

WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR INDUSTRIAL DEVELOPMENT AGENCY ASSISTANCE

PLEASE NOTE: The Agency will not accept this application as complete until the Agency receives (i) a completed environmental assessment form concerning the Project; (ii) the Applicant has met with Agency representatives and has received the Agency's review and completed Project Summary and Financial Assistance Cost Benefit Analysis (See, last 2 pages of this Application); and payment of all required fees and escrows, as applicable.

Date: _____

APPLICATION OF: _____

Applicant Name

APPLICANT ADDRESS: _____

Type of Application:

- Real Property Tax Exemption
- Sales Tax Exemption
- Mortgage Recording Tax Exemption

Type of Project:

- Industrial/Manufacturing
- Commercial/Office
- Renewable Energy or Cogeneration Facility
- Commercial/Retail
- Warehousing
- Mixed Use
- Not - for - profit
- Other

Description of Project (check one or more):

- New Construction
- Addition to existing facility
- Renovation and modernization of existing facility
- Acquisition of existing facility
- Purchase of new machinery and equipment
- Purchase of used machinery and equipment

INSTRUCTIONS AND AGENCY FEE SCHEDULE

Please respond to all items either by filling in blanks, by attachment (by marking space “See Attachment Number 1,” etc.) or by N.A., where not applicable. This application must be filed in 3 copies. A complete application is essential for the Agency’s determination of whether to provide the financial assistance requested. The attached Environmental Assessment Form (“EAF”) is an integral part of this application. This application will not be deemed complete unless accompanied by a fully completed EAF. Information provided herein may be subject to disclosure under the New York Freedom of Information Law. Applicants for Tax-Exempt Bonds are to also Complete Rider A.

PLEASE NOTE: APPLICANTS SEEKING FINANCIAL ASSISTANCE IN THE FORM OF SALES AND USE TAX EXEMPTIONS AFTER MARCH 28, 2013 SHALL BE SUBJECT TO THE ENHANCED REPORTING, COMPLIANCE AND RECAPTURE REQUIREMENTS SET FORTH WITHIN SECTION 875 OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK (“GML”). IN ADDITION, APPLICANTS SEEKING ANY FINANCIAL ASSISTANCE ON OR AFTER JUNE 1, 2016 SHALL BE SUBJECT TO THE PROVISIONS CONTAINED WITHIN GML Section 859-a (4)-(6). APPLICANTS SHOULD CONSULT WITH COUNSEL AND ACCOUNTANT PROFESSIONALS TO UNDERSTAND THESE REQUIREMENTS.

Fee Schedule

Straight Lease Transactions (including PILOT Agreement)

Application Fee:	A non-refundable application fee of \$2,500 and a \$2,500 legal deposit.
Agency Fee:	1% on the first \$5MM; 0.75% thereafter.
Legal Fee	Up to 1% of the principal amount of the project costs.
Annual Maintenance Fee	\$1,000

Sales Tax and/or Mortgage Recording Tax Only (No PILOT Agreement)

Application Fee:	A non-refundable application fee of \$2,500 and a \$2,500 legal deposit.
Agency Fee:	10% of Total Benefits Provided.
Legal Fee	Up to 1% of the principal amount of the project costs.

Taxable and Tax Exempt Industrial Development Revenue Bonds*

Application Fee:	A non-refundable application fee of \$2,500 and a \$2,500 legal deposit.
Agency Fee:	1% on the first \$5MM; 0.75% thereafter.
Legal Fee	Up to 1% of the principal amount of the project costs.
Annual Maintenance Fee	\$1,500

*Contact IDA Prior to Application

I. PROJECT CONTACT INFORMATION

A. Contact Person and Organization and Attorney Contact Name:

Address: _____

Contact: _____ Position: _____

Company: _____ Federal Employer ID#: _____

Phone: _____ Email: _____

Business Type:

Sole Proprietorship

Limited Partnership

General Partnership

Privately Held Corporation

Public Corporation

Lender Organization Name _____

Attorney: _____

Firm Name: _____

Address: _____

Phone: _____ Email: _____

B. Project User

Name: _____

Address: _____

Contact: _____ Position: _____

Federal Employer ID#: _____

Phone: _____ Email: _____

Billing Dept. Contact Name and Phone number: _____

State and Date of Incorporation: _____

Business Type:

Sole Proprietorship Limited Partnership

General Partnership

Privately Held Corporation

Public Corporation

NAICS Code: _____

(Please provide additional names of each User, if any, and all of the information requested above, on a separate sheet and attach it to this questionnaire.)

C. PRINCIPAL STOCKHOLDERS OR PARTNERS OF THE OWNER AND THE USER, IF ANY (i.e., owners of 5% or more equity in the Owner or the User):

NAME	PERCENT OWNED	COMPANY

II. Current Location Operations (If Applicable)

Address:

Acreage of existing facility: _____

Number of buildings and square feet of each:

--

Owned or leased: _____

Please describe the type of operation (e.g., manufacturing, wholesale, distribution, retail, etc.) and products and services at current location:

--

Employment (Full Time Equivalent): _____

Annual Payroll Amount: _____

III. PROPOSED PROJECT INFORMATION

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Attach to Application:

- Nqecvqpp'qh'Rtqlgev/"Rngcug'cwcej "c"o cr "j ki j rki j vpi "yj g'mqecvqpp'qh'yj g'Rtqlgev
- Rtqlgev"Ukg"/"Uwdo kv" c"eqr {"qh'yj g"r tgrko kpct {"r rpu"qt"ungvej gu"qh'yj g"r tqr qugf "ces wkvkqp. tgj cdkkcvkqp. "qt"eqpustwekqp"*wvf gt "ugr ctcvg'eqxgt "ku'r gto kuukdg-0
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Existing buildings to be acquired (number and square feet of each building):

Does the Project consist of additions and/or renovations to existing buildings? If so, indicate the nature of the expansion and/or renovation in reasonable detail.

New Construction:

Number and square feet of each new building to be constructed:

Present use of the Project site:

Present user of Project site:

Relationship of present user of Project site to the Owner, if any:

What will the building or buildings to be acquired, constructed or expanded be used for by the Owner (include description of products to be manufactured, assembled or processed and services to be rendered)?

Are there utilities on site? _____

Have you completed a Utility Project Intake Form? _____

If any space in the Project is to be leased by the Agency or the Owner to third parties, or subleased by the user to third parties, indicate the total square footage of the Project to be leased to each tenant, and the proposed use of that space by each tenant.

List principal items or categories of equipment to be acquired as part of the Project and identify whether equipment will be new or used.

Have any of the items or categories listed above been ordered or obtained? If so, enclose copies of purchase orders, contracts and/or invoices.

Has construction work on the Project begun? If so, complete the following:

- | | | | |
|-------------------|------------------------------|-----------------------------|------------------|
| 1. Site clearance | <input type="checkbox"/> yes | <input type="checkbox"/> no | _____ % complete |
| 2. Foundation | <input type="checkbox"/> yes | <input type="checkbox"/> no | _____ % complete |
| 3. Footings | <input type="checkbox"/> yes | <input type="checkbox"/> no | _____ % complete |
| 4. Steel | <input type="checkbox"/> yes | <input type="checkbox"/> no | _____ % complete |
| 5. Masonry | <input type="checkbox"/> yes | <input type="checkbox"/> no | _____ % complete |

Retail: Does the proposed project include facilities or property that are primarily used in making retail sales of goods or provide services to customers who personally visit such facilities?

yes no If yes, please explain:

If the answer to is yes, what percentage of the cost of the proposed project will be expended on such facilities or property primarily used in making retail sales of goods or any services to customers who personally visit the proposed project? _____%

If more than 33%, indicate whether any of the following apply to the Project:

Will the proposed project be operated by a not-for-profit corporation?

yes no If yes, please explain:

Is the proposed project likely to attract a significant number of visitors from outside the economic development region in which the proposed project will be located?

yes no If yes, please explain:

Would the proposed project occupant, but for the contemplated financial assistance from the Authority, locate the proposed project and related jobs outside of New York State?

yes no If yes, please explain:

Is the predominant purpose of the proposed project to make available goods or services which would not, but for the proposed project, be reasonably accessible to the residents of the City, Town or Village within which the proposed project will be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

yes no If yes, please explain:

Will the proposed project be located in one of the following: (i) an area designed as an Empire Zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block number area contiguous thereto) which, according to the most recent census data, has (iii) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (iv) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?

yes no If yes, please explain:

Existing facilities within New York State:

Are there other facilities owned, leased or used by the Owner or User (or any related person) within the state? If so, tell whether such facilities are owned, leased or otherwise used and describe the terms of the Owner's or the User's (or any related person's) interest in such facilities.

If there are other facilities within the state, is it expected that any of these other facilities will close or be subject to reduced activity as a result of the proposed Project?

yes no

If you answered "No" to question 2 above, please explain in detail how current facilities will be utilized and whether the Project is reasonably necessary for the Owner or User, as applicable, to maintain its competitive position in its industry.

If you answered "Yes" to question 2 above, please indicate whether the Project is reasonably necessary for the Owner or User, as applicable, to maintain its competitive position in its industry and explain in detail.

Has the Owner or the User thought about moving to another state? Has the Owner or the User engaged in any negotiations in that regard? If yes, please explain.

yes no

Is the Project reasonably necessary to discourage the Owner or User from removing such other facilities in the State to a location outside of the State of New York? If Yes, please explain.

State and Local Review

Will the Project meet current zoning requirements at its proposed location?

yes no

What is the present zoning? _____

What zoning is required? _____

Do you need a variance? If yes, please provide the details about and status of the variance request.

Is the Project site in an Agricultural District, in a primarily agricultural area, or currently in agricultural use? If yes, provide details.

Is the Project site in a Historic District or does it contain any buildings of historical significance? If yes, describe.

Are any federal or state wetlands or any other environmentally critical or sensitive area on or contiguous to the Project site? If yes, describe.

Does the Project site contain any underground or above ground storage tanks or wells, whether or not currently in use? If yes, describe.

List any state, local or federal consents or approvals (e.g., site plan approval, special use permit, environmental permits) that will be necessary in connection with the Project and describe the status of each such consent or approval.

Has an Environmental Audit or other examination of the environmental condition of the project site been prepared within the last five years?

yes (if yes, attach a copy) no

Has another entity been designated lead agent under the State Environmental Quality Review Act (“SEQRA”)? _____; If yes, please explain:

Ownership of Property

Does the Owner or the User (or any related person) currently lease the Project site?

yes no

Does the Owner or the User (or any related person) now own the Project site?

yes no

If so, indicate:

Date of purchase _____

Purchase price _____

Balance of existing mortgage _____

Holder of mortgage _____

Special conditions _____

If not, does the Owner (or any related person) have an option or a contract to purchase the site and/or any buildings on the site?

yes no

If so, please attach a copy of the option or contract and indicate:

Dated signed _____

Purchase price _____

Proposed settlement/closing date _____

III. PROJECT COSTS, GROWTH, SCHEDULE AND ESTIMATES

Project Costs

Give an accurate estimate of the cost of each of the following items:

	\$	%
ACQUISITION		
REHABILITATION		
NEW CONSTRUCTION		
SOFT COSTS		
EQUIPMENT		
SUB TOTAL		
LEGAL FEES		
ACCOUNTING FEES		
AGENCY FEES		
ADDITIONAL FEES		
OTHER		
TOTAL		

Sources and Uses

	\$	Term
TOTAL		

Please include supplemental sheets as necessary with all project cost details, including the following:

Mandatory: In addition to the above estimated of capital costs of the project, which must include all costs of real property and equipment acquisition and building construction or reconstruction, you must include details on the amounts to be financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources (all public grants, loans and tax credits to be applied for), and an estimate of both the amount to be invested by the applicant and the amount to be borrowed to finance the project.

Measure of Growths and Benefits

Please complete the chart below by indicating on line #1 the present number of full-time or equivalent employees and the annual payroll for all current facilities of the User. On line #2, please provide the information with respect to Wayne County facilities only. (If no facilities are currently in Wayne County, indicate “0.”) On lines #3 and #4, provide projections of employment and payroll at the proposed Project in Wayne County for the first and second year after the Project’s completion:

	<u>Full Time or Equivalent Employees</u>	<u>Annual Payroll \$</u>
1. PRESENT (All Current Facilities)	_____	_____
2. PRESENT (_____ County Only)	_____	_____
3. FIRST YEAR (_____ County Only)	_____	_____
4. SECOND YEAR (_____ County Only)	_____	_____
5. Construction Jobs (Fiscal Year)	_____	_____

In addition to the job figures provided above, please indicate the following:

The projected number of full time equivalent jobs that would be retained if the request for financial assistance is granted.

The projected timeframe for the creation of new jobs.

The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

Jobs retained:

Jobs created:

An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the economic development law, in which the project is located that would fill such jobs. The labor market area defined by the agency (Finger Lakes Economic Development Region)

What, if any, will be the expected increase in the annual dollar amount of sales or business activity?

\$ _____

Describe, if applicable, other benefits anticipated as a result of this Project, including but not limited to job retention.

Project Construction Schedule

What is the proposed date for commencement of construction or acquisition of the Project?

Give an accurate estimate of the time schedule to complete the Project and when the first use of Project is expected to occur (use additional sheets if necessary).

At what time or times and in what amount or amounts is it estimated that funds will be required? Please provide your most accurate estimate.

Financial Assistance Requested and Company Estimates

Estimated Total Project Costs		
Amount Subject to Sales Tax		
Sales and Use Tax Rate	8%	
Estimated Sales Tax (A X .08)		
Projected Amount of Mortgage		
Mortgage Recording Tax Rate	1%	
Estimated Mortgage Recording Tax (A X .0100)		
Projected Increase in Assessed Value on Project		
Total Applicable Tax Rates Per \$1000		
Estimated Annual Taxes without PILOT (A X B)/1,000		
Current Company employment in the Finger Lakes Economic Development Region		
Current Company payroll in the Finger Lakes Economic Development Region		
Project Jobs to be Created over 3 years		

Please answer the following questions:

Is the company delinquent in the payment of any state or municipal property taxes?

yes no

Is the company delinquent in the payment of any income tax obligation?

yes no

Is the company delinquent in the payment of any loans?

yes no

Is the company currently in default on any of its loans?

yes no

Are there currently any unsatisfied judgments against the company?

yes no

Are there currently any unsatisfied judgments against any of the company's principals?

yes no

Has the company ever filed for bankruptcy?

yes no

Have any of the company's principals ever personally filed for bankruptcy, or in any way sought protection from creditors?

yes no

Are there any current or pending real estate tax assessment challenges associated with the proposed project realty and/or improvements?

yes no

Is the proposed project realty currently subject to any exemption from real estate taxes?

yes no

If the answer to any of the questions above is "Yes," please provide additional comments in the space below and on additional pages if necessary.

State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the agency, a statement indicating why the project should be undertaken by the agency

ATTACH THE FOLLOWING FINANCIAL INFORMATION OF THE OWNER AND THE USER

- A. Financial statements for last two fiscal years (unless included in the Owner's or User's annual report).
- B. Owner's and User's annual reports (or Form 10-K's) for the two most recent fiscal years.
- C. Quarterly reports (Form 10-Q's) and current reports (Form 8-K's) since the most recent annual report, if any.
- D. In addition, if applicable, please attach the financial information described above in items A, B, and C of any expected guarantor of the proposed bond issue other than the Owner or the User.

SIGNATURE OF PERSON
COMPLETING APPLICATION

Signature: _____

Name and Title: _____

Company: _____

Date: _____

THE AUTHORITY IS REQUIRED TO NOTIFY THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY FROM WHICH YOUR FACILITY IS BEING RELOCATED OR ABANDONED. THIS NOTIFICATION WILL BE SENT PRIOR TO THE AUTHORITY'S CONDUCT OF REQUIRED PUBLIC HEARINGS(S).

CERTIFICATION: Based upon the answers provided above, the Company hereby certifies to the Authority that the undertaking of the proposed project and provision of financial assistance to the Company by the Authority will not violate GML Section 862(1).

REPRESENTATIONS BY THE APPLICANT

The applicant understands and agrees with the Agency as follows:

- I. Job Listings In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JPTA") in which the proposed project is located.

- II. First Consideration for Employment. In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the proposed project.

- III. Annual Sales Tax Fillings. In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

- IV. Annual Employment Reports. The applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.

- V. Absence of Conflicts of Interest. The applicant has received from the Agency a list of the members, officers, and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

**HOLD HARMLESS AGREEMENT AND APPLICATION DISCLAIMER
CERTIFICATION PURSUANT TO NEW YORK STATE
FREEDOM OF INFORMATION LAW (“FOIL”)**

Applicant hereby releases the WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Through submission of this Application for Financial Assistance (this "Application"), the Company acknowledges that the Agency, as a public benefit corporation, is subject to the New York State Freedom of Information Law ("FOIL") and Open Meetings Law ("OML"), as codified pursuant to the Public Officers Law ("POL") of the State of New York (the "State"). Accordingly, unless portions hereof are otherwise protected in accordance with this Certification, this Application, including all Company-specific information contained herein, is subject to public disclosure in accordance with applicable provisions of the POL, Article 18-A of the General Municipal Law ("GML") and the Public Authorities Accountability Act of 2005, as codified within the Public Authorities Law ("PAL") of the State. Specifically, this Application may be disclosed by the Agency to any member of the public pursuant to a properly submitted request under FOIL and the Agency is further required to affirmatively disclose certain provisions contained herein pursuant to the GML and PAL, including the identification of the Company, general project description, location proposed capital investment and job estimates.

Notwithstanding the foregoing, the Company, pursuant to this Certification, may formally request that the Agency consider certain information contained within this Application and other applicable supporting materials proprietary information and "trade secrets", as defined within POL Section

87(2)(d). To the extent that any such information should qualify as trade secrets, the Company hereby requests that the Agency redact same in the event that formal disclosure is requested by any party pursuant to FOIL. Application Sections or information requested by Company for Redaction*:

(* - Please indicate specific sections within Application that the Company seeks to qualify as “trade secrets”. Additional correspondence or supporting information may be attached hereto. Please also note that notwithstanding the Company’s request, the Agency shall make an independent determination of the extent to which any information contained herein may be considered as such)

In the event that the Agency is served with or receives any subpoena, request for production, discovery request, or information request in any forum that calls for the disclosure of the Application, in entirety, specifically including but not limited to any demand or request for production or review of Company-designated trade secrets, the Agency agrees to notify the Company as promptly as is reasonably possible, and to utilize its best efforts to: oppose or decline any such request; preserve the confidentiality and non-disclosure of such requested confidential material; and maintain such information and prevent inadvertent disclosure in responding to any such discovery or information request. The Company understands and agrees that all reasonable costs, including attorney’s fees, associated with any such formal undertaking by the Agency to protect the trade secrets from disclosure shall be reimbursed by the Company to the Agency.

The undersigned officer of the applicant deponent acknowledges and agrees that the applicant shall be and is responsible for all costs incurred by the Agency and legal counsel for the Agency, whether or not the Application, the proposed project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency

harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the proposed project described herein and (C) any further action taken by the Agency with respect to the proposed project; including without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing.

By executing and submitting this Application, the applicant covenants and agrees to pay the following fees to the Agency, the same to be paid at the times indicated:

- (a) The sum of \$2,500 legal deposit, plus the sum of \$2,500 as a non-refundable application fee, to be paid upon submission of the application;
- (b) Agency fee amounts to be determined using the schedule herein for all other projects for which the agency provides financial assistance, to be paid at transaction closing;
- (c) An amount to be determined by Agency Staff payable to the Agency's bond/transaction counsel for the preparation and review of the inducement resolution, the environmental compliance resolution, TEFRA hearing proceedings and the tax questionnaire assuming no further activity occurs after the completion of the inducement proceedings, to be paid within ten (10) business days of the receipt of bond/transaction counsel's invoice;
- (d) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel or bond/transaction counsel, and (2) other consultants retained by the Agency in connection with the proposed project; with all such charges to be paid by the applicant at the closing or, if the closing does not occur, within ten (10) business days of receipt of the Agency's invoices therefore please note that the applicant is entitled to receive a written estimate of fees and costs of the Agency's bond/transaction counsel;
- (e) The cost incurred by the Agency and paid by the applicant, including bond/transaction counsel and the Agency's general counsel's fees and the processing fees, may be considered as a costs of the project and included in the financing of costs of the proposed project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.

The applicant further covenants and agrees that the applicant is liable for payment to the Agency of all charges referred to above, as well as all other actual costs and expenses incurred by the Agency

in handling the application and pursuing the proposed project notwithstanding the occurrence of any of the following:

- (a) The applicant’s withdrawal, abandonment, cancellation or failure to pursue the Application;
- (b) The inability of the Agency or the applicant to procure the services of one or more financial institutions to provide financing for the proposed project;
- (c) The applicant’s failure, for whatever reason, to undertake and/or successfully complete the proposed project; or
- (d) The Agency’s failure, for whatever reason, to issue tax-exempt revenue bonds in lieu of conventional financing.

The applicant and the individual executing this Application on behalf of applicant acknowledge that the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

Company Acknowledgment and Certification:

The undersigned, being a duly authorized representative of the Company, hereby and on behalf of the Company, certifies to the best of his or her knowledge and under the penalty of perjury that all of the information provided by the Company within this Application for Financial Assistance is true, accurate and complete.

The Company, on behalf of itself and all owners, occupants and/or operators receiving or that will receive financial assistance from the Agency (collectively, the “Recipients”) hereby certifies that the Recipients are in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

The Company, on behalf of itself and all Recipients, hereby further acknowledges that the submission of any knowingly false or knowingly misleading information herein or within any agreement with the Agency may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of the Agency’s involvement in the project, including all costs of the agency relating to same. The Company has reviewed and accepts the terms of the Agency’s Project Recapture and Termination Policy.

Signature: _____

Name: _____

Title: _____

State of New York)

County of _____) ss.:

On the __ day of _____ in the year 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Notary Public)

NEW YORK STATE FINANCIAL REPORTING
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES

Please be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of particular importance to IDA applicants is Section 859 (copy attached). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency’s fiscal year (Wayne County IDA FY is Jan.1-Dec.31), prepared by an independent, certified public accountant, to the New York State Comptroller, the Commissioner of the New York State Department of Economic Development, and the governing body of the municipality for whose benefit the Agency was created (Wayne County). These audited financial statements shall include supplemental schedules listing the following information:

All straight-lease (“sale-leaseback”) transactions and whether or not they are obligations of the Agency.

All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:

- a. Name of the project.
- b. Whether the project occupant is a not-for-profit corporation.
- c. Name and address of each owner of the project.
- d. The estimated amount of tax exemptions authorized for each project.
- e. Purpose for which each transaction was made.
- f. Method of financial assistance utilized for each project, other than the tax exemptions claimed by the project.

- g. Estimate of the number of jobs created and retained for the project.

Also of importance to IDA applicants is Section 874(8) of the General Municipal Law (copy attached), which requires agents (i.e., project owners and/or occupants) of the Agency to file an annual statement with the State Department of Taxation and Finance, of the value of all sales tax exemptions claimed by such agents or their agents, including but not limited to consultants or subcontractors, who claim exemption from sales tax by virtue of the Agency’s involvement in a transaction. The penalty for failure to file the statement is removal of authority to act as agent of the Agency.

Please sign below to indicate that you have read and understood the above.

Name: _____

Title: _____

Company: _____

Date: _____

Synopsis for staff use:

Project Name: _____

Project User: _____

Project Address: _____

EIN: _____ NAICS Code: _____

Total Project Amount: _____ Not For Profit: **Yes** **No**

Project Address Information:

Address Line 1: _____

City/Town: _____ Village: _____

Zip – Plus 4: _____ School District: _____

Employment

#of FTEs before IDA Status: _____

Original Estimate of Jobs to be created: page 18 First Year and Second Year:

Y1: _____ **Y2:** _____

Average Estimated Annual Salary of Jobs Created: _____

Original Estimate of Jobs to be retained: _____

Annualized Salary Range of Jobs to be Retained: _____

of FTE Construction Jobs during Fiscal Year: _____