

**ESSEX COUNTY INDUSTRIAL DEVELOPMENT
AGENCY**

&

ESSEX COUNTY CAPITAL RESOURCE CORPORATION

Joint Application for Financial Assistance

The County of Essex Industrial Development Agency (the Agency”) is a body corporate and politic of the State of New York (the “State”), established in 1974 under section 914-aof the State General Municipal Law, and operating pursuant to the provisions of Article 18-A of the State General Municipal Law. The Essex County Capital Resource Corporation (“ECCRC”) is a not for profit corporation, established in 2010 under section 1411 of the State Not-for-Profit Corporation Law. The Agency provides several forms of financial assistance under State law and pursuant to the Agency’s “uniform tax exemption policy”, including tax-exempt revenue bond financing, PILOT agreements, and “straight lease” agreements. ECCRC provides tax-exempt financing for economic development projects which fulfill public purpose and reduce the burden of Government. In order to be considered for the financial assistance the Agency may provide, the applicant should complete the Application in duplicate, sign and date the Application, and return the completed Application to the Agency together with a processing fee of \$1,000, or \$1,500, as appropriate.

Please answer all the questions in Parts A through D either by filling in the blanks, completing the answer in the space provided in the Application, or by attachment. Please refer to section IV of Part D of the Application for a statement of costs and fees applicable to providing financial assistance. **All information submitted in the Application will be kept confidential. No Application will be considered until a fully completed and executed Application, in duplicate, is received by the Agency, together with applicable processing fees.**

Questions about the application should be directed to Jody Olcott or Carol Calabrese at (518) 873-9114, or faxed to (518) 873-2011.

PART A
Applicant and Project Information

1. Applicant name, address, telephone, fax, email and contact person:

2. Applicant business form:

Sole Proprietorship

Corporation

- _____ Capital Resource Corporation (non-profit corporations) (see Part C, page 8)
- _____ Pollution Control Bond Financing
- _____ Straight Lease Back Transaction
- _____ PILOT Agreement
- _____ Sales Tax Exemption
- _____ Mortgage Recording Tax Exemption
- _____ Other (please specify)

*Please note that for any proposed project for which tax-exempt financing is requested, the applicant will be required to complete a detailed “tax questionnaire” to determine eligibility under the Internal Revenue Code for tax-exempt financing.

8. If the applicant is seeking usage of the Essex County IDA sales tax exemption as part of the assistance for this project, please provide an estimate of the total sales tax to be saved by using assistance and the usage of the sales tax exemption (i.e. equipment purchase, construction, etc.).

\$ _____

9. If the applicant is seeking PILOT Agreement as part of the assistance for this project, please indicate which PILOT schedule:

<u>Schedule A:</u>		<u>Schedule B:</u>	
Year 1	100%	Year 1	50%
Year 2	100%	Year 2	45%
Year 3	50%	Year 3	40%
Year 4	45%	Year 4	35%
Year 5	40%	Year 5	30%
Year 6	35%	Year 6	25%
Year 7	30%	Year 7	20%
Year 8	20%	Year 8	15%
Year 9	10%	Year 9	10%
Year 10	5%	Year 10	5%

Please note: Projects with a lesser economic impact based on an economic assessment will be eligible for Schedule B, (i.e. If project does not include a high level of commitment for: permanent payroll level in terms of number of jobs created, and/or number of potential spin off jobs, and/or high investment in total project, or a local business impact, and/or community investment).

Project Data

1. Provide a general description of the proposed project, indicating (i) location, (ii) dimensions of the building or facility, (iii) type of construction of the building or facility, and (iv) intended use of the building or facility:

- a. Please attach a photograph of the site or existing facility to be improved.
 - b. Please attach a copy of the preliminary plans of the proposed project.
2. If the proposed project is a manufacturing facility, briefly describe the proposed manufacturing process.
 3. If the proposed project a commercial facility, briefly describe the proposed retail sales operation contemplated.
 4. If the proposed project is a dormitory, healthcare, senior housing or education which a non-for-profit corporation must engage in, briefly describe the proposed project.
 5. If the proposed project is a pollution control facility, briefly describe the type of pollution to be abated, and existing orders of environmental agencies to abate pollution.
 6. Utilities on site:

Water:	Municipal: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Describe other: _____
Sewer:	Municipal: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Describe other: _____
	Electric Utility Provider: _____
	Gas Utility Provider: _____
 7. Indicate the current legal owner of the building or site or the proposed project:
 8. Indicate any existing or proposed leases for the proposed project and provide a copy of such lease:

9. Indicate any purchase option agreement relating to the proposed project and provide a copy of the purchase option agreement:

10. Indicate any litigation or controversy regarding (i) title to the site or building to be acquired, constructed or improved, (ii) conditions on or under the site including environmental or hazardous waste conditions, (iii) the financial condition of the Applicant or any entity controlling the Applicant or any entity which the Applicant controls, and (iv) the general operations of the Applicant.

11. If the applicant is or is controlled by a corporation or by a person or entity which is a majority shareholder in a corporation listed on a national stock exchange, please provide a copy of the annual report (including certified financial statements) of such corporation for its two (2) most recent fiscal years.

Employment Information

1. Please provide the following information regarding the projected employment roll of the applicant at the proposed project before and after the Agency has provided financial assistance:

	Current		First Year		Second Year	
	Male	Female	Male	Female	Male	Female
Full Time						
Part Time						
Seasonal						

Will any construction jobs to created or retained as a result of this project? If so, please indicate below:

Indicate any changes in the quality of the workforce at the proposed project, which is expected as a result of the Agency providing financial assistance below:

Please provide the average estimated salary of the jobs to be created: \$_____

12. Please indicate the annual payroll at the proposed project before and after the application of the Agency's financial assistance.

Annual Payroll (before Agency assistance): \$_____

First year after project completion \$_____

Second year after project completion \$ _____

Project Costs

1. Please provide an estimate of cost of the following items of the proposed project:

Land \$ _____

Improvements to Land (other than site work) \$ _____

Site Work \$ _____

Building Construction \$ _____

Machinery and Building Fixtures \$ _____

Equipment \$ _____

Legal Fees (excluding financing costs) \$ _____

Architect and Engineering Fees \$ _____

Financing Costs (including transaction legal counsel) \$ _____

Working capital \$ _____

Other (please specify) \$ _____

Total \$ _____

2. With respect to the total costs of the proposed project:

a. Indicate the amount to be financed: \$ _____

b. Indicate the term of the financing: _____

c. Indicate the name, address, telephone, fax, email and contact person of the financial institution where the applicant is seeking financing:

d. Has the applicant received a written commitment from the financial institution to finance the proposed project? Yes No

If Yes, please provide a copy of the commitment letter.

- e. Indicate whether the applicant would like the Agency's assistance in obtaining a financial institution to assist in the financing of the proposed project? (If so, an additional \$500 processing fee is payable to the Agency.)
 - f. Indicate what amount of the cost of the proposed project is expected to be paid from funds generated by the applicant without borrowing:
 - g. Indicate any contribution of funds from an equity offering or venture capital funding for the proposed project:
4. For a manufacturing facility only, please indicate the dollar value of "capital expenditures" (as determined in accordance with the provisions of the Internal Revenue Code) that the applicant or entity related to or controlled by the applicant, has expended within the County of Essex during the past three (3) calendar years?

Project Construction Schedule

- 1. Indicate the proposed date for commencement of construction or acquisition of the proposed project, assuming financing of the proposed project is available to meet the applicant's schedule:
- 2. Indicate a schedule for the application of proceeds of financing and other moneys to acquire, construct, and equip the proposed project to completion:
- 3. Indicate the date on which the completed project is expected to be first placed in service:

PART B
Environmental Compliance Review

Please provide the following information regarding environmental review of the proposed project.

- 1. Has the applicant retained an environmental engineer to assist with the environmental review compliance procedures relating to the proposed project? Yes No
If so, please provide the name, address, telephone, fax, email and contact person of the firm:

If not, would the applicant like the Agency's assistance in obtaining the services of an environmental engineer? (If so, an additional \$500 processing fee is payable to the Agency.)

2. If an environmental assessment form or a draft environmental impact statement has been prepared by the applicant, please attach a copy of the completed form to the Application.
3. To the knowledge of the applicant, has there ever been any toxic or hazardous waste materials located or stored on the site of the proposed project site, or has any activity ever been conducted on the site of the proposed project which could be expected to generate toxic or hazardous waste material? Yes No
4. For a proposed project located in the Adirondack Park, has the applicant received the permission of the Adirondack Park Agency to acquire and construct the proposed project?
Yes No

If not, when does the applicant expect to receive such permission?

If Yes, please provide a copy of the APA permit.

PART C

1. Is the company a not for profit corporation qualified under Section, 501(c) 3 of the Internal Revenue Code?
Yes No
If yes, please provide the IRS designation letter.
2. Does the project fulfill a public purpose for Essex County or a municipality within Essex County?
3. .What are the economic development aspects of the project?
4. Are there serious policy or potential issues which may preclude the project being financed by a municipality or Essex county?
5. In what way is the burden of government eased by the issuance of bonds by CRC, including the application of the Wicks Law to awarding a construction contract?

PART D **Certification**

(to be executed by the principal of the applicant and acknowledged by a notary public)

- I. _____deposes and says that he/she is the _____
(name of chief executive officer of company) (title)
of _____ named in the attached Application; that he/she has read
(name of corporation or other entity)
the foregoing Application and knows the contents thereof, that the same is true to his/her knowledge.

- II. The grounds for deponent's belief relative to all matters in the Application which are not stated upon his/her own personal knowledge, are investigations which deponent has caused to be made concerning to subject matter of the Application, as well as information acquired by deponent in the course of his/her duties as an officer of and from the books and papers of said corporation or other entity.
- III. As an officer of the applicant deponent acknowledges and agrees that the applicant shall be and is responsible for all costs incurred by the County of Essex Industrial Development Agency (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.
- IV. 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 \$1,000 as a non-refundable processing fee, plus the sum of \$500 if Agency assistance in retaining professionals if requested, to be paid upon submission of the Application;
 - (b) The sum of:
 - .75% on the first \$10 million of project financing
 - .50% on the next \$11 million to \$20 million
 - .25% on the next \$21 million to \$30 million
 - .125% on the next \$31 millionfor which the Essex County IDA provides financial assistance, to be paid at transaction closing;
 - (c) An amount equal to \$2,500 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 completion of 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 (Briggs & Norfolk) and bond/transaction counsel (Squires, Sanders & Dempsey), 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 general counsel and bond/transaction counsel prior to inducement);
 - (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.

V. The applicant further covenants and agrees that the applicant is liable for payment to the Agency of all charges referred to in section IV 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.

(name of corporation or entity)

(name of officer)

(title)

NOTARY

Sworn to before me this ____ day of _____, 2001

(Signature)

PART E

As a condition to issuing industrial revenue bonds for the proposed project, the County of Essex Industrial Development Agency (the “Agency”) is required by the Office of the New York State Comptroller (“OSC”) to obtain the following supplementary information on an annual basis from the applicant during the term any such bonds are outstanding:

1. Outstanding balance at beginning and end of the year and principal payments made during the year.
2. Current interest rate (for adjustable rate bonds, the interest rate at year end).
3. Current year real estate tax exemptions for county, local (city, town, village, fire district) and school district taxes.
4. PILOT (payment in lieu of taxes) payments made each year to county, local and school district taxing authorities.

In addition to the above, in reporting to OSC during the first year such bonds are outstanding the Agency will need the following from the applicant:

1. An amortization schedule showing the planned principal reduction each year for the life of the bond issue (if applicable).
2. The amount exempted for:
 - (a) sales tax, and
 - (b) mortgage recording tax

This information is required by January 31 of each succeeding year and should be submitted in writing to the Agency at its office at 7566 Court Street, Elizabethtown, New York 12932.

The applicant, through its signing officer, certifies that it has reviewed, understands and will comply with the above, as required by OCS.

(Company)

By: _____
(Name and Title)

Date: _____