City of Utica Industrial Development Agency Application

The information required by this form is necessary to determine the eligibility of your project for IDA benefits. Please answer all questions; insert "NONE", or "NOT APPLICABLE", where necessary. If an estimate is given, put "EST." after the figure. Attach additional sheets if more space is needed for a response than is provided. Return three copies of this application to the City of Utica Industrial Development Agency.

All information contained in this form will be treated confidentially, to the extent permitted by law.

A project financed through this Agency involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project.

PART I

Applicant Applicant's legal Name: 1900 Bleecker, LLC Principal Address: 6308 Fly Road East Syracuse, New York 13057 1900 Bleecker Street Project Address: Utica, New York 13501 Telephone Number(s): (315) 432-9400 Federal Identification Number: Department of the Treasury Internal Revenue Service Kansas City, MO 64999-0002 Company IRS Filing Office Location: Company Officer completing this application: Name: Bryan Bowers Managing Member Title: Phone: (315) 382-7727 (315) 432-9400 cell office bbowers@aeccgroup.com

1.	A.	Is the applic	cant a:	
			ion: If YES, Public() Private() .IC Corporation, on which exchange is it listed?	
		() Sole Property () Partnersh () Subchap () DISC (x) Other (sp	nip	
	B.		rporation, if applicable: New York	
2.			rs, Directors, Officers, Partners or Members	
	A.	Provide the f	ollowing information in regard to principal stock	holders or parties:
		<u>Name</u>	Home Address	Percentage of Ownership
	Br	yan Bowers	6750 E. Sorrell Hill Rd, War	
	Mi	ichael Licata	51 Woodshire North, Getz y i	
	 B.	Provide the f	ollowing information in regard to officers and di	rectors:
		Company	Name and Home	Other Principal
		Officer	<u>Address</u>	Business Affiliation
Ma	naging	g Member	Bryan Bowers - Address Above	····
Me	ember		Michael Licata - Address Above	
				WAR 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

	C.	Is the applicant or any of the persons listed in 2(A) above related, directly or indirectly, to any other entity by more than 50% common ownership? If also, indicate name of such entity and the relationship.
		Yes, Bryan Bowers - owner of Bowers Development, LLC (current
		owner of site and parent company to 1900 Bleecker, LLC).
	D.	Is the applicant affiliated with any other entity, directly or indirectly, other than as indicated in response to paragraph C above? If YES, please indicate name and relationship of such other entity and the address thereof:
		No
3.		Applicant's accountant
		Name and Title: TBD
		Name of Firm:
		Address:
		· · · · · · · · · · · · · · · · · · ·
		Telephone Number: Email:
4.		Applicant's attorney
		Name and Title: Michael Fogel, Esq.
		Name of Firm: Brown Duke & Fogel, P.C.
		Address: 120 Madison Street, AXA Tower II, Suite 1620
	•	Syracuse, NY 13202
		Telephone: (315) 399-4343 x203 Email: mfogel@bdflegal.com

5.		References (Individuals and institutions in this section may be contacted)			
		A. Banking/Financial Ins		titution:	
			Name of Institution	Address and Phone Number	Account Officer/ Contact Person
	Pathfinde		finder Bank	214 W. 1st Street, Oswego	Ronald Tascarella
				(315) 207-8018	
	_				
		B.	Business suppliers (lis	st three largest accounts)	
			Name of Supplier	Address and Phone Number	Account Officer/ Contact Person
	NA	\	emotive success and a second		
		C.	Major customers (list	three largest)	
			Name of	Address and	Account Officer/
			Customer	Phone Number	Contact Person
	NA —				3-11-12-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
				, and the second	1444
6.			Business Description	<u>n</u>	
		A.	Describe nature of bus	siness and principal products a	and/or services:
			Real estate de	velopment	
					,

	Describe the geographical mar	kel(s) served.	
	Mohawk Valley		
	Present location(s) of busine	ss operations	
Α.	List present location(s):		
	1. 6308 Fly Road, East Syracu	se, NY 13057	
	2.		
	3.		
В.	For what purpose is each of the	ese used?	
	1. Office, general bookkeeping	, meetings	
	2.		
	3.		
C.	For each of your present location	ns which are <u>RENTED,</u> prov	vide the following information:
D.	Name of Landlord	Landlord's Address	<u>Landlord's</u>
			Telephone Number
	1. NA		
	2.		Lakebollerry
	3.		
	Amount of Space	Annual Rental	Lease Termination Date
	1.		1000
	2		
	2.		

<u>Location</u>	Annual Mortgage Payment	Termination Da
	7 timaar mortgago i aymont	Tottamodott De
1. NA		
2		
3.		
List which of your present given:	locations, if any, will be vacated if IDA ap	pproval for your proj
None		
	ill be sublet or sold, provide information o	concerning your abi
If any of these locations wi do so: NA	ill be sublet or sold, provide information o	concerning your abi
do so:	ill be sublet or sold, provide information o	concerning your abi
do so:	ill be sublet or sold, provide information o	concerning your abi
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PART II

Reasons for Project

Please explain in detail why you want to undertake this project and define scope of project:
The former GE radio building was vacant for over a decade and has turned
into a major source of blight in East Utica. The rehabilitation / restoration of
the building / site will: (1) remove a source of blight, (2) remove sources of
environmental contamination, (3) restore a building to a "new" condition,
and (4) upon completion, provide / create jobs for the local Utica economy.
Why are you requesting the involvement of the IDA in your project? By providing certain benefits on this project, we will be able to ultimately reduce
our expenses, which in turn will help reduce the future leasing rate. This will help
make the building more attractive for potential end-users and return business
and jobs back into East Utica, which could benefit from significant investment.
*

	will the applicant's plans be affected if IDA A approval is not granted, it will s	A approval is not granted? ignificantly hurt the overall construction				
	project budget. In turn, this will result in the need for a higher leasing rate for					
futur	re tenants. With a high rental rate,	it may become very difficult to lease the				
buil	ding and create business /	jobs.				
	e confirm by checking the box, below, if the r the Financial Assistance provided by the	ere is likelihood that the Project would not be undertaken e Agency?				
	Yes or No					
staten If th	nent in the space provided below indicatin e Project is not undertaken b	ncial Assistance provided by the Agency, then provide a g why the Project should be undertaken by the Agency: by the Agency, then it is possible that				
•		vard. However, if the Project did				
		y, then the Project would be delayed,				
it woul	d be reduced in size and scope with lower qualit	ty materials, generating less investment and creating less jobs.				
ldentif	fy the assistance being requested of the A					
1.	•	X Yes or No				
2.	Exemption from Mortgage Tax	X Yes or No				
3.	Exemption from Real Property Tax	X Yes or No				
4.	Tax Exempt Financing *	Yes or X No				
	* (typically for not-for-profits & small qua	lified manufacturers)				

A. Type of Project

Check category or categories best describing your project (O - Owner) and all end-users (T - Tenant(s)) and the square footage of each:

	Total	84,000	sf
	Other (specify)		sf
	Recreational		sf
	Retail		sf
	Multi-Tenant		sf
	Facility for Aging		sf
	Back Office		sf
	Housing		sf
	Pollution Control		sf
	Commercial		sf
х	Warehousing		sf
	Research and Development		sf
х	Industrial (Assembly or Service)		sf
х	Manufacturing		sf

B. <u>Description of Proposed Project</u>

Check all appropriate categories which apply to the proposed project:

1. Acquisition of land	YES()	NO(x)
2. Acquisition of existing building	YES()	NO(x)
3. Renovations to existing building	YES(X)	NO()
4. Construction of addition to existing building	YES(x)	NO()
5. Demolition	YES(X)	NO()
6. Construction of a new building	YES()	NO(x)
7. Acquisition of machinery and/or equipment	YES()	NO(x)
8. Installation of machinery and/or equipment	YES()	NO(x)
9. Other (specify)	YES()	NO()

C. What is the zoning classification of the proposed site?

I1 - Light Industrial

1	_ocation(s)	Street Address	Number of Floors/ SF/
Utica, N	ew York	1900 Bleecker Street, Utica	84,000 SF (when com
ls the sit	e in an Empire 2	Zone?(x) Yes() No	
ls the bu	siness Empire 2	Zone certified at this location: ()	Yes (x) No
Attach a	copy of the last	Business Annual Report filed.	
ls the p	roposed project	located within the boundary of a	a Central New York Re
Transpo	rtation (Centro)	District? (x) Yes ()	No
1. P	lease describe	in detail the facility to be acquir	ed, constructed or reno
ıi)	ncluding number	r of buildings and other existing str	uctures or facilities) and a
,	-	r of buildings and other existing str s or renderings, if available.	uctures or facilities) and a
pl	ot plans, photos	_	
pl This dev	ot plans, photos	or renderings, if available.	of an existing, vacant
pl This dev 225,000	ot plans, photos elopment projec	or renderings, if available.	of an existing, vacant d 84,000 SF facility wit
pl This dev 225,000 20' to 3	ot plans, photos elopment projec	or renderings, if available. It shall involve the transformation of the transformation	of an existing, vacant d 84,000 SF facility wit
pl This dev 225,000 20' to 30 distribu	ot plans, photos relopment project O SF former Gl O' ceiling heigh ution compan	or renderings, if available. It shall involve the transformation of the transformation of the transformation of the tradio building into a renovated the transformation of the tradic building it prime for industrial ties.	of an existing, vacant d 84,000 SF facility wit I, manufacturing, and/o
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If any of this equipment has already been purchased or ordered, please attach all and purchase orders and list amounts paid and dates of expected delivery as well a description: NA If the construction or operation of the proposed project will require any local ordinariance to be obtained or requires a permit or prior approval of any state or federal or body (other than normal occupancy/construction permits), please specify: NA Will the project have a significant effect on the environment, YES () NO (x) YES, please describe the effect. Important: please attach Environmental Assess Form to this Application Project has already gone through the SEQRA process (negative declarated while a related real estate holding company, partnership or other entity be involved by the structure of the Transaction? YES(x) NO() If YES, please expenses the property, but the property is the property of the property of the property of the property of the property.		
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Will a related real estate holding company, partnership or other entity be involve ownership structure of the Transaction? YES(x) NO() If YES, please ex	YES	, please describe the effect. Important: please attach Environmental Assessn
ownership structure of the Transaction? YES(x) NO() If YES, please ex	Pro	ject has already gone through the SEQRA process (negative declaration
ownership structure of the Transaction? YES(x) NO() If YES, please ex		
	∕Vill	a related real estate holding company, partnership or other entity be involved
Bowers Development 11 C currently owns the property, but the prop	own	ership structure of the Transaction? YES(x) NO() If YES, please expl
bewere bevelopment, 220 earlierty emile the property, but the prop		ware Davidenment III Courrently owns the preparty but the prepa

M.	1. Name	With regard to the present owner of the project site, please give: Bowers Development, LLC
		ss: 6308 Fly Road
		East Syracuse, NY 13057
	Telep	hone Number: (315) 432-9400
	2.	If the applicant already owns the project site, indicate:
	<i>l</i>	a. date of purchase: March 29, 2019
		b. purchase price: \$250,000
	3.	If the project site is mortgaged, please indicate:
		a. balance of mortgage: N/A
		b. holder of mortgage: N/A
Ň.	directly YES (re a relationship, legally, by virtue of common control, or through related persons, y or indirectly, between the applicant and the present owner of the project site? x) NO () If YES, please explain:
		ers Development, LLC serves as the parent company to 1900 cker, LLC. Same Managing Member (Bryan Bowers) for both entities.
Ο.	Is the	company currently a tenant in the building to be occupied?
0.		() NO(x)
Р.	Are yo	u planning to use/develop the entire proposed facility?
	YES (x) NO()

If NO, give the following information with respect to present tenants:

1. <u>Pr</u> a.	esent Tenant Information Name of <u>Business</u>	Floors Occupied	Square Feet Occupied	Nature of Tenant's <u>Business</u>
NA				
				44.5.44.44.44.44.44.44.44.44.44.44.44.44
b.	Which of the above tenan- jobs will be affected?	ts will be vaca	ting upon your initial use	e of the facility? How many
	Name of Firm	<u>Jobs</u>	Square Footage Nov	v Occupied
NA				
c.	For those tenants who w following transaction: Name of <u>Tenant</u>	vill remain afte Term of <u>Lease</u>	er your initial occupand Renewal <u>Options</u>	cy of the site, provide the Square Footage Now Occupied
NA				
	Are any of the above tena	ents related to	the owner of the facility	y? YES() NO()
d.	If the applicant will be occ lease expires, please list.		mises of any of the ten	ants listed in (c) when their
	NA			
e.	Please provide copies of	all present lea	se(s) at the proposed p	project site.

	YES (x) NO () If YES, provide details of your proposals:
	We are currently marketing the property and have already received
	interest from multiple parties, interested in leasing the entire building.
	We are optimistic that the building will be leased by the end of 2020 / early 2021.
g.	Will financing by the Agency for the Project result in the removal or abandonment of a plant
	or other facility of the applicant or any related entity presently located in another area in the
	State of New York? YES () NO (_X)
	If the answer is YES, please explain briefly the reasons for the move.
	Is the proposed project reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the State of New York? YES () NO ($_{\rm X}$)
	Is the proposed project reasonably necessary to preserve the competitive position of the project occupant in its respective industry? YES () NO ($_{\rm X}$)
h.	If any of the parties who will be tenants in this project are related to or affiliated with the applicant, please identify them:
	None
·	

2. Employment *

a. List your present employment in the City of Utica, if any, and an estimate of the employment at the proposed facility at the end of two years. NOTE: New York State considers Full Time employment as 35 hours or more. Full-time jobs, plus the combination of two or more part-time jobs that, when combined together, constitute the equivalent hours of a full-time position (35 or more hours).

Employment	Current # of applicant's jobs at/or to be located at proposed project location	Number of FTE jobs to be RETAINED	Number of FTE jobs to be CREATED two years after project completion	Estimate number of residents in Labor Market Area that will fill projected jobs two years after project completion
Full-Time (FTE)	0	40	10	50

The Labor Market Area consists of the following counties: Oneida, Lewis, Herkimer, Otsego, Madison and Oswego

b. Characterize the labor force to be associated with this project location according to the following categories:

Category	Current/ Anticipated	Avg Salary or Salary Range	Avg Fringe Benefits or Range
Officers	4	80,000	20,000
Sales/Supervisory	6	60,000	15,000
Clerical	5	30,000	7,500
Plant/Production	35	30,000	7,500
Other (specify)	0	0	0

Notes: Anticipated, based on size of building

c. Estimate the Annual Payroll for the employees associated with the project location.

Currently	End of Year One	End of Year Two
\$ O	\$ 1,200,000	\$1,900,000

^{*} Company/Applicant will be required to submit Annual Project Monitoring Reports (attached) along with a copy of the NYS 45 (four quarters) for a minimum of five (5) years for any commercial project and ten (10) years for any industrial/manufacturing project, or for the length of UIDA involvement in the project. Annual Project Monitoring Reports will be compared to employment counts as stated above and companies whose reported counts fall below those levels above will be subject to the Agency's Recapture Provisions Policy.

Sources of Funds for Project Costs:		% of Total project costs
Bank Financing:	\$2,500,000	52%
Equity (excluding equity attributed to grants/tax credits)	\$	_
Tax Exempt Bond Issuance (if applicable)	\$	_
Taxable Bond Issuance (if applicable)	\$	
Public Sources (Include sum total of all state and federal grants and tax credits)	\$ 2,300,000	48%
	2,000,000	
	\$ 4,800,000	
Have any of the above costs been paid or incurred as of	the date of this Applica	ation?
Yes No. If Yes, describe particulars:		
Mortgage Recording Tax Exemption Benefit: Amount of mortgage recording tax: Mortgage Amount (include sum total of construction/perma		4.800.000
Estimated Mortgage Recording Tax Exemption Benefit (pro		\$ 36,000
Amount as indicated above multiplied by 0.75%):		

Please Note: The New York State General Municipal Law was recently amended to reflect that industrial development agencies are not exempt from the additional mortgage recording tax of .25% that is assessed to properties that are located within a regional transportation district. Oneida County is located within the Central New York Regional Transportation District; as such, all UIDA projects will be exempt from .75% of mortgage recording tax, but must pay .25% of mortgage recording tax, which will be directed to the Transportation District.

3. Estimated Project Cost

above):

Listed the costs necessary for the construction, acquisition or renovation of the project (this should NOT include working capital needs, moving expenses, work in progress, stock in trade, applicant's debt repayment, real estate broker fees or your legal fees):

Acquisition of Land	\$ <u>O</u>
Acquisition of Building(s)	* <u>\$</u> O
Renovation Costs	_{\$} 1,278,000
New Construction of Buildings	_{\$} 2,825,000
Machinery and Equipment (other than furniture costs)	\$
Furniture and Fixtures	\$
Installation Costs	\$
Architectural/Engineering Fees	_{\$} 525,000
Fees (other than your own counsel and brokerage fees)	\$
Interest on Interim Financings	_{\$} 172,000
Other (specify)	\$
Total Project Cost	\$ <u>4,800,000</u>
local Sales and Use tax - said amount to bene	for goods and services that are subject to State and efit from the Agency's Sales and Use Tax exemption ,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8.75% multiplied by the figure,

_{\$}175,000

4. Real Estate Taxes

List separately the proposed project's Real Estate Taxes and/or Assessed Value as it applies to land and building:

Project's	Real Estate Taxes	Assessed Value	
Land(s)	_{\$} 6,678	\$100,800	
Building(s)	\$40,691	_{\$} 614,200	
Total	\$47,369	\$715,000	

Calculate the value of the PILOT exemption anticipated for the project described:

_{\$} 281,844

5. Project Schedule

Indicate the estimated dates for the following	Indicate	the	estimated	dates	for	the	following:
--	----------	-----	-----------	-------	-----	-----	------------

a. Construction commencement: 7/1/2020

b. Construction completion: 12/31/2021

c. Project financing: List the dates and in what amounts the estimated funds will be required:

August 2020 - bridge loans for grants (2.3M)

September 2021 - construction loan for work (2.5M)

d. Indicate the name of the incorporated municipality in which the facility will be located and the applicant's (or any related entity's) estimated capital expenditures in such municipality during the past three years:

City of Utica - \$1,000,000

e. What do you expect the applicant's (or any related entities) capital expenditures to be in the above municipality during the next three years (including this project):

\$4.6M

If the applicant or any related entity has previously secured the benefit of tax exempt financing in the City of Utica, whether through IDA, the New York Job Development Authority or any other entity places explain (indicate data, location of financed
Authority or any other entity, please explain (indicate date, location of financed facility, and outstanding balance):

120 Security, LLC - PILOT agreement

253 New Century, LLC - PILOT agreement

g. Has the applicant or any related entity received the benefit of tax exempt financing anywhere within the United States within the past 90 days or is the applicant or any related entity contemplating the receipt of such financing assistance within the next 90 days? YES (1) NO (1) if YES, please explain.

PILOT agreements for 120 Security, LLC (Utica), 253 New Century, LLC (Utica),

and Barlow Street Development, LLC (Canastota). Entities are affiliated as part of

companies owned / operated by Bowers Development, LLC.

6. Project Financing Efforts

IT IS THE APPLICANT'S RESPONSIBILITY TO SECURE A PURCHASER FOR IDA BONDS ISSUED IN CONJUNCTION WITH THIS PROJECT. Below are a series of questions relating to your efforts to secure financing for your project if IDA approval is granted.

A. Has the applicant contacted an	y bank, fina	ancial/lend	ling institution o	r private investor in rega	ard
to the financing for this project?	YES(x)	NO()	If YES, please	give details:	

We have met / discussed this project with multiple lending institutions,

which has expressed interest in financing this development project.

	Sev					-				mitmei i revi					
	ma	ıde	witl	nin ı	nex	t cc	oupl	e we	eek	S.					
	2.	lf I	10, p	lease	expla	ain h	ow yo	u will	be al	ble to	finan	ce thi	s pro	oject:	
•	Association of the second						***************************************								
	e there														
1. V		e in r	egard	to yo	gatio	ropos	sed pr	oject?	,	YES ()	NO (;	×)		
1. V	Will the	e in r	egard licant'	s obli	gatio	ns be	ed pr	oject?	ed, an	YES (o, by	NO (;	×)		

- E. Financial Information (Attach the Following).
 - 1. Financial Statements for the last three fiscal years.
 - 2. Pro forma Balance Sheet as at start of operations at project site.
 - 3. Projected Profit and Loss Statements for first two years of operation at project site.
 - Projected "Cash Flow" Statement, by quarters, for first year of operation at project site.

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that this Application be submitted for review to the City of Utica Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the Application can be granted solely by this Agency's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

- 1. Annual Sales Tax Filings. In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the 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.
- 2. Annual Employment Reports. The Applicant understands and agrees that, if the 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 as well as tax benefits received with the action of the Agency. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- 3. **Absence of Conflict of Interest**. The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
- 4. **Hold Harmless**. Applicant hereby releases the Agency and its members, officers, servants, agents and employees 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 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.

- 5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
- 6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). <u>Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.</u>
- 7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
- 8. 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:
 - § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would 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, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that 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.
- 9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- 10. 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.

- 11. 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.
- 12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent 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.

COUNTY OF ONEIDA) ss.:
Bryan Bowers, being first duly sworn, deposes and says:
1. That I am the Managing Member (Corporate Office) of authorized on behalf of the Applicant to bind the Applicant. (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete. (Signature of Officer)
Subscribed and affirmed to me under penalties of perjury this 30th day of July , 2020. DARIA MILLER Notary Public, State of New York Reg. No. 01Mi6368291 Qualified in Madison County Commission Expires Dec. 11, 2021.
If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:
By:
Name:
Title:
:Date:

Return the original application and six copies with a check in the amount of \$250.00 made payable to: Utica Industrial Development Agency, 1 Kennedy Plaza, Utica, New York, Attn.: Jack N. Spaeth, Executive Director.