver eligibility a	n indepen nd conditi	dent qualified public acco						XYes No		
	If you answered "No" to either line 6a or line 6b, the plan cannot										
Ç	If the plan is a defined benefit plan, is it covered under the PBGC in	surance p	rogram (see ERISA secti	on 40	21)?	******	Yes	No [Not determined		
P	rt III Financial Information										
7	7 Plan Assets and Liabilities (a) Beginning of Year (b)										
a	Total plan assets	7a	7	43,8	376				861,809		
b	Total plan liabilities	7b			0				00		
C	Net plan assets (subtract line 7b from line 7a)	7c	7	43,8	376				861,809		
8	Income, Expenses, and Transfers for this Plan Year		(a) Amoun	t				(b) To	tal		
а	Contributions received or receivable from: (1) Employers	8a(1)			0						
	(2) Participants	8a(2)			0						
	(3) Others (including rollovers)	8a(3)			0						
b	Other income (loss)	8b	1	17,9							
	Total income (add lines 8a(1), 8a(2), 8a(3), and 8b)	8c	-						117,933		
	Benefits paid (including direct rollovers and insurance premiums				^				117,955		
	to provide benefits)	8d			0						
e f	Certain deemed and/or corrective distributions (see instructions)	8e			0						
	Administrative service providers (salaries, fees, commissions)	8f			0	1000					
	Other expenses (add lines 2d 2a, 25 and 2a)	8g			U	0					
	Total expenses (add lines 8d, 8e, 8f, and 8g)	8h	The second secon			-	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·		
'	Net income (loss) (subtract line 8h from line 8c)	8i			0				117,933		
6.	Transfers to (from) the plan (see instructions)	8j			U						
									····		
34	If the plan provides pension benefits, enter the applicable pension fe 2E 2G 2J 3D	eature cod	es from the List of Plan C	harad	cterist	ic Cod	des in th	e instructio	ns:		
b	If the plan provides welfare benefits, enter the applicable welfare fea	iture code	s from the List of Plan Ch	aract	eristic	Code	es in the	instruction	s:		
Pa	rt V Compliance Questions					•					
10	During the plan year:				Yes	No	N/A	A	mount		
а	Was there a failure to transmit to the plan any participant contribut	tions within	n the time period	Ι							
	described in 29 CFR 2510.3-102? (See instructions and DOL's Vo	luntary Fid	duciary Correction								
	Program)			10a		х			·····		
b	Were there any nonexempt transactions with any party-in-interest? reported on line 10a.)			10b		х					
C	Was the plan covered by a fidelity bond?			10c					100,000		
d	Did the plan have a loss, whether or not reimbursed by the plan's f	fidelity bor	nd, that was caused	10d		x		**************************************	100,000		
е				10e					1,957		
f	Has the plan failed to provide any benefit when due under the plan	1?	**************	10f		х					
g	Did the plan have any participant loans? (If "Yes," enter amount as	of year e	nd.)	10g		x					
h	If this is an individual account plan, was there a blackout period? (See instru	ctions and 29 CFR	10h		х					
i	i If 10h was answered "Yes," check the box if you either provided the required notice or one of the exceptions to providing the notice applied under 29 CFR 2520.101-3										

	Form 5500-SF 2016	Page 3 -						
Par	1)// Panaion Funding Compliance		···, · · · · · · · · · · · · · · · · ·					
11	Pension Funding Compliance Is this a defined benefit plan subject to minimum funding requirements? (If "Yes," se	ee instructions ar	nd complete	Schedule	SB	☐ Ves	X No	
440	(Form 5500 and line 11a below)			***********			<u> </u>	
12	Enter the unpaid minimum required contributions for all years from Schedule SB (For Is this a defined contribution plan subject to the minimum funding requirements of statements.)			11a ection 302	l of			
	ERISA? (If "Yes," complete line 12a or lines 12b, 12c, 12d, and 12e below, as applicable.)					. Tes	X No	
a	If a waiver of the minimum funding standard for a prior year is being amortized in thi	s plan year, see	instructions	and ente	er the dat	te of the lette	er ruling	
If v	granting the waiver			Da	ау	Year		
b	Enter the minimum required contribution for this plan year.			12b	T			
С	Enter the amount contributed by the employer to the plan for the plan year	****************	12c		· · · · · · · · · · · · · · · · · · ·			
d	Subtract the amount in line 12c from the amount in line 12b. Enter the result (enter negative amount)	the left of a	12d					
е	Will the minimum funding amount reported on line 12d be met by the funding deadling			Yes [] No []	N/A		
Pari	VII Plan Terminations and Transfers of Assets	<u>,</u>						
13a	Has a resolution to terminate the plan been adopted in any plan year?	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	***************************************		Yes	X No)	
	If "Yes," enter the amount of any plan assets that reverted to the employer this year	*************	**************	13a				
b	Were all the plan assets distributed to participants or beneficiaries, transferred to an control of the PBGC?	the		Yes X	No			
С	If, during this plan year, any assets or liabilities were transferred from this plan to an which assets or liabilities were transferred. (See instructions.)	other plan(s), ide	entify the pla	n(s) to				
1:	3c(1) Name of plan(s):		13c(2)	EIN(s)	EIN(s) 13c(3)			
Part				7				
14a	Name of trust			14b	Trust's E	EIN		
14c	Name of trustee or custodian					or custodian e number	's	
Part	IX IRS Compliance Questions - Skip These Questions				. , ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
15a	Is the plan a 401(k) plan? If "No," skip b.			Yes		☐ No		
15b	How did the plan satisfy the nondiscrimination requirements for employee deferrals u 401(k)(3) for the plan year? Check all that apply:			Design-base safe harb "Current	or	"Pric	or year" ADP	
16a	What testing method was used to satisfy the coverage requirements under section 4 year? Check all that apply:		n 📗	ADP test Ratio percentaç test	је 🔲	Average benefit tes	t 🔲 N/A	
16b	Did the plan satisfy the coverage and nondiscrimination requirements of sections 410 for the plan year by combining this plan with any other plan under the permissive ago		4)	Yes		☐ No		
	If the plan is a master and prototype plan (M&P) or volume submitter plan that receive the letter/ and serial number							
17b	If the plan is an individually-designed plan that received a favorable determination let letter	ter from the IRS	, enter the d	ate of the	most re	cent determ	ination	
18	Defined Benefit Plan or Money Purchase Pension Plan Only: Were any distributions made during the plan year to an employee who attained age 6 service?	32 and had not s	eparated fro	m [Yes	☐ No		
19	Was any plan participant a 5% owner who had attained at least age 70 ½ during the		*************	I	Yes	☐ No		