Ontario County

INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION FOR FINANCIAL ASSISTANCE

DATE: _____

APPLICATION OF: _____
Name of Owner and/or User of Proposed Project

ADDRESS: _____

_____

Type of Application: ☐ Tax-Exempt Bond ☐ Taxable Bond

☐ Straight Lease ☐ Refunding Bond



Great opportunities grow here.

INDEX

PART I **OWNER AND USER DATA**

PART II **OPERATION AT CURRENT LOCATION**

PART III **PROJECT DATA**

PART IV **PROJECT COSTS AND FINANCING**

PART V **PROJECT BENEFITS**

PART VI **EMPLOYMENT DATA**

PART VII **REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION**

PART VIII **SUBMISSION OF MATERIALS**

EXHIBIT A	Proposed PILOT Schedule
SCHEDULE A	Agency's Fee Schedule
SCHEDULE B	Local Labor Policy
SCHEDULE C	Recapture Policy
SCHEDULE D	Uniform Project Evaluation Criteria Policy

Part I: Owner & User Data

1. Owner Data:

*** Please note, the term "Owner" refers to the owner of the real property upon which the Agency will be granting benefits. The term "User", used later in this application, refers to the operating company utilizing the real property, if different from the Owner. ***

A. Owner (Applicant for assistance): _____

Address: _____

_____

Federal Employer ID #: _____ Website: _____

NAICS Code: _____

Owner Officer Certifying Application: _____

Title of Officer: _____

Phone Number: _____ E-mail: _____

B. Business Type:

Sole Proprietorship ☐ Partnership ☐ Limited Liability Company ☐

Privately Held ☐ Public Corporation ☐ Listed on _____

State of Incorporation/Formation: _____

C. Nature of Business:
(e.g., "manufacturer of_____for_____industry"; "distributor of_____"; or "real estate holding company")

_____

D. Owner Counsel:

Firm Name: _____

Address: _____

_____

Individual Attorney: _____

Phone Number: _____ E-mail: _____

E. Principal Stockholders, Members or Partners, if any, of the Owner (5% or more equity):

Name	Percent Owned
_____	_____
_____	_____
_____	_____

F. Has the Owner, or any subsidiary or affiliate of the Owner, or any stockholder, partner, member, officer, director or other entity with which any of these individuals is or has been associated with:

i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

_____

_____

ii. been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

_____

_____

G. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the Owner, list all other organizations which are related to the Owner by virtue of such persons having more than a 50% interest in such organizations.

_____

_____

H. Is the Owner related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

_____

_____

I. List parent corporation, sister corporations and subsidiaries:

_____

J. Has the Owner (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

_____

_____

K. List major bank references of the Owner:

_____

2. User Data

** *(if different from Owner)* **

A. User (together with the Owner, the "Applicant"): _____

Address: _____

_____

Federal Employer ID #: _____ Website: _____

NAICS Code: _____

User Officer Certifying Application: _____

Title of Officer: _____

Phone Number: _____ E-mail: _____

B. Business Type:

Sole Proprietorship ☐ Partnership ☐ Limited Liability Company ☐

Privately Held ☐ Public Corporation ☐ Listed on _____

State of Incorporation/Formation: _____

C. Nature of Business:
(e.g., "manufacturer of_____for_____industry"; "distributor of_____"; or "real estate holding company")

_____

D. Are the User and the Owner Related Entities? Yes ☐ No ☐

i. If yes, the remainder of the questions in this Part I, Section 2 (with the exception of "F" below) need not be answered if answered for the Owner. If no, please complete all questions below.

E. User's Counsel:

Firm Name: _____

Address: _____

_____

Individual Attorney: _____

Phone Number: _____ E-mail: _____

F. Principal Stockholders or Partners, if any (5% or more equity):

Name	Percent Owned
_____	_____
_____	_____
_____	_____

G. Has the User, or any subsidiary or affiliate of the User, or any stockholder, partner, officer, director or other entity with which any of these individuals is or has been associated with:

i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

_____

_____

ii. been convicted of a felony or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

_____

_____

H. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the User, list all other organizations which are related to the User by virtue of such persons having more than a 50% interest in such organizations.

_____

I. Is the User related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

_____

_____

J. List parent corporation, sister corporations and subsidiaries:

_____

_____

K. Has the User (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village,or if the project is not in an incorporated city, town or village, the unincorporated areas of thecounty in which it is located.) If so, explain in full:

_____

_____

L. List major bank references of the User:

_____

Part II – Operation at Current Location

(if the Owner and the User are unrelated entities, answer separately for each)

1. Current Location Address: _____
2. Owned or Leased: _____
3. Describe your present location (acreage, square footage, number buildings, number of floors, etc.):

   _____

   _____
4. Type of operation (manufacturing, wholesale, distribution, retail, etc.) and products and/or services:

   _____

   _____
5. Are other facilities or related companies of the Applicant located within the State?
   Yes ☐ No ☐

A. If yes, list the Address: _____

6. Will the completion of the project result in the removal of any facility or facilities of the Applicant from one area of the state to another OR in the abandonment of any facility or facilities of the Applicant located within the State? Yes ☐ No ☐

   A. If no, explain how current facilities will be utilized: _____

   _____

   B. If yes, please indicate whether the project is reasonably necessary for the Applicant to maintain its competitive position in its industry or remain in the State and explain in full:

   _____

   _____

7. Has the Applicant actively considered sites in another state? Yes ☐ No ☐

   A. If yes, please list states considered and explain: _____

   _____

8. Is the requested financial assistance reasonably necessary to prevent the Applicant from moving out of New York State? Yes ☐ No ☐
   A. Please explain: _____

   _____

9. Number of full-time employees at current location and average salary: _____

   _____

Part III – Project Data

1. Project Type:

   A. What type of transaction are you seeking?: (Check one)

   Straight Lease (Lease-Leaseback) ☐ Taxable Bonds ☐

   Tax-Exempt Bonds ☐ Equipment Lease Only ☐

   B. Type of benefit(s) the Applicant is seeking: (Check all that apply)

   Sales Tax Exemption ☐ Mortgage Recording Tax Exemption ☐

   PILOT Agreement: ☐

2. Location of project:

   A. Street Address: _____

   B. Tax Map: District_____Section_____Block _____Lot(s)_____

   C. Municipal Jurisdiction:

      i. City/Town: _____
      ii. Village: _____
      iii. School District: _____

   D. Acreage: _____

3. Project Components (check all appropriate categories):

A. Construction of a new building ☐ Yes ☐ No
   i. Square footage: _____

B. Renovations of an existing building ☐ Yes ☐ No
   i. Square footage: _____

C. Demolition of an existing building
   i. Square footage: _____

D. Land to be cleared or disturbed ☐ Yes ☐ No
   i. Square footage/acreage: _____

E. Construction of addition to an existing building ☐ Yes ☐ No
   i. Square footage of addition: _____
   ii. Total square footage upon completion: _____

F. Acquisition of an existing building ☐ Yes ☐ No
   i. Square footage of existing building: _____

G. Installation of manufacturing machinery and/or Equipment ☐ Yes ☐ No
   i. List principal items or categories of equipment to be acquired: _____

_____

H. Installation of non-manufacturing machinery and/or Equipment ☐ Yes ☐ No
   ii. List principal items or categories of equipment to be acquired: _____

_____

4. Current Use at Proposed Location:

   A. Does the Applicant currently hold fee title to the proposed location? ☐ Yes ☐ No

i. If no, please list the present owner of the site: _____

B. Present use of the proposed location: _____

_____

C. Is the proposed location currently subject to an IDA transaction (whether through this Agency or another?) ☐ Yes ☐ No

i. If yes, explain: _____

D. Is there a purchase contract for the site? (if yes, explain): ☐ Yes ☐ No

_____

E. Is there an existing or proposed lease for the site? (if yes, explain): ☐ Yes ☐ No

_____

5. Proposed Use:

A. Describe the specific operations of the Applicant or other users to be conducted at the project site: _____

_____

_____

B. Proposed product lines and market demands: _____

_____

C. If any space is to be leased to third parties, indicate the tenant(s), total square footage of the project to be leased to each tenant, and the proposed use by each tenant:

_____

_____

D. Need/purpose for project (e.g., why is it necessary, effect on Applicant's business):

_____

_____

E. Will any portion of the project be used for the making of retail sales to customers who personally visit the project location? Yes ☐ No ☐

i. If yes, what percentage of the project location will be utilized in connection with the sale of retail goods and/or services to customers who personally visit the project location? _____

6. Project Work:

A. Has construction work on this project begun? If yes, complete the following:

i.	Site Clearance:	Yes ☐	No ☐	% COMPLETE _____
ii.	Foundation:	Yes ☐	No ☐	% COMPLETE _____
iii.	Footings:	Yes ☐	No ☐	% COMPLETE _____
iv.	Steel:	Yes ☐	No ☐	% COMPLETE _____
v.	Masonry:	Yes ☐	No ☐	% COMPLETE _____
vi.	Other:	_____		

B. What is the current zoning?: _____

C. Will the project meet zoning requirements at the proposed location?

Yes ☐ No ☐

D. If a change of zoning is required, please provide the details/status of the change of zone request:_____

_____

E. Have site plans been submitted to the appropriate planning board? Yes ☐ No ☐

7. Project Completion Schedule:

A. What is the proposed commencement date for the acquisition and the construction/renovation/equipping of the project?

i. Acquisition: _____

ii. Construction/Renovation/Equipping: _____

B. Provide an accurate estimate of the time schedule to complete the project and when the first use of the project is expected to occur: _____

_____

** *Please note, no benefits will be granted to the Applicant until the transaction has closed* **

Part IV – Project Costs and Financing

1. Project Costs:

A. Give an accurate estimate of cost necessary for the acquisition, construction, renovation, improvement and/or equipping of the project location:

Description	Owner Amount	User Amount
Land and/or building acquisition	$_____	$_____
Building(s) demolition/construction	$_____	$_____
Building renovation	$_____	$_____
Site Work	$_____	$_____
Manufacturing Machinery & Equipment	$_____	$_____
Other Machinery and Equipment	$_____	$_____
Legal Fees	$_____	$_____
Architectural/Engineering Fees	$_____	$_____
Financial Charges	$_____	$_____
Other (Specify)	$_____	$_____
Total Project Costs	$_____	$_____

2. Method of Financing:

	Amount	Term
A. Tax-exempt bond financing:	$ _____	_____years
B. Taxable bond financing:	$ _____	_____years
C. Conventional Mortgage:	$ _____	_____years
D. SBA (504) or other governmental financing:	$ _____	_____years
E. Public Sources (include sum of all State and federal grants and tax credits):	$ _____	
F. Other loans:	$ _____	_____years
G. Owner/User equity contribution:	$ _____	_____years
Total Financing	$ _____	

i. What percentage of the project costs will be financed from public sector sources? (divide the number from "Total Project Costs" under 1A above by D and E above)

_____

3. Project Financing:

A. Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? Yes ☐ No ☐

   i. If yes, provide detail on a separate sheet.

B. Are costs of working capital, moving expenses, work in progress, or stock in trade included in the proposed uses of bond proceeds? Give details or mark as not applicable:

_____

_____

C. Will any of the funds borrowed through the Agency be used to repay or refinance an existing mortgage or outstanding loan? Give details or mark as not applicable:

_____

_____

D. Has the Applicant made any arrangements for the marketing or the purchase of the bond or bonds? If so, indicate with whom:

_____

Part V – Project Benefits

1. Mortgage Recording Tax Benefit:

   A. Mortgage Amount for exemption (include sum total of construction/permanent/bridge financing):

      $_____

   B. Estimated Mortgage Recording Tax Exemption (product of Mortgage Amount above and 0.0075):

      $_____

2. Sales and Use Tax Benefit:

   A. Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax (such amount to benefit from the Agency's exemption):

      $_____

   B. Estimated State and local Sales and Use Tax exemption (product of 7.5% and figure above):

      $_____

C. If your project has a landlord/tenant (owner/user) arrangement, please provide a breakdown of the number in "B" above:

i. Owner: $_____

ii. User: $_____

3. Real Property Tax Benefit:

A. Identify and describe if the project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit: _____

B. Agency PILOT Benefit:

i. Term of PILOT requested: _____

ii. Upon acceptance of this application, the Agency staff will create a PILOT schedule and attach such information to Exhibit A hereto. Applicant hereby requests such PILOT benefit as described on Exhibit A.

*** This application will not be deemed complete and final until Exhibit A hereto has been completed. **

Part VI – Employment Data

1. List the Applicant's and each users present employment, and estimates of (i) employment at the proposed project location at the end of year one and year two following project completion and (ii) the number of residents of the Finger Lakes Economic Development Region ("FLEDR") that would fill the full-time and part-time jobs at the end of year second year following completion:

Present number of employees: _____

First Year:

	Jan	Feb	Mar	Apr	June	July	Aug	Sept	Oct	Nov	Dec	**Total**
Full-time												
Part-time												

Second Year:

	Jan	Feb	Mar	Apr	June	July	Aug	Sept	Oct	Nov	Dec	**Total**
Full-time												
Part-time												

Residents of FLEDR:

Full-Time:_____
Part-Time: _____

* The FLEDR includes Monroe, Yates, Wyoming, Ontario, Genesee, Orleans, Seneca, Livingston and Wayne Counties.

** Agency staff converts Part-Time jobs into FTEs for state reporting purposes by dividing the number of Part-Time jobs by two (2).

2. Salary and Fringe Benefits:

Category of Jobs to be Retained and Created	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Salary Wage Earners		
Commission Wage Earners		
Hourly Wage Earners		
1099 and Contract Workers		

Note: The Agency reserves the right to visit the facility to confirm that job creation numbers are being met.

Part VII – Representations, Certifications and Indemnification

1. Is the Applicant in any litigation which would have a material adverse effect on the Applicant's financial condition? (if yes, furnish details on a separate sheet)

   Yes ☐ No ☐

2. Has the Applicant or any of the management of the Applicant, the anticipated users or any of their affiliates, or any other concern with which such management has been connected, been cited for a violation of federal, state or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices? (If yes, furnish details on a separate sheet)

   Yes ☐ No ☐

3. Is there a likelihood that the Applicant would not proceed with this project without the Agency's assistance? (If yes, please explain why; if no, please explain why the Agency should grant the benefits requested)

   Yes ☐ No ☐

   _____

   _____

4. If the Applicant is unable to obtain IDA assistance for the project, what would be the impact on the Applicant and on the municipality?

   _____

5. The Applicant understands and agrees that in accordance with Section 858-b(2) of the General Municipal Law, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the project will be listed with the New York State Department of Labor, Community Services Division and with the administrative entity of the service delivery area created pursuant to the Job Training Partnership Act (PL 97-300) in which the project is located (collectively, the "Referral Agencies"). The Applicant also agrees, that it will, except as otherwise provided by collective bargaining contracts or agreements to which they are parties, first consider for such new employment opportunities persons eligible to participate in federal job training partnership programs who shall be referred by the Referral Agencies

   Initial _____

6. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project as well as may lead to other possible enforcement actions.

   Initial _____

7. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

   Initial _____

8. The Applicant represents and warrants that to the Applicant's knowledge neither it nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners, and none of their respective employees, officers, directors, representatives or agents is, nor will they become a person or entity with who United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List or under any statute, executive order including the September 24, 2001, Executive Order Block Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, orSupport Terrorism, or other governmental action and is not and will not assign or otherwise transfer this Agreement to, contract with or otherwise engage in any dealings or transactions or be otherwise associated with such persons or entities.

   Initial _____

9. The Applicant confirms and hereby acknowledges it has received the Agency's fee schedule attached hereto as Schedule A and agrees to pay such fees, together with any expenses incurred by the Agency, including those of Transaction Counsel, with respect to the Facility. The

Applicant agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the project.

Initial _____

10. The Applicant confirms and hereby acknowledges it has received the Agency's Local Content/Local Labor Policy attached hereto as Schedule B and agrees to comply with the same.

    Initial _____

11. The Applicant hereby agrees to comply with Section 875 of the General Municipal Law. The Company further agrees that the financial assistance granted to the project by the Agency is subject to recapture pursuant to Section 875 of the Act and the Agency's Recapture Policy, attached hereto as Schedule C.

    Initial _____

Part VIII – Submission of Materials

1. Financial statements for the last two fiscal years (unless included in the Applicant's annual report).

2. Applicant's annual reports (or 10-K's if publicly held) for the two most recent fiscal years.

3. Quarterly reports (form 10-Q's) and current reports (form 8-K's) since the most recent annual report, if any.

4. In addition, please attach the financial information described in items A, B, and C of any expected guarantor of the proposed bond issue.

5. Completed Short or Long Environmental Assessment Form.

6. Most recent quarterly filling of NYS Department of Labor Form 45, as well as the most recent fourth quarter filing. Please remove the employee Social Security numbers and note the full-time equivalency for part-time employees.

Pursuant to Title 19 of the New York Codes, Rules, and Regulations Part 250.1(c), the Agencymust post the completed application to its website. At the request of the Applicant, the Agency may delete or redact from copy posted to the website portions of its records that are specifically exempted from disclosure pursuant to Article 6 of the Public Officers Law. The Applicant shall be responsible for requesting any such redaction, and the Agency shall not be responsible to redact ordelete any information not requested by the Applicant.

Part IX – Special Representations

1. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed project. The Applicant hereby indicates its compliance with Section 862(1) by signing the applicable statement below. **(Please sign only one of the following statements a. or b. below).**

    a. The completion of the entire project will not result in the removal of an industrial or manufacturing plant of the project occupant from one are of the stat to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state.

    Representative of the Applicant: _____

    b. The completion of this entire project will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state because the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

    Representative of the Applicant: _____

2. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

    Representative of the Applicant: _____

3. In accordance with Section 862(1) of the New York General Municipal Law the Applicant understands and agrees that projects which result in the removal of an industrial or manufacturing plant of the project occupant from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the project occupant within the State is ineligible for financial assistance from the Agency, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or to discourage the project occupant from removing such other plant or facility to a location outside the State.

    Representative of the Applicant: _____

4. The Applicant confirms and acknowledges that the owner, occupant, or operator receivingfinancial assistance for the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

    Representative of the Applicant: _____

Part X – Certification

_____(name of representative of entities submitting application) deposes and says that he or she is the_____(title) of_____, the entities named in the attached application, that he or she has read the foregoing application and knows the contents thereof, and that the same is true to his or her knowledge.

Deponent further says that s/he is duly authorized to make this certification on behalf of the entities named in the attached Application (the "Applicant") and to bind the Applicant. The grounds of deponent'sbelief relative to all matters in said Application which are not stated upon his/her personal knowledge are investigations which deponent has caused to be made concerning the subject matter this Application, as well as in formation acquired by deponent in the course of his/her duties in connection with said Applicant and from the books and papers of the Applicant.

As representative of the Applicant, deponent acknowledges and agrees that Applicant shall be and is responsible for all costs incurred by the Ontario County Industrial Development Agency (hereinafter referred to as the "Agency") in connection with this Application, the attendant negotiations and all matters relating to the provision of financial assistance to which this Application relates, whether or not ever carried to successful conclusion. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act 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 Applicant is unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees to bond or transaction counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion of the transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, and all otherappropriate fees, which amounts are payable at closing.

The Applicant hereby subscribes and affirms under the penalties of perjury that the information provided in this Application is true, accurate and complete to the best of his or her knowledge

_____
Representative of Applicant

Sworn to me before this _____
Day of_____, 20 _____

_____
(seal)

**** Note: If the entities named in this Application are unrelated and one individual cannot bind both entities, Parts VII, IX and X of this Application must be completed by an individual representative for each entity ****

EXHIBIT A

Proposed PILOT Schedule

Upon acceptance of the Application and completion of the Cost Benefit Analysis, the Agency will attach the proposed PILOT Schedule to this Exhibit.

SCHEDULE A

ONTARIO COUNTY INDUSTRIAL DEVELOPMENT AGENCY
FEE SCHEDULE

Fee	Amount
Application	$750.00
OCIDA Lease/Leaseback	1.00% of benefited amount
Termination	$500.00
Modification (*per occurrence*)	$500.00
Local Labor Monitoring	See Schedule B
Prevailing Wage Monitoring	See Schedule B

SCHEDULE B

Agency's Labor Policy

LOCAL LABOR:

Projects must use at least 80% Local Labor for the construction or renovation of new, expanded, or renovated facilities. "Local Labor" is defined as persons residing in Ontario, Monroe, Livingston, Seneca, Wayne, Yates, Steuben, Chemung, or Schuyler Counties. A waiver process will be available for projects requiring specialty contractors and/or involving significant cost increases due to local labor requirements.

Labor Policy Monitoring Fee:
This labor fee will be deposited into a non-interest-bearing escrow account and will fund the ongoing audit of Labor Policy compliance throughout construction. Any unused funds on deposit with the IDA will be returned to the company upon project completion. Any shortfall is the responsibility of the applicant. The local labor monitoring fee is based on project costs:

- Projects less than $5M: $ 5,700.00
- Projects greater than $5M but less than $25M: $ 8,000.00
- Projects greater than $25M: $10,700.00
- Waiver Process Fee: $ 500.00

PREVAILING WAGE:

Per NYS Labor Law 224-a, projects with a total "project cost" of $5M or more that receive a benefit package valued at 30% or more of the total project cost are subject to prevailing wage requirements. The Agency will notify the applicant if the project is subject to prevailing wage requirements. The applicant covenants it will comply with all requirements required in NYS Labor Law 224-a. Project cost is defined as the sum of Land and/or building acquisition, building demolition/construction, building renovation, site work, Architectural/Engineering fees, and Other. Generally, projects subject to prevailing wage are not subject to local labor monitoring.

Prevailing Wage Monitoring Fee:
This fee includes project set-up, monthly inspections and reporting, and project closeout:

- Projects less than $5M: $10,000.00
- Projects greater than $5M but less than $25M: $15,200.00
- Projects greater than $25M: $28,600.00

SCHEDULE C

Agency's Recapture Policy

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so) with respect to a particular project to require the project applicant to agree to the recapture by the Agency of the value of any or all exemptions from taxation granted with respect to the project by virtue of the Agency's involvement. Events that the Agency may determine will trigger termination and/or recapture may include, but shall not be limited to, the following:

(1) sale or closure of facility;
(2) significant employment reduction;
(3) significant change in use of facility;
(4) significant change in business activities of project applicant or operator; or
(5) material noncompliance with or breach of terms of Agency transaction documents or of zoning or land use laws or regulations or federal, state or local worker protection, tax, or environmental laws or regulations.
(6) an Event of Default under the Lease Agreement, Installment Sale Agreement, PILOT Agreement, Mortgage, Environmental Compliance and Indemnification Agreement and/or any other Agency documents.

If the Agency determines to provide for termination and/or recapture with respect to a particular project, the Agency also shall, in its sole discretion and on a case-by-case basis, determine the timing of termination and/or percentage of recapture.

In the case of the events listed above, the Agency may alternatively terminate exemptions and abatements without recapture, at its discretion.

In addition to the provisions for recapture set forth above, the Agency may, in its sole discretion and on a case-by-case basis, terminate and/or require recapture of benefits with respect to any project or project applicant for:

(1) failure to respond to Agency inquiries concerning payments of principal and interest;
(2) failure to respond to Agency inquiries concerning insurance coverage or failure to provide insurance certificates when and as required by the Agency transaction documents;
(3) failure to respond to Agency inquiries regarding payment of monies in lieu of taxes;
(4) failure to respond to Agency inquiries or to provide facts requested by the Agency in connection with any proceedings or determinations pursuant to Paragraph D or Paragraph E of this Policy;
(5) failure to respond to inquiries of the Agency or failure to provide the Agency with any information or documents requested by the Agency in order to provide any federal, state or local agency with information or reports required under any applicable law, rule or regulation;
(6) failure to provide any other information concerning the project or the project applicant or any project operator requested by the Agency.

SCHEDULE D

UNIFORM PROJECT EVALUATION CRITERIA POLICY
ONTARIO COUNTY
INDUSTRIAL DEVELOPMENT AGENCY
EFFECTIVE SEPTEMBER 23, 2024

The Ontario County Industrial Development Agency (the "Agency") will conduct a written cost benefit analysis and evaluate each project being considered for benefits using the criteria listed below:

- Extent to which a project will create or retain permanent jobs
- Estimated value of tax exemptions to be provided
- Amount of private sector investment
- Likelihood of project being accomplished in a timely fashion
- The extent of new revenue provided to local taxing jurisdictions
- Any other miscellaneous public benefits that might occur
- Minutes of public hearing

In addition, the Agency will, at the time of project review, take into consideration material terms which will be used to determine if a project applicant has met the obligations required for the approval of incentives set by the Agency's Board. These terms will be utilized by the Agency's Board in setting and monitoring project benchmarks during the term of the incentives for the purposes of administering the Agency's Policy for termination of benefits.

It is understood that the review will vary depending on project type and project specifics. The Agency has adopted specific "Evaluative Criteria" to be considered when reviewing each project type. These criteria are adopted to provide board guidance when reviewing project applications. The Agency's Boardreserves the right to use additional measures and to gather additional information or data relating to evaluative criteria specific to individual projects. The following matrix includes suggested project types, material terms, and evaluative criteria.

SCHEDULE D

Ontario County IDA Project Matrix

Criteria, Material Terms, & Evaluative Criteria*

Project Type	Material Terms	Evaluative Criteria
Manufacturing, Warehouse, Wholesale, Distribution	1. Create or Retain Jobs 2. Private Sector Investment	1. Wage Rates (based upon local factors) 2. Regional Wealth Creation (% Sales/Customers Outside Area) 3. Research and Development Activities 4. Locational Land Use Factors, Brownfields or Locally Designated Development Areas 5. Retention/Flight Risk
Agricultural, Food Processing	1. Create or Retain Jobs 2. Private Sector Investment	1. Wage Rates (based upon local factors) 2. Regional Wealth Creation (% Sales/Customers Outside Area) 3. In Region Purchases (% of overall Purchases, from Local Growers) 4. Research and Development Activities 5. Locational Land Use Factors, Proximity to Local Ag. Production 6. Retention/Flight Risk

* State Required Criteria for all projects includes the following: 1. Extent to which a project will create or retain permanent jobs; 2. Estimated value of tax exemptions; 3. Amount of private sector investment; 4. Likelihood of project being accomplished in a timely fashion; 5. Extent of new revenue provided to local taxing jurisdictions; 6. Any other miscellaneous public benefits

Project Type	Material Terms	Evaluative Criteria
Adaptive Reuse, Community Development	1. Private Sector Investment 2. Retain or Create Jobs (if applicable) 3. Increased Property Value 4. Increased Revenue to Local Taxing Jurisdictions	1. Elimination of Slum and Blight, as defined by HUD 2. Redevelopment Supports Local Community Development Plan 3. Commercial or Housing Vacancy 4. Strategic Location 5. Distressed Census Tracts 6. Environmental or Safety Issues 7. Building or site has Historic designation 8. Impediments to Conventionally Finance Project 9. Age of Structure

* State Required Criteria for all projects includes the following: 1. Extent to which a project will create or retain permanent jobs; 2. Estimated value of tax exemptions; 3. Amount of private sector investment; 4. Likelihood of project being accomplished in a timely fashion; 5. Extent of new revenue provided to local taxing jurisdictions; 6. Any other miscellaneous public benefits

Tourism	1. Private Sector Investment 2. Create or Retain Jobs (if applicable) 3. Regional Wealth Creation (% Sales/Customers Outside Area)	1. Market Study (Document Demand and Impact on Existing Operators, including drawing visitors from outside of community) 2. Regional Wealth Creation 3. Proximately or Support of Regional Tourism Attractions or Facilities 4. Local Official(s), Convention Visitors Bureau Support 5. Generation of Local Revenues (i.e. Hotel Bed Taxes)

* State Required Criteria for all projects includes the following: 1. Extent to which a project will create or retain permanent jobs; 2. Estimated value of tax exemptions; 3. Amount of private sector investment; 4. Likelihood of project being accomplished in a timely fashion; 5. Extent of new revenue provided to local taxing jurisdictions; 6. Any other miscellaneous public benefits

Project Type	Material Terms	Evaluative Criteria
Retail	1. Private Sector Investment 2. Create or Retain Jobs (if applicable) 3. Regional Wealth Creation (% Sales/Customers Outside Area)	1. Market Study/Goods or Services Not Readily available, including drawing visitors from outside of community 2. Impact on Existing Businesses 3. Regional Wealth Creation 4. Highly Distressed Census Tracts 5. Urban or Town Center Location 6. Elimination of Slum and Blight, as defined by HUD 7. Alignment with Local Planning and development Efforts

* State Required Criteria for all projects includes the following: 1. Extent to which a project will create or retain permanent jobs; 2. Estimated value of tax exemptions; 3. Amount of private sector investment; 4. Likelihood of project being accomplished in a timely fashion; 5. Extent of new revenue provided to local taxing jurisdictions; 6. Any other miscellaneous public benefits

Back Office, Data, Call Centers	1. Private Sector Investment 2. Create or Retain Jobs (if applicable)	1. Wage Rates, based upon local factors 2. Retention/Flight Risk

Project Type	Material Terms	Evaluative Criteria
Energy Production	1. Private Sector Investment 2. Create or Retain Jobs (if applicable) 4. Increased Revenue to Local Taxing Jurisdictions	1. Wage Rates, based upon local factors for Area 2. For wind and solar project, energy distribution to local community, with further consideration to be given to energy development that demonstrates ability to enhance local energy production/distribution capability and/or provides local pricing incentives to consumers, including, but not limited to local businesses, municipalities, not-for-profits, individuals, schools and other utilities. 3. Land designated as having agricultural significance, such as Prime Soil. 4. Compliance with State and Federal regulations, including any applicable USDA regulations.

* State Required Criteria for all projects includes the following: 1. Extent to which a project will create or retain permanent jobs; 2. Estimated value of tax exemptions; 3. Amount of private sector investment; 4. Likelihood of project being accomplished in a timely fashion; 5. Extent of new revenue provided to local taxing jurisdictions; 6. Any other miscellaneous public benefits

Housing	1. Private Sector Investment 2. Create or Retain Jobs (if applicable) 3. Increased Property Value 4. Increased Revenue to Local Taxing Jurisdictions 5. Shelter Rent	1. Market Study (Document Need and Impact on Existing Facilities) 2. Alignment with County and Local Planning and Development Efforts 3. Housing supports growth of local workforce 4. Housing supports aging population 5. Urban, Town/Village Center Location 6. Multi-Family Facilities 7. No single family houses 8. AMI considerations Figures for Ontario County median income are to be taken from the American Community Survey for the most recent 12-month period for which an estimate is available, in inflation-adjusted dollars .

* State Required Criteria for all projects includes the following: 1. Extent to which a project will create or retain permanent jobs; 2. Estimated value of tax exemptions; 3. Amount of private sector investment; 4. Likelihood of project being accomplished in a timely fashion; 5. Extent of new revenue provided to local taxing jurisdictions; 6. Any other miscellaneous public benefits