



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

333 WEST WASHINGTON STREET, SUITE 130, SYRACUSE, NY 13202
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Meeting Agenda December 8, 2020

8:00AM Audit Committee Meeting

8:05 AM Call to Order the Regular Meeting of the Agency

- A. Approval of Minutes-November 10, 2020
- B. Treasurer's Report
- C. Payment of Bills
- D. Conflict of Interest

Action Items

1. **5845 Widewaters Company, LLC (3101-19-09A) Meeting to Modify**
5845 Widewaters Company, LLC is requesting a modification to the project description in connection with its straight lease transaction undertaken with the Onondaga County Industrial Development Agency for a project located in the Town of Dewitt.

Agency Action Requested:

- a. A Resolution of the Board authorizing a modification of the project description in connection with a straight lease transaction involving the Onondaga County Industrial Development Agency and 5845 Widewaters Company, LLC to remove the acquisition, construction and equipping of the second building and modifying the PILOT obligations in accordance with the Schedule presented at this meeting.

Representative: Kevin McAuliffe, Counsel for 5845 Widewaters Company, Barclay Damon, PLLC

2. **SSC Lysander, LLC (3101-2-21A): Second Meeting**
SSC Lysander, LLC proposing the construction of a 3.5 mega-watt solar project in the Town of Lysander

Agency Action Requested:

- a. A Resolution of the Board to authorize adoption of SEQRA determination.
- b. A Resolution of the Board authorizing the financial assistance the Agency will provide. Agency benefits requested are exemption from certain real estate property taxes.

Representative: John Switzer, Managing Member, Summit Solar Capitol, LLC

3. 629 LeMoyne Manor, LLC (3101-20-15A): Second Meeting

629 LeMoyne Manor, LLC is proposing an approximately 102,000 sq. ft. apartment complex in the Town of Salina. The project will be comprised of four buildings with 66 apartments and approximately 5,000 sq. ft. of commercial space in one of the buildings. The applicant is requesting exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes.

Agency Action Requested:

- a. A Resolution of the Board to authorize adoption of SEQRA determination.
- b. A Resolution of the Board authorizing the financial assistance the agency will provide. Agency benefits requested include exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes.

Representative: David Muraco, President, Empire Management Co.

4. Milton Real Properties of Massachusetts, LLC & Southworth-Milton, Inc. (DBA Milton CAT) (3101-20-22B): Initial Meeting

Milton CAT is proposing to construct a 75,000-85,000 square foot building in the Town of Cicero. The applicant is requesting exemptions from certain sales and use taxes and mortgage recording taxes.

Agency Action Requested:

- a. A Resolution of the Board authorizing a public hearing.

Representative: Bradlee Farrin, Corporate Facilities Manager, Milton CAT

5. Request for Professional Services: OCIDA Audit Services-2020

The Agency is requesting to enter into contract for OCIDA Audit Services.

Agency Action Requested:

- a. A Resolution of the Board authorizing the Executive Director to enter into an agreement for the RFP Services: OCIDA Audit Services-2020

Representative: Robert Petrovich, Executive Director, OCIDA

6. Request for Professional Services: OCIDA Counsel/Special Counsel/General Legal Services.

The Agency is requesting to enter into contract for OCIDA Legal Services-2020.

Agency Action Requested:

- a. A Resolution of the Board authorizing the Executive Director to enter into an agreement for the RFP Services: OCIDA Counsel/ Special Counsel/General Legal Services-2020

Representative: Robert Petrovich, Executive Director, OCIDA

7. OCIDA COVID-19 Small Business Grant

OCIDA Board to approve grants to small businesses and not-for-profits to be used to reimburse costs incurred to comply with the COVID-19 health and safety requirements.

Agency Action Requested:

- a. A Resolution of the Board authorizing grants to qualified applicants pursuant to the COVID-19 Grant Legislation for authorized use up to the amount of \$10,000.

Representative: Robert Petrovich, Executive Director, OCIDA

Executive Session/Legal Advice

8. Purchase Contract Execution

Authorization to enter into a purchase contract for property.

Agency Action Requested:

- a. A Resolution of the Board authorizing the adoption of a SEQRA determination.
- b. A Resolution of the Board authorizing the Executive Director to enter into a purchase contract and any related documents with respect to property located at 8676 Caughdenoy Road, Clay NY.

Representative: Robert Petrovich, Executive Director, OCIDA

9. White Pine Environmental Review

Agency Action Requested:

- a. A Resolution of the Board authorizing the adoption of a SEQRA determination, declaring the Board's intent to act as lead agency, and authorizing the Executive Director to take the necessary steps to initiate and develop a supplement to the September 2013 final generic environmental impact statement.

Representative: Jeffrey Davis, OCIDA General Counsel, Barclay Damon, LLC

Adjourn

SUBJECT TO BOARD APPROVAL

Onondaga County Industrial Development Agency Regular Meeting Minutes November 10, 2020

A regular meeting of the Onondaga County Industrial Development Agency was held on Tuesday, November 10, 2020 via Zoom Teleconference.

Patrick Hogan called the meeting to order at 8:10 am with the following:

PRESENT VIA TELECONFERENCE:

Patrick Hogan
Janice Herzog
Steve Morgan
Sue Stanczyk
Kevin Ryan
Victor Ianno
Fanny Villarreal

ALSO PRESENT:

Robert Petrovich, Executive Director
Nancy Lowery, Secretary
Nate Stevens, Treasurer
Karen Doster, Recording Secretary
Carolyn Evans-Dean, Office of Economic Development
Jeff Davis, Barclay Damon Law Firm
Amanda Mirabito, Barclay Damon Law Firm
John Switzer, SSC Lysander, LLC
Dave Muraco, 629 LeMoyne Manor, LLC
Louis Muraco, 629 LeMoyne Manor, LLC
Mark Arbon, Sarofeen & Arbon LLC
Catherine Johnson, COR Development Company
Theresa Morgan, Armoured One, LLC
Joe Morgan, Armoured One, LLC
Tino Amodei, Armoured One, LLC

(Patrick Hogan shared information as to how the meeting will be conducted in light of COVID-19 at the start of the Finance Committee Meeting.)

APPROVAL OF REGULAR MEETING MINUTES – OCTOBER 13, 2020

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved the regular meeting minutes of October 13, 2020. Motion was carried.

TREASURER'S REPORT

Nate Stevens gave a brief review of the Treasurer's Report for the month of October 2020.

Upon a motion by Janice Herzog, seconded by Kevin Ryan, the OCIDA Board approved the Treasurer's Report for the month of October 2020. Motion was carried.

PAYMENT OF BILLS

Nate Stevens gave a brief review of the Payment of Bills Schedule #448.

Upon a motion by Fanny Villarreal, seconded by Janice Herzog, the OCIDA Board approved the Payment of Bills Schedule #449 for \$54,241.02; PILOT payments to Town of Dewitt for \$16.18, Town of Onondaga for \$3.29, Jamesville Dewitt Central School District for \$105.87, City of Syracuse for \$1,641.30 and Onondaga County for \$1,055.31; and COVID-19 Grant Payments for \$8,707.50. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

The Conflict of Interest was emailed to Board Members present to sign off.

SSC LYSANDER, LLC – INITIAL MEETING

John Switzer stated the SSC Lysander, LLC project is a fully permitted project. He stated they have their SEQR approved and site plan approval. He stated it is a 3.5 megawatt facility located in the Town of Lysander. He stated they have also received their NYSERDA approval. He stated pursuant to the PILOT application they reached out to the Town of Lysander and the Baldwinsville School District and they received a positive recommendation. He stated they appreciate the Board's consideration for a PILOT related to this project.

Nate Stevens asked where the project is located. John Switzer state it is located at 807 River Road, Lysander New York. He shared a map of the project and detailed where it is located. He stated they have direct access off River Road and have an agreement with National Grid to patch overhead lines. He stated they will have a lock and gate. He stated there is only one wetland identified and they are 100 feet back from the wetland. He stated a rare species report showed

no rare species have been found. He stated due to the fact that this is a long eared bat habitat area they may only cut or trim trees between the months of November and March. He stated there are no issues related to seeing the facility, noise, odors and no environmental impacts to water management or to rare species.

Robert Petrovich asked John Switzer the total site acreage, what will be consumed by the project and whether or not it will go through a subdivision or slash parcel creation process. John Switzer stated they will be using approximately 22 acres and he does not believe Mr. Clark, the landowner, is going through a subdivision. He stated they are going to create a new tax parcel strictly related to the area that encompasses the facility.

Robert Petrovich asked if that is the portion of the project that will be receiving the benefits. John Switzer stated yes.

Patrick Hogan asked if they are doing about 11 projects in New York State. John Switzer stated yes. He stated they have 2 projects in Oneida, 1 project in Onondaga, 3 projects in Oswego and a few in the southern area. He stated in addition they have stand-alone energy storage they are developing in Stanton Island. He stated New York is a state where they enjoy doing business.

Patrick Hogan asked how long the company has been in business. John Switzer stated Summit Solar has been in existence for 5-6 years and in New York for about 18 months.

Janice Herzog asked what the life span is of the equipment and does it need to be changed out frequently. She asked in terms of the other projects are they all active and functioning. John Switzer stated they pride themselves on using the new technology in terms of tracking systems and they will probably use 525 watt modules. He stated they had to redesign this site because new technology came out in the middle of their design and permitting process. He stated the modules are really the ones that you have to replace if ever. He stated the only time they should have to be replaced is if damaged by weather. He stated under the NY Sun Program these systems last for 25 years. He stated they modeled for 35 years because they want to do 10 years of merchant sale after the NY Sun Program. He stated when they designed the panels, they designed them for 20-25 years in the 70's and when the military put these in place back then some of them are still functioning today. He stated what is intriguing to him is they really don't know how long these components can last. He stated they send someone out once a quarter to

mow the grass, make sure the fence looks good. He stated they have a data base that provides consistent feedback on what is happening at the facility. He stated they don't have to spend money or time unless there is a weather event that causes some damage to the system.

Janice Herzog asked if something happened where they needed to close down the project after the PILOT program is completed, do they remove all of the equipment. John Switzer stated yes and the Town and the lease requires a decommissioning plan in place.

Robert Petrovich asked if that includes financial assurance. John Switzer stated yes. He stated they will most likely do a decommissioning bond at about 2% of the project cost per year.

Susan Stanczyk asked as far as aesthetics what will people see from the road. John Switzer stated they are engaging in visual screening in two areas with extensive visual screening on a portion of River Road going south. He showed on a map where there will be visual screening

Susan Stanczyk stated how long the PILOT is. John Switzer stated their request is 25 years.

Susan Stanczyk asked how the life expectancy of the panels. John Switzer stated 25 years is their warranty period.

Upon a motion by Victor Ianno, seconded by Janice Herzog, the OCIDA Board approved a resolution authorizing a public hearing for the SSC Lysander, LLC project. Motion was carried.

629 LEMOYNE MANOR, LLC – INITIAL MEETING

David Muraco stated the site plan approval started in 2018 with the Town of Salina for a 66 unit apartment project along with 8,400 square feet of commercial which includes a community room. He stated he is asking the Board for consideration for approval for the 629 LeMoyne Manor project located on 629 Old Liverpool Road. He stated the project was approved by the Town of Salina and went through many variances to get the project completed. He stated they accomplished all of that with the cooperation and help of the Town. He stated the project site is vacant now. He stated the Jesuit Well is to the rear of the property on County property and have had discussions with the Onondaga Historical Association to restore it. He stated the Jesuit Well was constructed in 1944 in the direction of Father LeMoyne which is why he believes the

property was named LeMoyne Manor. He stated there is county land to the rear of the property that they hope to get approval to maintain along with the walking trail that would hopefully connect to the Loop the Lake Bike Trail. He stated it would be fantastic for connection to the lake, village and amphitheater. He stated when the property was purchased it was a blighted area. He stated they took the building down after multiple problems with vandalism and fire and police involvement. He stated the neighbors to the right and left have no opposition to the project. He stated the project is a new higher end product with elevators. He stated the main building will have retail and a community area that can seat 80-90 people. He stated they hope to have a restaurant, café, hair salon and something along that order in the main structure that will service all 66 residents. He stated they just finished a project in Cazenovia that is a prototype on Route 20. He stated there is a demand for higher end housing especially in that area. He stated they feel they will do very well with this although it will take one to two years to get it fully leased. He stated they have local officials that have supported them through this process. He stated they added sidewalks along Old Liverpool Road at their cost. He stated they showed the trail down to the parkway which they really want to see connect.

Sue Stanczyk asked what the construction schedule is. David Muraco stated all the plans are finished and in the codes office for building permit.

Sue Stanczyk asked how far the sidewalk will go. David Muraco stated it will be on the adjacent properties both left and right and hopefully will continue with further development.

Victor Ianno asked about the sidewalks. David Muraco stated he believes there has been discussions with the State to put a sidewalk in all along Old Liverpool Road. He stated in the future it could connect with other projects. He stated there is no shoulder and there is a lot of people walking along that road which is very dangerous.

Victor Ianno asked how big the piece of Jesuit land behind the project is. David Muraco stated it is about 1 acre and owned by Onondaga County. He stated it is run by the OHA and they have had meetings with them who are totally on board. He stated they have offered to restore it.

Patrick Hogan asked how long they have owned the property. David Muraco stated they purchased the property in 2016 with the existing LeMoyne Manor structure there.

Patrick Hogan stated he commends Mr. Muraco for taking a chance on this property. He stated it is good to see something useful going in there. He stated maybe the sidewalks will spur some others to install sidewalks. He stated walkability is attractive for any town, village or city.

Patrick Hogan asked if they will be market rate apartments and asked if he expects a mixture of tenants. David Muraco stated yes.

Janice Herzog stated she would like to echo Chairman Hogan's comments about the sidewalks.

David Muraco stated that 36 of 66 units are handicap accessible. He stated all of the apartments are built with wider openings and special amenities required. He stated they are looking for a small local restaurant. He stated he was involved with getting the Toast in Cazenovia open and plans the same type of thing here. He stated he hopes it spurs a lot of activity along Old Liverpool Road.

Susan Stanczyk asked if there is one new employee creation and asked if that is adequate for an apartment building of that size. David Muraco stated the new job creation would probably be 2 people living at the property. He stated assuming there is 2 retail, he can't guesstimate but he is thinking maybe 24 jobs from tenants alone. He stated 2 will be employed full time by him. He stated they have 10 people that work for him but it is not job creation.

Upon a motion by Susan Stanczyk, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing a public hearing for the 629 LeMoyne Manor, LLC project. Motion was carried.

COR VAN RENSSELAER STREET COMPANY II, LLC AND COR VAN RENSSELAER STREET COMPANY III, INC. – SALES TAX EXTENSION

Katherine Johnson stated COR is seeking a one year extension of their sales tax exemption for the Iron Pier mixed use building at the Inner Harbor. She stated this building has 112 one and two bedroom apartments and just over 90% leased right now. She stated during COVID they did well on the residential portion of the building but the first floor is about 37,000 square feet of commercial space which is designated for retail/restaurant and of that 37,000 they have 5,500 square feet leased and operating. She stated they have been delayed this past year. She stated

the Bullfinch Brew Pub who has been working with the Onondaga Historical Society has been delayed but they are still in the game. She stated they have reduced their square footage by about 1,000 sq. ft. and focusing more on brewing as opposed to food. She stated they are still seeking tenants and they have a slight uptick in interest recently. She stated they feel they need another year on the sales tax exemption for the construction that COR would do before the tenants can do their work. She stated they are not approaching the cap on sales tax abatement. She stated they have quite a bit of room left there so that is not an issue.

Robert Petrovich stated there was a conversation with Kate Johnson confirming the building is not for sale. He stated the signage in front of the building may be a little confusing but they intend to keep it and complete the project. Katherine Johnson agreed. She stated she received some intelligence on the signage after the conversation and the signs say for development. She stated there are no parcels for sale at the Inner Harbor. She stated there is one on Spencer Street that is not part of the PILOT with OCIDA. She stated they have land at the Harbor for people that want to develop but COR would own the property and develop it.

Susan Stanczyk asked what the extension equals out to. Katherine Johnson stated they believe the commercial work they need to do is \$2,500,000 to \$3,000,000 depending on how many tenants. She stated assuming all of that work was sales tax exempt they are looking at a max of \$240,000 in sales tax exemption, although not all of it would be subject to sales tax. She stated their original cap was \$2,430,000. She stated they have used just shy of \$1,000,000 so they have plenty of room and wouldn't come near the cap at this point.

Patrick Hogan asked if any kind of construction would trigger the sales tax exemption which would mean progress which would mean it would be good for the project but for the area as well. He stated this is a very difficult time to do any kind of business or project. He stated he commends COR for being persistent and going ahead with this. Katherine Johnson stated they are being persistent and do feel hopeful with the prospect of Equitable coming to the area that it will be a game changer for the Inner Harbor and construction would start taking place again. She stated they are very grateful for the support from OCIDA and the PILOT because it really does attract tenants.

Jeff Davis stated this project is a Type II action under SEQR and no formal SEQR determination is needed other than recognizing it is a Type II.

Sue Stanczyk asked if the sales tax exemption will be extended to December 31, 2021.

Katherine Johnson stated yes.

Upon a motion by Kevin Ryan, seconded by Victor Ianno, the OCIDA Board approved a resolution to extend sales and use tax exemption for one year for the COR Van Rensselaer Street Company II, LLC and COR Van Rensselaer Street Company III, Inc. Motion was carried.

ARMOURED ONE – SALES TAX EXTENSION

Theresa Morgan stated that the request is for a sales tax extension for Armoured One located at 386 North Midler Avenue. She stated they have been granted a little over \$400,000 for sales tax exemption on the reconstruction and renovation of the building. She stated due to the COVID interruption and schools being closed they have not been able to get in and do training for the protection of the kids' lives so consequently they had to go back to the drawing board on their budget for the building renovations. She stated they are requesting their sales tax exemption be extended another year. She stated sales are beginning to pick up but there is the uncertain climate from COVID and they are still hoping to have a better fourth quarter and going into next year. She stated they also sell glass and sell their film to other subcontractors throughout the country. She stated they are hoping 2021 is going to be a better year so they can continue with renovations of the building and continue their processes, services and sales they offer.

Tino Amodei stated the property is the old Lenox Furniture Factory building. He stated they bought the buildings in 2017 and started working with the Agency in 2018. He stated they have invested about \$1,500,000 to increase manufacturing and make it more conducive to what they need. He stated on the glass side of the company they have increased drastically and need to better their buildings for manufacturing. He stated the extension request is to better fit the building with loading docks. He stated this year they decided to pivot a little bit in expanding outside of New York so now they are in 20 different states and it diversifies their abilities to not just NY. He stated they are ready to sell Armoured One glass. He stated being able to expand outside the New York footprint will allow them to grow and invest more in the community.

Patrick Hogan asked if most of the clients are schools. Tino Amodei stated their passion is schools and they have been diversifying their market so prior to 2018 they were solely schools

but now working closely with government and military. He stated one of their projects is an FBI building in Virginia. He stated it is amazing how much they can save the State and Federal projects by using their technology versus the technology that is out there. He stated they have developed a brand new technology in glass that helps them make product thinner, lighter, stronger and more what glass looks like in everyday life. He stated most security glass doesn't look like everyday glass. He stated they are the only ones doing this type of glass.

Patrick Hogan stated it is great that there is a home grown company that has a reach outside the New York and has done a terrific job.

Jeff Davis stated this is a Type II action for SEQR purposes.

Sue Stanczyk asked what the financials for the extension of sales tax. Tino Amodei stated they are looking at roughly another \$500,000 to finish off the original plan of the building to extend the loading docks. He stated they have a little over \$400,000 left and they have only used \$70,000 so they will not come close to the original dollar amount.

Upon a motion by Susan Stanczyk, seconded by Victor Ianno, the OCIDA Board approved a resolution to extend sales and use tax exemption for one year for the Armoured One project. Motion was carried.

OCIDA COVID-19 SMALL BUSINESS GRANT – GRANT APPROVAL

Robert Petrovich stated the first round of grants were in September, the second round was in October and the third round is before the Board today. He stated at this juncture there is roughly 14 applications. He stated 60% are City businesses. He stated the plan is to try to wrap this up at the December meeting. He stated with guidance from IDA counsel, staff has reviewed the list and are confident that what is before the Board comports with the statute. He stated today with these businesses we are at a total of almost \$73,000 earmarked for the distribution of funds.

Patrick Hogan asked how much has been spent and how much is left. Robert Petrovich stated roughly \$145,000 has been approved and with this addition of \$73,000 it totals about \$218,000.

He stated we can do up to \$500,000 but the interest level has dissipated dramatically since first announced. He stated by December we will be able to catch anybody up who wants to apply.

Susan Stanczyk asked if the grant is advertised. Robert Petrovich stated there was the County Executive's announcement, it is on our website, we have communicated this to our partners at CenterState and the City is aware of this as well. He stated we have not been making advertisements per say but through conduits and communications venues we have been pushing this out. He stated we are around 85 applications and some folks didn't qualify or weren't eligible while others were not willing to provide financial information so they decided not to apply.

Patrick Hogan asked Susan Stanczyk if the County Executive would make mention of this at one of his press conferences. He stated it might be a positive note on what OCIDA has done and how much is left. Susan Stanczyk stated she will mention it to him.

Upon a motion by Fanny Villarreal, seconded by Victor Ianno, the OCIDA Board approved a resolution authorizing grants to qualified applicants pursuant to the COVID-19 Grant Legislation for authorized use up to the amount of \$10,000. Motion was carried.

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board adjourned the meeting at 9:04 am. Motion was carried.

Nancy Lowery, Secretary



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November 30, 2020

Revenue / Expense / Income	Current Period	Current YTD	2020 Budget Amount	Current YTD Change to Budget
Operating Revenue	167	4,466,200	1,526,000	2,940,200
Administrative Expense	38,229	521,837	900,000	(378,163)
Operating/Program Exp.	134,937	969,517	626,000	343,517
Net Ordinary Income	(172,999)	2,974,846	-	2,974,846

Current Assets	Current YTD	Prior YTD
Total Cash	4,900,866	2,027,047
Less Pass Through Received	-	-
Available Cash	4,900,866	2,027,047
Receivables (less pass through rec.)	949,024	698,223
Grant Reimbursements	-	268,733
Total	5,849,890	2,994,003

Reserve for Contracts	
County Operations 2020	378,163
Professional Services	(141,791)
333 W. Washington St 2020 Rent	20,292
WPCP Sewer Design Engineering	108,151
OBG WPCP CO #4 Additional Studies	489,933
JMT 800 Hiawatha Engineering	18,716
National Grid WPCP Engineering Gas	-
National Grid WPCP Engineering Electric	-
CNYIBA Consulting Services Agreement	10,150
OC COVID Small Business Relief Fund	366,125
Total	1,249,739

Receivables	
0-120 days	727,000
> 120 days	222,024
Total	949,024

Onondaga County Industrial Development Agency

PROFIT AND LOSS

November 2020

	TOTAL
Income	
501 Non-Operating Revenue	
2401 Interest Income	166.83
Total 501 Non-Operating Revenue	166.83
534 Pilot & Pass Thru Revenue	
528 Pass thru Income	2,910.00
529 PILOT Income	2,821.95
Total 534 Pilot & Pass Thru Revenue	5,731.95
Total Income	\$5,898.78
GROSS PROFIT	\$5,898.78
Expenses	
6400 Operating Expense	
6406 Other Professional Services	
6406.50 Consulting Services	2,500.00
Total 6406 Other Professional Services	2,500.00
6407 Administrative Expense	38,229.29
6408 Board Mtg Exp	52.75
6410 Office Expense	331.46
6412 Other Operating Expense	
6412.1 COVID-19 Grants	89,599.19
Total 6412 Other Operating Expense	89,599.19
6413 Legal	11,745.35
6415 FTZ	7,350.00
Total 6400 Operating Expense	149,808.04
6500 Agency Program Expenses	
6510 White Pine Commerce Park	
6510.5 Insurance	33.00
6512 WPCP Eagle	22,837.50
Total 6510 White Pine Commerce Park	22,870.50
6530 800 Hiawatha Blvd. West	
6530.5 Legal	487.50
Total 6530 800 Hiawatha Blvd. West	487.50
Total 6500 Agency Program Expenses	23,358.00
6600 Non-Operating Expenses	
6605 Pilot & Pass Thru Expenses	
6605.1 Pass thru Expense	5,731.95
Total 6605 Pilot & Pass Thru Expenses	5,731.95
Total 6600 Non-Operating Expenses	5,731.95
Total Expenses	\$178,897.99
NET OPERATING INCOME	\$ -172,999.21
NET INCOME	\$ -172,999.21

Onondaga County Industrial Development Agency

BALANCE SHEET

As of November 30, 2020

		TOTAL
ASSETS		
Current Assets		
Bank Accounts		
200 Cash		0.00
200.1 Cash - M & T Checking		4,019,558.04
200.2 Cash - M & T Money Maker Savings		890,216.14
200.4 Destiny USA Restricted Cash		-8,957.82
210 Petty Cash		50.00
Total 200 Cash		4,900,866.36
Total Bank Accounts		\$4,900,866.36
Accounts Receivable		
380 Accounts Rec.		
380.6 A/R Agency Fees		812,937.58
Total 380 Accounts Rec.		812,937.58
Total Accounts Receivable		\$812,937.58
Other Current Assets		
391 Long Tern Receivable		222,024.00
Total Other Current Assets		\$222,024.00
Total Current Assets		\$5,935,827.94

Onondaga County Industrial Development Agency

BALANCE SHEET

As of November 30, 2020

	TOTAL
Fixed Assets	
100 Land	
101 White Pines Commerce Park	1,520,401.50
101.1 WPCP GEIS	
101.101 CHA GEIS 1	267,452.05
101.102 CHA GEIS 2	219,439.36
101.104 GEIS Reg Plan Board Overview	19,797.74
Total 101.1 WPCP GEIS	506,689.15
101.2 WPCP Legal	69,774.25
101.3 Engineering Services	52,675.00
101.301 Temporary Access	4,055.44
101.4 Environmental/Demo Services	10,318.98
Total 101.3 Engineering Services	67,049.42
101.5 Land Acquisition Costs	
101.501 Land Purchases	1,160,063.57
101.502 Closing Costs	3,168.14
Total 101.5 Land Acquisition Costs	1,163,231.71
Total 101 White Pines Commerce Park	3,327,146.03
106 North Salina Properties	0.00
106.1 435 North Salina	17,083.55
106.3 435 North Salina Building	634,421.53
Total 106 North Salina Properties	651,505.08
107 800 Hiawatha	604,840.42
Total 100 Land	4,583,491.53
104 Machinery & Equipment	
104.1 Office Furniture	1,429.00
104.2 Equipment	1,432.40
Total 104 Machinery & Equipment	2,861.40
211 A/D Office Furniture	-2,861.00
213 A/D Buildings	-65,068.00
Total Fixed Assets	\$4,518,423.93
Other Assets	
240 Blue Sky Redevelopment	1,641.76
Total Other Assets	\$1,641.76
TOTAL ASSETS	\$10,455,893.63

Onondaga County Industrial Development Agency

BALANCE SHEET

As of November 30, 2020

	TOTAL
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
600 Accounts Payable	0.00
600.1 Due to Related Party - OED	108,290.00
600.206 Mileage Reimbursement	92.34
600.208 BlueRock Energy Agreement Deposit	25,000.00
Total 600 Accounts Payable	133,382.34
601 PILOT and Pass Thru Payable	
602 Pass Thru Payable	10,371.00
604 Other Pass Thrus	74,063.70
Total 601 PILOT and Pass Thru Payable	84,434.70
631 Due to Other Governments	
631.3 Schools	
631.356 Syracuse	-0.01
Total 631.3 Schools	-0.01
Total 631 Due to Other Governments	-0.01
Total Other Current Liabilities	\$217,817.03
Total Current Liabilities	\$217,817.03
Total Liabilities	\$217,817.03
Equity	
3900 Equity Unreserved	4,544,563.05
3901 Equity-Investment Fixed Assets	2,345,838.63
463 Reserve For Contracts	1,249,739.43
465 Equity - Unreserved	-876,910.43
Net Income	2,974,845.92
Total Equity	\$10,238,076.60
TOTAL LIABILITIES AND EQUITY	\$10,455,893.63

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PAYMENT OF BILL - SCHEDULE #450
December 10, 2020

GENERAL EXPENSES

1.	<u>PARK STRATEGIES, LLC</u>	\$	2,500.00
	Inv#16583869, Monthly Consulting Services December 2020		
2.	<u>MACNY</u>	\$	229.00
	Inv#35437, 2021 Individual Membership		
3.	<u>ZOOM VIDEO COMMUNICATIONS, INC.</u>	\$	1,029.90
	Inv#54130470, 2021 Services		
4.	<u>SYRACUSE DESIGN GROUP, LLC</u>	\$	225.00
	Inv#5765, Five Year Domain Renewals		
5.	<u>NAFTZ</u>	\$	1,250.00
	Order#139580, 2021 Membership		
6.	<u>BARCLAY DAMON LLP</u>	\$	2,962.50
	Inv#5097659, Legal thru October 31, 2020		
7.	<u>BOND, SCHOENECK & KING, PLLC</u>	\$	<u>7,808.75</u>
	Inv#19847425, Blue Rock Legal		
TOTAL		\$	16,005.15

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PAYMENT OF BILL - SCHEDULE #450
December 10, 2020

COVID-19 Grant Payments

1.	<u>SKINREJUVE ESTHETICS*</u>	\$	3,482.01
	1st and Final COVID 19 Grant Program Payment		
2.	<u>GIGI'S PLAYHOUSE SYRACUSE LLC*</u>	\$	983.76
	1st and Final COVID 19 Grant Program Payment		
3.	<u>FLEET FEET*</u>	\$	2,744.28
	1st and Final COVID 19 Grant Program Payment		
4.	<u>ASPEN DENTAL OF CNY*</u>	\$	10,000.00
	1st and Final COVID 19 Grant Program Payment		
5.	<u>SOLVAY GEDDES COMMUNITY YOUTH CENTER*</u>	\$	709.53
	1st and Final COVID 19 Grant Program Payment		
6.	<u>CNY ATHLETIC CLUB LLC*</u>	\$	5,666.00
	1st and Final COVID 19 Grant Program Payment		
7.	<u>SPROUT THERAPY GROUP*</u>	\$	2,261.64
	1st and Final COVID 19 Grant Program Payment		
8.	<u>LYSANDER YOUTH HOCKEY INC.*</u>	\$	10,000.00
	1st and Final COVID 19 Grant Program Payment		
9.	<u>JANICE K. PLISZCZAK DDS PC*</u>	\$	10,000.00
	1st and Final COVID 19 Grant Program Payment		
10.	<u>NATUR-TYME*</u>	\$	4,399.62
	1st and Final COVID 19 Grant Program Payment		
11.	<u>THE DANCE STUDIO*</u>	\$	6,586.00
	1st and Final COVID 19 Grant Program Payment		
12.	<u>VIA MONDO TRAVEL*</u>	\$	400.00
	1st and Final COVID 19 Grant Program Payment		

13. <u>KATHY CAIELLO'S FITSTOP*</u>	\$	2,808.98
1st and Final COVID 19 Grant Program Payment		
14. <u>COUTERTOPS OF SYRACUSE*</u>	\$	1,350.15
1st and Final COVID 19 Grant Program Payment		
15. <u>COUNTRY NORTH CHILDREN'S CENTER*</u>	\$	3,462.22
1st and Final COVID 19 Grant Program Payment		
16. <u>NCL GROUP INC.**</u>	\$	8,825.00
1st and Final COVID 19 Grant Program Payment		
17. <u>BPASSIONATE STUDIO AND FITNESS***</u>	\$	<u>5,920.00</u>
1st and Final COVID 19 Grant Program Payment		
TOTAL	\$	79,599.19

*Ratification of Checks dated November 12, 2020

** Ratification of Check dated November 13, 2020

*** Ratification of Check dated November 20, 2020

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESERVE FOR CONTRACTS
11/30/2020

	CONTRACT	TOTAL	PORTION	BALANCE
DESCRIPTION	TERM	CONTRACT	PAID	OUTSTANDING
ONONDAGA COUNTY OED 2020	1-1-20-12-31-20	\$900,000.00	\$521,836.65	\$378,163.35
PROFESSIONAL SERVICES	1-1-20-12-31-20	\$55,000.00	\$196,791.42	-\$141,791.42
333 W. WASHINGTON ST 2020 RENT	1-1-20-12-31-20	\$65,000.00	\$44,707.99	\$20,292.01
WPCP SEWER DESIGN ENGINEERING	1/31/16-1/31/17	\$268,628.00	\$160,476.55	\$108,151.45
OBG WPCP CO #4 ADDITIONAL STUDIES	11/30/18-11/30/19	\$800,000.00	\$310,066.58	\$489,933.42
JMT 800 HIAWATHA ENGINEERING	2/13/19-12-31-20	\$25,000.00	\$6,284.50	\$18,715.50
NATIONAL GRID WPCP ENGINEERING GAS	11/29/18-11/29/19	\$403,100.00	\$403,100.00	\$0.00
NATIONAL GRID WPCP ENGINEERING ELECTRIC	11/29/18-11/29/19	\$375,000.00	\$375,000.00	\$0.00
CNYIBA CONSULTING SERVICES AGREEMENT	4-14-20-4-14-21	\$35,000.00	\$24,850.00	\$10,150.00
OC COVID SMALL BUSINESS RELIEF FUND	8-31-20 - 8-31-21	\$500,000.00	\$133,874.88	\$366,125.12
		\$3,426,728.00	\$2,176,988.57	\$1,249,739.43

ACCOUNTS RECEIVABLE
11/30/2020

AGENCY FEES RECEIVABLE		\$718,750.00
ACCOUNTS RECEIVABLE GENERAL		\$8,250.00
QUASI-EQUITY LOAN RECEIVABLE		\$0.00
GRANTS RECEIVABLE		\$0.00
LONG TERM RECEIVABLE		\$222,024.00
TOTAL		\$949,024.00



Onondaga County Industrial Development Agency

Project Summary

12/2/2020

1. Project	The Widewaters Group Inc.	2. Project Number	3101-19-09A
3. Location	Dewitt	4. School District	Jamesville-Dewitt
5. Tax Parcel(s)	053.-02-01.8	6. Project Type	New Construction
		Village	-

7. Total Project Cost	\$	10,125,258.00	8. Total Jobs	98
Land	\$	273,750	8A. Job Retention	88
Site Work	\$	563,416	8B: Job Creation	10
Building	\$	7,083,439	(Next 5 Years)	
Furniture & Fixtures	\$	791,309		
Equipment	\$	-		
Equipment Subject to NYS Production Exemption	\$	-		
Engineering/Architecture Fees	\$	178,004		
Financial Charges	\$	511,542		
Legal Fees	\$	-		
Other	\$	723,799		

Cost Benefit Analysis

The Widewaters Group Inc.

	Fiscal Impact (\$)
Abatement Cost	\$826,104
Sales Tax	\$403,310
Mortgage Tax	\$80,000
Property Tax Relief (PILOT)	\$342,794
New Investment	\$120,732,163
PILOT Payments	\$299,535
Project Wages (10 years)	\$95,414,003
Construction Wages	\$2,785,920
Employee Benefits (10 years)	\$14,312,100
Project Capital Investment	\$7,920,605
New Sales Tax Generated	\$0

Project Description

The applicant is proposing to construct a 41,887 square foot office building on the 5.6 acre parcel of real property located on Widewaters Parkway in Dewitt., the configuration and site plan for which have been approved by the Town of Dewitt Planning Board. The Widewaters Group Inc. employs 1,560 people through subsidiary companies across the United States. A portion of this new construction will be the new International Headquarters for The Widewaters Group Inc. The Widewaters Group Inc. has operations in 17 states and 2 countries.

Benefit:Cost Ratio **146.15 :1**

The Widewaters Group Inc.

11/30/2020

A) PILOTS Estimate Table Worksheet

for 10 years

OCIDA estimate of current market value					\$	283,500
Projected investment					\$	7,083,439
OCIDA estimate of increase in value					\$	1,675,080
OCIDA estimated value after project is completed					\$	1,958,580
Taxes that would have been collected if the project did not occur					\$	108,712
Scheduled PILOT payments					\$	408,247

PILOT YEAR	Exemption %	Onondaga County	Town of Dewitt	JD School District	Village (none)	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100%	\$ 1,515	\$ 1,411	\$ 7,002	\$ -	\$ 9,928	\$ 68,590	\$ 58,662
2	90%	\$ 2,459	\$ 2,290	\$ 11,362	\$ -	\$ 16,110	\$ 69,962	\$ 53,851
3	80%	\$ 3,439	\$ 3,203	\$ 15,893	\$ -	\$ 22,536	\$ 71,361	\$ 48,825
4	70%	\$ 4,458	\$ 4,152	\$ 20,601	\$ -	\$ 29,212	\$ 72,788	\$ 43,577
5	60%	\$ 5,517	\$ 5,138	\$ 25,491	\$ -	\$ 36,146	\$ 74,244	\$ 38,098
6	50%	\$ 6,615	\$ 6,161	\$ 30,569	\$ -	\$ 43,345	\$ 75,729	\$ 32,384
7	40%	\$ 7,756	\$ 7,223	\$ 35,839	\$ -	\$ 50,818	\$ 77,243	\$ 26,425
8	30%	\$ 8,940	\$ 8,325	\$ 41,308	\$ -	\$ 58,573	\$ 78,788	\$ 20,215
9	20%	\$ 10,167	\$ 9,469	\$ 46,982	\$ -	\$ 66,618	\$ 80,364	\$ 13,746
10	10%	\$ 11,441	\$ 10,655	\$ 52,865	\$ -	\$ 74,961	\$ 81,971	\$ 7,011
TOTAL		\$ 62,308	\$ 58,026	\$ 287,913	\$ -	\$ 408,247	\$ 751,041	\$ 342,794

Year						
	0	1	2	3	4	5
Jobs						
Current/Actuals	88					
Creation Goals		2	2	2	2	2
Total Employment Goals	88	90	92	94	96	98

Onondaga County Industrial Development Agency



Project Summary

9/13/2019

1. Project	The Widewaters Group Inc.	2. Project Number	3101-19-09A
3. Location	Dewitt	4. School District	Jamesville-Dewitt
5. Tax Parcel(s)	053.-02-01.1 & 053.-02-01.8	6. Project Type	New Construction
		Village	-

7.Total Project Cost	\$	20,250,516.00	8. Total Jobs	98
Land	\$	547,500	8A. Job Retention	88
Site Work	\$	1,126,832	8B: Job Creation	10
Building	\$	14,166,877	(Next 5 Years)	
Furniture & Fixtures	\$	1,582,618		
Equipment	\$	-		
Equipment Subject to NYS Production Exemption	\$	-		
Engineering/Architecture Fees	\$	356,008		
Financial Charges	\$	1,023,083		
Legal Fees	\$	-		
Other	\$	1,447,598		

Cost Benefit Analysis

The Widewaters Group Inc.

Project Description

	Fiscal Impact (\$)
Abatement Cost	\$1,621,305
Sales Tax	\$806,620
Mortgage Tax	\$129,097
Property Tax Relief (PILOT)	\$685,589
New Investment	\$131,992,354
PILOT Payments	\$599,071
Project Wages (10 years)	\$95,414,003
Construction Wages	\$5,571,840
Employee Benefits (10 years)	\$14,312,100
Project Capital Investment	\$15,841,209
New Sales Tax Generated	\$0
Agency Fees	\$254,131

The applicant is proposing to construct two 41,887 square foot office buildings on the 10.95 acre parcel of real property located on Widewaters Parkway in Dewitt., the configuration and site plan for which have been approved by the Town of Dewitt Planning Board. The Widewaters Group Inc. employs 1,560 people through subsidiary companies across the United States. A portion of this new construction will be the new International Headquarters for The Widewaters Group Inc. The Widewaters Group Inc. has operations in 17 states and 2 countries.

Benefit:Cost Ratio **81.41 :1**

The Widewaters Group Inc.

8/16/2019

A) PILOTS Estimate Table Worksheet

for 10 years

OCIDA estimate of current market value					\$	547,500
Projected investment					\$	14,166,877
OCIDA estimate of increase in value					\$	3,350,160
OCIDA estimated value after project is completed					\$	3,897,660
Taxes that would have been collected if the project did not occur					\$	209,946
Scheduled PILOT payments					\$	809,016

PILOT YEAR	Exemption %	Onondaga County	Town of Dewitt	JD School District	Village (none)	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100%	\$ 2,926	\$ 2,725	\$ 13,522	\$ -	\$ 19,174	\$ 136,497	\$ 117,323
2	90%	\$ 4,811	\$ 4,481	\$ 22,232	\$ -	\$ 31,524	\$ 139,227	\$ 107,703
3	80%	\$ 6,770	\$ 6,305	\$ 31,285	\$ -	\$ 44,361	\$ 142,012	\$ 97,651
4	70%	\$ 8,806	\$ 8,201	\$ 40,691	\$ -	\$ 57,699	\$ 144,852	\$ 87,153
5	60%	\$ 10,920	\$ 10,170	\$ 50,461	\$ -	\$ 71,552	\$ 147,749	\$ 76,197
6	50%	\$ 13,116	\$ 12,215	\$ 60,606	\$ -	\$ 85,937	\$ 150,704	\$ 64,767
7	40%	\$ 15,395	\$ 14,337	\$ 71,136	\$ -	\$ 100,868	\$ 153,718	\$ 52,850
8	30%	\$ 17,760	\$ 16,539	\$ 82,063	\$ -	\$ 116,362	\$ 156,792	\$ 40,430
9	20%	\$ 20,213	\$ 18,824	\$ 93,399	\$ -	\$ 132,435	\$ 159,928	\$ 27,493
10	10%	\$ 22,757	\$ 21,193	\$ 105,155	\$ -	\$ 149,105	\$ 163,127	\$ 14,021
TOTAL		\$ 123,475	\$ 114,989	\$ 570,552	\$ -	\$ 809,016	\$ 1,494,605	\$ 685,589

Year						
	0	1	2	3	4	5
Jobs						
Current/Actuals	88					
Creation Goals		2	2	2	2	2
Total Employment Goals	88	90	92	94	96	98

Onondaga County Industrial Development Agency DRAFT



Project Summary

11/3/2020

1. Project	SSC Lysander LLC	2. Project Number	3101-20-21A
3. Location	Lysander	4. School District	Baldwinsville School District
5. Tax Parcel(s)	073.-01-24.1	6. Project Type	New Construction Solar Project

0

7.Total Project Cost	\$	3,033,500	8. Total Jobs	0
Land	\$	3,500	8A. Job Retention	0
Site Work	\$	200,000	8B: Job Creation	0
Building	\$	-	(Next 5 Years)	
Furniture & Fixtures	\$	-		
Equipment	\$	2,800,000		
Equipment Subject to NYS Production Exemption	\$	10,000		
Engineering/Architecture Fees	\$	10,000		
Financial Charges	\$	10,000		
Legal Fees	\$	10,000		
Other- Solar Installation Labor	\$	-		

Cost Benefit Analysis

SSC Lysander LLC

Fiscal Impact (\$)

Abatement Cost	\$	905,855
Sales Tax	\$	-
Mortgage Tax	\$	-
Property Tax Relief (PILOT)	\$	905,855
New Investment	\$	4,020,824
PILOT Payments	\$	391,106
Project Wages (10 years)	\$	-
Construction Wages	\$	435,300
Employee Benefits (10 years)	\$	-
Project Capital Investment	\$	3,043,500
New Sales Tax Generated	\$	112,000
Agency Fees	\$	38,919
Agency Legal Fees	\$	7,584

Project Description

This is a 3.5MW community solar project located in the Town of Lysander.

Benefit:Cost Ratio

4 :1

SSC Lysander LLC

11/3/2020

A) PILOTS Estimate Table Worksheet

Current Revenue Generated by
Parcel \$ 7,040

Expected Revenue from the Parcel
if no project occurred \$ 225,477.62

Projected Year 1 Revenue to be
generated as a result of the project: \$19,250

Total Project Cost \$ 3,033,500.00

OCIDA Estimate of Project Value \$ 1,631,000.00

Projected MW to be generated 3.5

Year	Onondaga County	Lysander	Baldwinsville School District	Total PILOT	Full Tax Payment without PILOT	Net Exemption
	17%	6%	77%	100.0%		
2019-2020	\$ 1,100	\$ 424	\$ 5,516	\$ 7,040		
1	\$ 3,204	\$ 1,234	\$ 14,812	\$ 19,250	\$ 44,146	\$ 24,896
2	\$ 3,268	\$ 1,259	\$ 15,108	\$ 19,635	\$ 45,029	\$ 25,394
3	\$ 3,333	\$ 1,284	\$ 15,410	\$ 20,028	\$ 45,929	\$ 25,902
4	\$ 3,400	\$ 1,310	\$ 15,718	\$ 20,428	\$ 46,848	\$ 26,420
5	\$ 3,468	\$ 1,336	\$ 16,033	\$ 20,837	\$ 47,785	\$ 26,948
6	\$ 3,537	\$ 1,363	\$ 16,353	\$ 21,254	\$ 48,741	\$ 27,487
7	\$ 3,608	\$ 1,390	\$ 16,680	\$ 21,679	\$ 49,715	\$ 28,037
8	\$ 3,680	\$ 1,418	\$ 17,014	\$ 22,112	\$ 50,710	\$ 28,598
9	\$ 3,754	\$ 1,446	\$ 17,354	\$ 22,554	\$ 51,724	\$ 29,169
10	\$ 3,829	\$ 1,475	\$ 17,701	\$ 23,006	\$ 52,758	\$ 29,753
11	\$ 3,905	\$ 1,505	\$ 18,055	\$ 23,466	\$ 53,814	\$ 30,348
12	\$ 3,984	\$ 1,535	\$ 18,417	\$ 23,935	\$ 54,890	\$ 30,955
13	\$ 4,063	\$ 1,565	\$ 18,785	\$ 24,414	\$ 55,988	\$ 31,574
14	\$ 4,145	\$ 1,597	\$ 19,161	\$ 24,902	\$ 57,107	\$ 32,205
15	\$ 4,227	\$ 1,629	\$ 19,544	\$ 25,400	\$ 58,250	\$ 32,850
16	\$ 4,312	\$ 1,661	\$ 19,935	\$ 25,908	\$ 59,317	\$ 33,409
17	\$ 4,398	\$ 1,695	\$ 20,333	\$ 26,426	\$ 60,404	\$ 33,978
18	\$ 4,486	\$ 1,728	\$ 20,740	\$ 26,955	\$ 61,502	\$ 34,557
19	\$ 4,576	\$ 1,763	\$ 21,155	\$ 27,494	\$ 62,611	\$ 35,146
20	\$ 4,667	\$ 1,798	\$ 21,578	\$ 28,044	\$ 63,730	\$ 35,745
21	\$ 4,761	\$ 1,834	\$ 22,010	\$ 28,604	\$ 64,859	\$ 36,354
22	\$ 4,856	\$ 1,871	\$ 22,450	\$ 29,177	\$ 65,998	\$ 36,973
23	\$ 4,953	\$ 1,908	\$ 22,899	\$ 29,760	\$ 67,147	\$ 37,602
24	\$ 5,052	\$ 1,946	\$ 23,357	\$ 30,355	\$ 68,306	\$ 38,241
25	\$ 5,153	\$ 1,985	\$ 23,824	\$ 30,962	\$ 69,475	\$ 38,890
	\$ 102,620	\$ 39,538	\$ 474,425	\$ 616,583	\$ 1,522,438	\$ 905,855



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION FOR BENEFITS

1. Fill in all blanks using “none”, “not applicable” or “not available”. If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency at 315-435-3770.
2. If providing an estimate put “(est.)” after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.
3. If the OCIDA Board approves benefits, it is the company’s responsibility to obtain and submit all necessary forms and documents. (ST-60, PILOT Agreement)
4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nate Stevens at nstevens@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**
5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the Project, which is the subject of this Application. The form is available at <http://www.dec.ny.gov/permits/6191.html>.
6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant’s competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer’s Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.
7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the agency, all administrative and legal fees as stated in Section VI of the Application.
8. A complete application consists of the following 9 items:
 - This Application
 - Local Access Agreement
 - Employment Plan
 - Conflict of Interest
 - A feasibility statement indicating the need for the requested benefits
 - Description of project, Site Plans/Sketches, and Maps
 - NYS Full Environmental Assessment Form
 - A check payable to the Agency in the amount of \$1,000
 - A check payable to Barclay Damon LLP in the amount of \$2,500
9. This Application was adopted by the OCIDA Board on November 19, 2019.

It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:

Onondaga County Industrial Development Agency
Attn: Nate Stevens
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nstevens@ongov.net

Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

A) Applicant information-company receiving benefits:

Applicant Name: SSC Lysander LLC

Applicant Address: 334 Arapahoe Ave, Boulder, CO 80302

Phone: 561.866.8234 Fax: None

Website: www.summitsolarcapital.com E-mail: john@summitsolarcapital.com

Federal ID#: 84-4786493 NAICS: Not Applicable

State and Year of Incorporation/Organization: Florida / 2020

Will a Real Estate Holding Company be utilized to own the Project property/ facility? ☐ Yes ☒ No

What is the name of the Real Estate Holding Company: Not Applicable

Federal ID#: Not Applicable

State and Year of Incorporation/Organization: Not Applicable

List of stockholders, members, or partners of Real Estate Holding Company:

Not Applicable

B) Individual Completing Application:

Name: John H. Switzer

Title: Managing Member

Address: 334 Arapahoe Ave., Boulder, CO 80302

Phone: 561.866.8234 Fax: None

E-mail: john@summitsolarcapital.com

C) Company Contact (if different from individual completing application):

Name: _____
Title: _____
Address: _____
Phone: _____ Cell Phone: _____
E-mail: _____

D) Company Counsel:

Name of Attorney: John H. Switzer, Esq
Firm Name: None
Address: 334 Arapahoe Ave., Boulder, CO 80302
Phone: 561.866.8234 Cell Phone: 561.866.8234
E-mail: john@summitsolarcapital.com

E) Business Organization (check appropriate category):

- | | |
|--|---|
| ☐ Corporation | ☐ Partnership |
| ☐ Public Corporation | ☐ Joint Venture |
| ☐ Sole Proprietorship | ☒ Limited Liability Company |

Others (please specify): None
Year Established: 2020
State in which Organization is established: Florida

F) List all stockholders, members, or partners with % of ownership greater than 5% :

Name	% of ownership
<u>NY Portfolio I Holdco LLC</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____

G) Applicant Business Description:

Please attach a description of your company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: 3%

Estimated % of sales outside Onondaga County but within New York State: 97%

Estimated % of sales outside New York State but within the U.S.: 0%

Estimated % of sales outside the U.S.: 0%

(*Percentage to equal 100%)

H) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Onondaga County. Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation including estimated percentages of local purchases. Please attach this information. ~0%

I) Applicant History: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? ☐Yes ☒No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ☐Yes ☒No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? ☐Yes ☒No

Please attach any explanations:

J) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State or the Onondaga Civic Development Corporation in the past? If yes please attach an explanation and please give year, project name, description of benefits and address of project.

☐Yes ☒No

Section II: Project Information

- A) Project Location: Location where the investment will take place. If company is moving, the new location should be entered here and the current location should be in Section I.

Address: 8071 River Rd

Legal Address (if different): _____

City: None

Village/Town: Lysander

Zip Code: 13027

School District: Baldwinsville

Tax Map Parcel ID(s): 073.-01-24.1

Current Assessed Value: \$231,000

Sq. Footage of Existing Building: Not Applicable

Census Tract: Lysander Town 44039

- B) Type (Check all that apply):

☒ New construction

☐ Purchase of machinery and/or equipment

☐ Expansion/Addition to current facilities

☐ Brownfield/Remediated Brownfield

☐ Renovation of existing facility

☐ LEED Certification

☐ Acquisition of existing facility/property

☒ Other: Solar Power Generation Facility

☐ Demolition and Construction

- C) Please attach a summary of how this project will help your business grow. Will it set the company up for revenue growth? Will it mitigate cost? Will it provide more flexibility?

- D) Description of Project: Please provide a detailed narrative of the proposed Project. This narrative should include, but is not limited to:

☒ (i) the size of the Project in square feet and a breakdown of square footage per each intended use;

☒ (ii) the size of the lot upon which the Project sits or is to be constructed;

☒ (iii) the current use of the site and the intended use of the site upon completion of the Project;

☒ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site; and

☒ (v) an indication as to why the Applicant is undertaking the Project and the need for the requested benefits. **Please separately attach the description and any copies of site plans, sketches or maps.**

E) Select Project Type for all end users at Project site (you may check more than one):

**Please check any and all end users as identified below

- | | |
|---|--|
| ☐ Industrial | ☐ Bank Office |
| ☐ Acquisition of Existing Facility | ☐ Retail |
| ☐ Housing | ☐ Mixed Use |
| ☐ Equipment Purchase | ☐ Facility for Aging |
| ☐ Multi-Tenant | ☐ Civic Facility (not for profit) |
| ☐ Commercial | ☒ Other <u>Ground Mounted Solar Facility</u> |

F) For the Agency to consider this Project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?
☒ Yes ☐ No
2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?
☒ Yes ☐ No
3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?
☒ Yes ☐ No

G) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company 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 company located within the state? Please explain if you answer "Yes" by attaching a response.

☐ Yes ☒ No

H) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

I) Environmental Information

1. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms:
 - a. <http://www.dec.ny.gov/permits/6191.html>
2. Have any environmental issues been identified on the property?
☐ Yes ☒ No
If yes, please attach an explanation.

Section III: Construction

A) Project Costs and Finances

Description of Costs	Total Budget Amount	% of Total Budget to be Procured in Onondaga County	Total Private Expenditure (should be less than or equal to total budget amount)
Land Acquisition	\$3 500 (es)	0% (est.)	\$3 500 (es)
Site Work/Demo	None (est.)	0% (est.)	None (est.)
Building Construction & Renovation	\$200,000 (est.)	10% (est.)	\$200,000 (est.)
Furniture & Fixtures	None (est.)	None (est.)	None (est.)
Equipment	\$2 800 000 (es)	0% (est.)	\$2 800 000 (es)
Equipment Subject to NYS Production Sales Tax	\$0 (Est.)	0% (Est.)	None (est.)
Engineering/Architect	\$10 000 (es)	0% (est.)	\$10 000 (es)
Financial Charges	\$10 000 (es)	0% (est.)	\$10 000 (es)
Legal	\$10,000 (est.)	0% (est.)	\$10 000 (es)
Other	None (est.)	None (est.)	None (est.)
Management/Developer Fees	Non (es)	0% (est.)	None (est.)
Total Project Cost	\$3 033 500 (es)	0% (est.)	\$3 033 500 (es)

Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.

B) TOTAL Capital Costs \$ 3,033,500(est.)

Project refinancing: estimated amount
(for refinancing of existing debt only) \$ _____

Sources of Funds for Project Costs:

- | | |
|---|----------------|
| 1. Bank Financing | \$ 80% (est.) |
| 2. Equity (excluding equity that is attributed to grants/tax credits) | \$ 20% (est.) |
| 3. Tax Exempt Bond Issuance (if applicable) | \$ None (est.) |
| 4. Taxable Bond Issuance (if applicable) | \$ None (est.) |

5. Public Sources (Include sum total of all state and federal grants and tax credits)

\$ None (est.)

-Identify each state and federal grant/credit:

Not Applicable

\$ 0 (est.)

Not Applicable

\$ 0 (est.)

Not Applicable

\$ 0 (est.)

6. Total Sources of Funds for Project Costs

\$ 0 (est.)

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?

☐ Yes ☒ No If yes, provide number of FTE jobs at the facility: _____

2. Complete the following:

Estimate the number of FTE jobs to be retained as a result of this Project:	0 (est.)
Estimate the number of construction jobs to be created by this Project:	15-20 (est.)
Estimate the average length of construction jobs to be created (months):	6 (est.)
Current annual payroll at facility:	0
Average annual growth rate of wages:	0 (est.)
Please list, if any, benefits that will be available to either full and/or part time employees:	To be determined
Average annual benefit paid by the company (\$ or % salary) per FTE job:	0 (est.)
Average growth rate of benefit cost:	0 (est.)
Amount or percent of wage employees pay for benefits:	To be determined
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	15-20

D) New Employment Benefits

- i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, third, fourth and fifth years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.
- ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Current & Planned Full Time Occupations (Job Titles)	Salary (Annual or Hourly)	Current Number of FTEs	Estimated Number of FTE Jobs added each year after project				
			Year 1	Year 2	Year 3	Year 4	Year 5
None	0	0	0	0	0	0	0
Job Creation Subtotal		0	0	0	0	0	0

For purposes of completing the chart, please list the job titles that will be increasing in number. If possible, please attach a brief description that outlines what each job entails.

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the project.

E) Financial Assistance sought (estimated values):

☒ Real Property Tax Abatement (PILOT): \$5,500 per MW AC _____

☐ Mortgage Recording Tax Exemption (.75% of amount mortgaged): _____

Sales and Use Tax Exemption (4% Local, 4% State): _____

☐ Tax Exempt Bond Financing (Amount Requested): _____

☐ Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 0 _____

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): \$ 0 _____

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and US tax – said amount to benefit from the Agency’s Sales and Use Tax exemption benefit:

\$ _____

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section “E” on this page, this calculation only exists to help you with your estimate):

\$ _____

Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

OCIDA estimate of current value	
New construction and renovation costs	
OCIDA estimate of increase in value	
OCIDA estimated value of completed project	
OCIDA estimate of taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	Exemption %	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100						
2	90						
3	80						
4	70						
5	60						
6	50						
7	40						
8	30						
9	20						
10	10						
TOTAL							

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

Section V: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency**.

In consideration of the extension of financial assistance by the Agency SSC Lysander LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 09.17.2020 (date).

Company: SSC Lysander LLC

Representative for Contract: John H. Switzer, Esq.

Address: 334 Arapahoe Dr., City: Boulder State: CO Zip: 80302

Phone: 516.866.8234 Email: john@summitsolarcapital.com

Project Address: 8071 River Rd. City: Lysander State: NY Zip: 13027

General Contractor: Not Available

Contact Person: Not Available

Address: Not Available City: Not Available State: No Available Zip: Not Available

Phone: Not Available Email: Not Available

Authorized Representative: Not Available Title: Not Available

Signature: _____

Section VI: Agency Fee Schedule

Payment Terms:

Application & Processing Fee (payable at the time of application):	\$1,000
Legal Deposit (payable at the time of application):	\$2,500
Agency Fee for Bond Projects:	Payable at Closing
Agency and Legal Fees for all other projects:	Due and Payable at Inducement

*** A sales tax certificate (ST-60) will not be issued until the Agency Fee is Paid in Full**

Agency Fees: The project cost is the Total Project Cost from section III A

<u>Benefit Sought</u>	<u>Fee Charged</u>
Mortgage Recording Tax and/or Sales Tax exemptions:	0.01 X the project cost
Additional Fee for PILOT Agreement Projects:	0.0025 X the project cost
Fee for bond financing, refinancing & refunding:	0.0025 X the project cost

Note: For Manufacturing Projects under \$10 million the fee is reduced by: 0.0025 X the project cost

Agency Legal Fees: The project cost is the Total Project Cost from section III A

Fee for first \$20 million:	0.0025 of the project cost
Fee for expenses above \$20 million:	0.00125 of the project cost

In addition to the foregoing, Applicants are responsible for payment of all costs and expenses incurred by OCIDA in connection with application or Project including without limitation publication, copying costs, SEQRA compliance and fees and costs to OCIDA's attorneys, engineers, and consultants. OCIDA reserves the right to require a deposit to cover anticipated costs. Application fees are payable at time application/request is submitted. All fees are non-refundable. Applicants for bond transactions are responsible for payment of a Bond Issuance Charge payable to the State of New York. Applicants are also responsible for payment of post-closing fees and costs associated with the appointment of additional agents.

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

Section VII: Recapture of Tax Abatement/Exemptions

Information to be Provided by Companies: Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Recapture of Benefits: It is the policy of the Agency to recapture the value of a PILOT, any sales and use tax exemption, and mortgage recording tax exemption in accordance with the Laws of the State and the provisions contained herein. Before receiving benefits, the Company must attest in writing to its understanding of, and agreement to, the recapture provisions contained in State Law and herein. To the extent permitted by State law, the recapture provisions contained herein may be modified from time to time by the Agency at its sole discretion.

Recapture of a PILOT, Sales Tax and the Mortgage Recording Tax Exemptions: If the number of full time equivalent jobs to be maintained or created in connection with a project falls below 75% of the number projected in the Company's application to the Agency, or if there are material violations of the project agreements, then the value of the property tax, sales and use tax and mortgage recording tax benefits extended to the project by the Agency may be subject to recapture. When deciding whether or not to recapture benefits and the amount of such recapture, the Agency may consider the potential future benefit of the business to the community.

Recapture Payment: The recapture payment paid by the Company to the Agency shall be determined (1) by the difference between any PILOT payments made by the Company and the property taxes that would have been paid by the Company if the property were not under the supervision, jurisdiction or control of the Agency, (2) the value of any mortgage recording tax exemption, if awarded to the Company and (3) the amount of sales and use tax that would have been paid if an exemption was not granted.

Recapture of the PILOT, Sales Tax or Mortgage Recording Tax: The Recapture Schedule for a Payment in Lieu of Tax Agreement, Sales Tax or the Mortgage Recording Tax is as follows:

Time from Project Completion	Tax Savings Recaptured
1 Year	80%
2 Years	60%
3 Years	40%
4 Years	20%
5 Years	10%

Distribution of the Recapture Payment: Any funds recaptured as a result of the recapture payment shall be distributed to the affected taxing jurisdictions in the same proportion as if the payments were paid or owed by the Company on the date of recapture.

Additional Conditions for the Recapture of Sales and Use Tax: As of April 1, 2013, New York State law requires Industrial Development Agencies to recapture sales tax benefits where:

- A project is not entitled to receive the benefits;
 - Exemptions received exceed the amount authorized by the Agency;
 - Exemptions are claimed by the Project for unauthorized property or services; or
 - A project fails to use property in the manner required by its IDA agreements.
1. **Distribution of Sales and Use Tax.** Project operators must cooperate with the Agency in its effort to recapture all sales and use tax benefits received by the Company by promptly paying the recapture amount as determined by the Agency. The amount to be recaptured will be dictated by State Law or this UTEP Policy, whichever may be applicable. The Agency shall remit the recaptured sales and use tax benefits to the State within 30 days of receipt.
 2. **Compliance Report.** Annually, the Agency will file an annual compliance report with the State of New York detailing its recapture terms and its activities to recapture benefits, including any attempt to recapture benefits from an Agency project.

A "Full Time Permanent Employee" shall mean

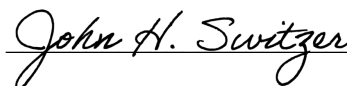
1. A full time, permanent, private sector employee on the Company's payroll, who has worked at the project location for a minimum of thirty hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours; or
2. Up to three part time, permanent, private-sector employees on Company's payroll, who have worked at the project location for a combined minimum of thirty hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours.

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company

SSC Lysander LLC

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

John H. Switzer, Esq - Managing Member

Date: 09.17.2020

Section VIII: Employment Plan

Jobs Listings: In accordance with §858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that if the 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 Project will be listed with the New York State Department of Labor Business Services and with the administrative entity of the service delivery area created by the Workforce Innovation and Opportunity Act of 2014 in which the Project is located. In Onondaga County, please contact CNY Works. Additionally, the applicant is encouraged to review the services provided by JOBSPlus! for candidate matching services.

Are the employees of your company currently covered by a collective bargaining agreement?

☐ Yes ☒ No

If yes, name and location: _____

Is the labor pool in Onondaga County and/or the CNY Economic Development Region adequate to fill new positions?

☐ Yes ☒ No

Enter Company Name in three (3) places below and sign by an authorized company officer:

In consideration of the benefits provided by the Onondaga County Industrial Development Agency (OCIDA), SSC Lysander LLC, project beneficiary, also agrees to report to OCIDA on the number of new employment opportunities created in connection with industrial or commercial projects financed by the proceeds of such benefits to be listed with the New York State Department of Labor Business Services and CNY Works.

SSC Lysander LLC, project beneficiary, also agrees to report to OCIDA on or before March 1 of each year the status of employment opportunities filed with the New York State Department of Labor Business Services, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.

SSC Lysander LLC, project beneficiary, further agrees that, to the extent practicable and feasible, and subject to the requirements of any existing collective bargaining agreement, the project beneficiary shall fill at least 10% of new employment opportunities with persons eligible for service under the Workforce Innovation and Opportunity Act of 2014.

Name of Applicant Company: SSC Lysander LLC

Signature of Officer or Authorized Representative: John H. Switzer

Name & Title of Officer or Authorized Representative: John H. Switzer, Esq - Managing Member

Date: 09.17.2020

NYS Department of Labor:

Roy Jewell

Associate Business Service Representative

450 South Salina Street, Syracuse, NY 13202 315-479-3362

roy.jewell@labor.ny.gov

www.labor.ny.gov

CNY Works

Chris Kennedy

Business Development Specialist

960 James Street, Syracuse, NY 13203

315-477-6974

ckennedy@cnyworks.com

www.cnyworks.com

Section IX: Conflict of Interest

Agency Board Members

1. Patrick Hogan
2. Steve Morgan
3. Victor Ianno
4. Sue Stanczyk
5. Kevin Ryan
6. Janice Herzog
7. Fanny Villarreal

Agency Officers/Staff

1. Robert M. Petrovich
2. Nathaniel Stevens
3. Nancy Lowery
4. Karen Doster
5. Chris Cox

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Mirabito, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company

SSC Lysander LLC

Signature of Officer or Authorized Representative:

John H. Switzer

Name & Title of Officer or Authorized Representative:

John H. Switzer, Esq. - Managing Member

Date: 09.17.2020

Section X: Representations, Certifications, and Indemnification

John H. Switzer, Esq (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Manag ng Member (title) of SSC Lysander LLC (name of corporation or other entity) named in the attached Application (the “Applicant”), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which 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 within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.
- C. Annual Sales Tax Filings:** In accordance with §874(8) 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, 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.
- D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, “Employment Reports”) that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent 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, with said report being an agenda item subject to the open

meetings law.

F. 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, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

G. Compliance: The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

H. 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.

I. 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.

J. 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 in the Project.

K. 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.

L. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants 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 statement contained herein not misleading.

- M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.
- N. **Hold Harmless Agreement:** Applicant hereby releases Onondaga 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 cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 process of the Application, including attorney's fees, if any.

Name of Applicant Company

SSC Lysander LLC

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative:

John H. Switzer, Esq. - Managing Member

Date: 09.17.2020

STATE OF NEW YORK

)

COUNTY OF ONONDAGA

)ss.;

John H. Switzer, Esq., being first duly sworn, deposes and says:

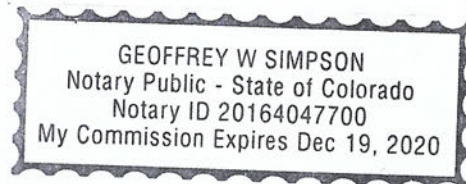
1. That I am the Managing Member (Corporate Officer) of SSC Lysander LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 24th day of SEPT., 2020.

Geoffrey W. Simpson

(Notary Public)



End of Application

Rev 1-9-20

Company Description Pursuant to Section I – Part G

Summit Solar Capital LLC

Summit Solar is a full-suite renewable energy developer with a focus on community distributed generation.

SSC Lysander LLC (Applicant) as well as NY Portfolio I Holdco LLC are subsidiaries of Summit Solar Capital, LLC.

Thank you,

John H. Switzer, Esq.

334 Arapahoe Ave

Boulder, CO 80302

Phone: 561.866.8234

Email: John@summitsolarcapital.com

Pursuant to Section II – Part D

Project Narrative

This 3.5MWac solar facility is located at 8071 River Rd., Lysander, NY 13027. Existing lot size is 99.64 acres in total size and the project acreage under the array is 22.26 acres.

This site is currently undeveloped vacant land and is being managed by the landowner. Upon completion of the project the site will become the location of a ground mounted solar array.

- Solar panel height will not exceed 15’.
- Two rows of 5’ tall white spruce and/or norway spruce on a 10’ spacing are included in the project to provide a visual screening from abutting residences.
- Perimeter fencing will enclose the solar panels and electrical equipment.

As a community solar project, local residents, businesses, and municipalities within Onondaga County will have the option of subscribing to purchase discounted energy from this project.

Applicant has extensive experience in the responsible development of utility-scale solar projects and the ability to deliver a turn-key solar power operating facility of the highest quality. Without the benefits requested in this application the project is not feasible.

Thank you,

John H. Switzer, Esq.

334 Arapahoe Ave

Boulder, CO 80302

Phone: 561.866.8234

Email: John@summitsolarcapital.com

Pursuant to Section II – Part H

Compelling Circumstances

- Without the requested PILOT Agreement the project is not financially feasible.
- This project will create jobs and increase stakeholders' tax basis.
- Summit Solar is currently developing 11 community solar projects in the State of NY for a total of ~70.3MW.
- Summit Solar is currently developing (2) stand alone storage projects in Staten Island for a total of ~40MWH.
- We have 16 years of experience as responsible developers in the industry and are committed to the advancement of New York's clean energy goals.
- The requested PILOT Agreement will help Summit Solar's business grow, add employees, deploy more development capital and continue to contribute to the State of New York's RPS target of 70% by 2030.

We are developing clean energy projects in New York for the benefit of New York rate payers. Thank you very much for your consideration.

Thank you,

John H. Switzer, Esq.

334 Arapahoe Ave

Boulder, CO 80302

Phone: 561.866.8234

Email: John@summitsolarcapital.com

CERTIFICATE

STATE OF NEW YORK)

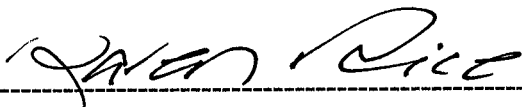
COUNTY OF ONONDAGA)

I, the undersigned Clerk to the Town of Lysander Planning Board, Onondaga, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolutions adopted by the Planning Board of the Town of Lysander at a meeting of said Board held on the 12th day of March, 2020 and that the foregoing is a true and correct transcript of said original resolutions and the whole thereof, and that said original resolutions are on file in my office.

I DO HEREBY CERTIFY that each of the members of said Planning Board had due notice of said meeting, and that John Corey, Chairman; Joanne Daprano; Hugh Kimball; William Lester; Steve Darcangelo and Doug Beachel were present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Lysander on March 18, 2020.



KAREN RICE, CLERK

LYSANDER PLANNING BOARD

SEAL

Pursuant to Section I – Part H

Applicant plans to abide by the Agency's policy that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project.

Annual materials and raw supplies will likely be supplied outside of firms in Onondaga County. Applicant intends to secure vendor services for ongoing maintenance activities within Onondaga County.

Thank you,

John H. Switzer, Esq.

334 Arapahoe Ave

Boulder, CO 80302

Phone: 561.866.8234

Email: John@summitsolarcapital.com

TOWN OF LYSANDER
8220 Loop Road
Baldwinsville, New York 13027

Timothy W. Wolsey 638-1210
Codes Enforcement Officer
Karen A. Rice, Clerk 638-4819
Planning Board
Zoning Board of Appeals
Codes Enforcement Office

John Corey, Chairman
Planning Board 638-4819
Richard Jarvis, Chairman
Zoning Board of Appeals 638-4819

SEQR SHORT FORM—UNLISTED ACTION WITH A NEGATIVE DECLARATION

RESOLUTION #1 -- Motion by Corey, Second by Kimball

RESOLVED, that having reviewed the SEQR regulations, determined this is an **UNLISTED ACTION**, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the SSC Lysander, LLC, 8971 River Road, Baldwinsville, New York Controlled Site Use application, the Planning Board issues a **NEGATIVE DECLARATION**.

6 Ayes -- 0 Noes

CONTROLLED SITE USE SITE PLAN APPROVAL/SPECIAL PERMIT

RESOLUTION #3 -- Motion by Corey, Second by Lester

RESOLVED, that having reviewed a site plan as defined on a map dated November 2, 2019, revised March 12, 2020 prepared by Delta Engineers, Architects & Land Surveyors, associated with the application of SSC Lysander, LLC, for a **Controlled Site Use /Special Permit** to allow the construction of a Solar Power Plant on property located at 8071 River Road, Baldwinsville, New York, the site plan is hereby approved with the following modifications and conditions, if any:

- 1) The applicant will need to provide a copy of the signed lease for the property that includes a legal description of the portion of the overall parcel that is included in the lease which meets the 30% maximum coverage requirements of the Town of Lysander Code to be reviewed by the Town of Lysander Engineer and Town of Lysander Planning Board Attorney;
- 2) The applicant will need to provide documentation from National Grid allowing them to construct the access road for the project through the National Grid easement on the property; and
- 3) Screening must be in place and maintained for the life of the project.

6 Ayes -- 0 Noes

Onondaga County Industrial Development Agency



Project Summary

10/30/2020

1. Project	629 Lemoyne Manor, LLC	2. Project Number	3101-2015A
3. Location	629 Old Liverpool Road	4. School District	Liverpool Central School District
5. Tax Parcel(s)	089.-01-26.0	6. Project Type	New Construcion
		Village	-

7.Total Project Cost	\$	13,163,545.00	8. Total Jobs	12
Land	\$	-	8A. Job Retention	0
Site Work	\$	-	8B: Job Creation	12
Building	\$	12,810,545	(Next 5 Years)	
Furniture & Fixtures	\$	353,000		
Equipment	\$	-		
Equipment Subject to NYS Production Exemption	\$	-		
Engineering/Architecture Fees	\$	-		
Financial Charges	\$	-		
Legal Fees	\$	-		
Other	\$	-		

Cost Benefit Analysis

629 Lemoyne Manor, LLC

Fiscal Impact (\$)

Estimated Project Tax Abatements \$1,580,844

Sales Tax Abatement	\$438,240
Mortgage Recording Tax Abatement	\$90,000

Real Property Tax Abatement	\$1,052,604
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New Investment \$19,682,617

Project PILOT Payments	\$1,006,008
Project Wages (10 years)	\$3,450,000
Project Construction Wages	\$2,031,400

Project Capital Investment	\$12,810,545
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New Sales Tax Generated	\$219,120
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Agency Fees	\$165,544
-------------	-----------

Benefit:Cost Ratio

12.45 :1

Project Description

This is a proposed 102,000 SF apartment complex that will be comprised of four buildings with 66 apartments and approximately 6,000 SF of commercial space in one of the main building.

629 Lemoyne Manor, LLC

10/13/2020

A) PILOTS Estimate Table Worksheet

for 10 years

OCIDA estimate of current market value					\$ 202,000
Projected investment					\$ 12,810,545
OCIDA estimate of increase in value					\$ 4,620,000
OCIDA estimated value after project is completed					\$ 4,822,000
Taxes that would have been collected if the project did not occur					\$ 86,238
Scheduled PILOT payments					\$ 1,006,008

PILOT YEAR	Exemption %	Onondaga County	Salina	Liverpool Central School District	Village Name	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100%	\$ 1,067	\$ 1,162	\$ 5,647	\$ -	\$ 7,875.82	\$ 188,006	\$ 180,130
2	90%	\$ 3,578	\$ 3,895	\$ 18,934	\$ -	\$ 26,406.60	\$ 191,766	\$ 165,359
3	80%	\$ 6,188	\$ 6,738	\$ 32,750	\$ -	\$ 45,675.46	\$ 195,601	\$ 149,926
4	70%	\$ 8,902	\$ 9,692	\$ 47,110	\$ -	\$ 65,704.52	\$ 199,513	\$ 133,809
5	60%	\$ 11,722	\$ 12,762	\$ 62,033	\$ -	\$ 86,516.46	\$ 203,504	\$ 116,987
6	50%	\$ 14,651	\$ 15,951	\$ 77,533	\$ -	\$ 108,134.60	\$ 207,574	\$ 99,439
7	40%	\$ 17,692	\$ 19,262	\$ 93,629	\$ -	\$ 130,582.87	\$ 211,725	\$ 81,142
8	30%	\$ 20,849	\$ 22,700	\$ 110,337	\$ -	\$ 153,885.80	\$ 215,960	\$ 62,074
9	20%	\$ 24,126	\$ 26,267	\$ 127,676	\$ -	\$ 178,068.63	\$ 220,279	\$ 42,210
10	10%	\$ 27,525	\$ 29,968	\$ 145,665	\$ -	\$ 203,157.21	\$ 224,684	\$ 21,527
TOTAL		\$ 136,300	\$ 148,396	\$ 721,313	\$ -	\$ 1,006,008	\$ 2,058,612	\$ 1,052,604

	Year					
	0	1	2	3	4	5
Jobs						
Current/Actuals						
Creation Goals		2	5	5		
Total Employment Goals	0	2	7	12	12	12



Empire Management of CNY, Inc.
4306 E Genesee St
Dewitt, NY 13214
Office: (315) 445-8990 Fax: (315) 445-7977
dcmuraco@empiremgtco.com
www.empiremgtco.com

October 20th, 2020

Le Moyne Manor Vision Statement

Dear Onondaga County Industrial Development Agency,

Introduction: We write to you to ask for your consideration of our application requesting for a 10-Year PILOT, along with mortgage and sales tax exemptions in connection with our site plan approved Le Moyne Manor Development which includes the construction of 4 buildings to consist of 66 apartments and retail shops on the former Le Moyne Manor site located at 629 Old Liverpool Road in Liverpool, New York. Since Empire Management of CNY, Inc. was founded in 1988, it has earned its reputation as a leading Real Estate Development Firm in Central and Northern New York. We pride ourselves on the redevelopment of vacant, abandoned, or underutilized land and buildings. Working with a strong team of industry professionals, we have a proven track record in unlocking value in sites such as Le Moyne Manor. With views of the lake from the majority of the apartments, and close proximity to the village of Liverpool and the City of Syracuse where many of our residents work, we believe we have the best site in the area for this type of development. Furthermore, we know that this type of development on this particular site will not only benefit the rehabilitation of this particular property, but surrounding properties on Old Liverpool Road and the Town of Salina. Please see the below information which outlines our request.

1. Is the project being built in a blighted area? Yes.

- Solves the problem of a blighted, vacant, abandoned, and underutilized lot/buildings for multiple years and the property had fallen into disrepair
- Structures had become unusable and detrimental to the area
- Property was demolished in 2018 due to unsafe structural and safety conditions
- Reduction of Break Ins, Vandalism, Code Enforcement Concerns
- Creating a standard and a vision for future redevelopment on Old Liverpool Road and continuing investment around Onondaga Lake revitalization program

- Revitalization of rundown Jesuit Well structure and partnership with Onondaga Historical Association land on the rear of the property
- Commitment to maintain County Land that is not being mowed or maintained facing the Onondaga Lake side of the property

2. Is the housing fulling an unmet need in the area? Yes.

- Brand new mixed-use apartment buildings unique to the Town of Salina with balconies facing Onondaga Lake (some with views that span as far as the Lakeview Amphitheatre)
- Fulfilling the void of mixed-use apartment and retail in the area to attract residents of all age groups including millennials
- Satisfies and accomplishes demand for workforce housing in close proximity to the City of Syracuse where many Onondaga County residents work
- Provides an attractive and vibrant place to live for workers from high-tech companies such as \$350 million Amazon fulfillment center in Clay bringing 1,000 jobs into the Syracuse area and Onondaga County
- Goal to improve recreational opportunities and expansion of public access to the Lake and Village of Liverpool through the connection of sidewalks
- Close proximity and connection to Village of Liverpool
- Outdoor Patio on Mixed Use Building with views of lake to be shared with residents and restaurant tenant
- 4 Buildings and Landscape to create a community-like feel
- Redevelopment and revival of local Landmark Site

3. Demand for Housing? Yes. The Onondaga County population is underserved in this type of apartment community. This project provides amenities such as an elevator, custom kitchens with soft close cabinets, LED Lighting, Solar Panel Car Ports, balconies, restaurant/food service within the community, walkability and closeness to essential businesses.

- Fills the void between abundance of downtown apartments and suburban Liverpool area
- Walkability to village shops, restaurants, other businesses
- 4 strategically placed buildings which all provide access to handicap accessible apartments
 - o **Center Building:** Retail Shops on Ground Floor, Elevator Access to 12 apartments with balconies and decks overlooking Onondaga Lake. Features Community Room for the entire project to access with Fitness Center, Resident Lounge and Office, Storage Units, Oversized Deck with seating and views of the Lake
 - o **Building 2:** 6 Handicap Accessible Apartments on Ground Floor with Patios. 6 Apartments on Floor 2 with balconies. 6 Apartments on Floor 3 with balconies.
 - o **Building 3:** 6 Handicap Accessible Apartments on Ground Floor with Patios. 6 Apartments on Floor 2 with balconies. 6 Apartments on Floor 3 with balconies.
 - o **Building 4:** 6 Handicap Accessible Apartments on Ground Floor with Patios. 6 Apartments on Floor 2 with balconies. 6 Apartments on Floor 3 with balconies.
- Promotes future development and beautification of Old Liverpool Rd.
- Provides an additional housing opportunity in with greenspace and a suburban feel

4. Is there support from local officials? Yes. See Letters Attached.

- Support of Colleen A. Gunnip (Town Supervisor)
- Nicholas R. Paro (1st Ward Salina Councilor)
- V. James Magnarelli (2nd Ward Salina Councilor)
- David M. Carnie (4th Ward Salina Town Councilor)

- Angi Renna (Candidate for New York State Senate 50th District & President of Sterling Financial Group, LLC)

5. Is there needed Infill in already populated area? Yes.

- Continues connection around the circle of Onondaga Lake and the Onondaga Parkway improvement project
- Provides housing opportunity that takes advantage of revitalization around the lake
- Positive Investment and Rehabilitation of Liverpool
- Promotion and spur of more positive economic development in the Town of Salina
- Encourages other developers to invest and continue our vision

6. Does the project provide walkability to village centers? Yes.

- Although not yet site plan approved, we are proposing to install sidewalks on our side of Old Liverpool Rd. providing connection to adjacent properties
- In addition to the above and with the permission of the County, we have a connection opportunity to the Onondaga Lake Parkway through County property
 - o Connection to be completed at our expense
 - o Potential to tie into the Loop the Lake Trail
 - o Connection to adjacent properties along the Onondaga Lake Parkway
 - o Pedestrian Access into the Village
- Close proximity to Onondaga Lake Park, Liverpool Plaza, Santangelo's Restaurant, Village of Liverpool Center, Library, Schools, etc.

7. No additional county provided infrastructure is necessary to service this project.

Conclusion: We are eager and excited to start this project at 629 Old Liverpool Rd. We have the support of Town Supervisor Colleen A. Gunnip, 2nd Ward Councilor V. James Magnarelli, 1st Ward Councilor Nicholas R. Paro, 4th Ward Councilor David M. Carnie, Town of Salina Assessor Denise Trudell, local businesswoman Angi Renna, and many others. We now ask you Onondaga County Industrial Development Agency for your support and acceptance of our application so that we may continue to make Onondaga County a better place to live.

Yours Truly,

David C. Muraco
David C. Muraco

Louis D. Muraco
Louis D. Muraco

Alexis L. Muraco
Alexis L. Muraco

Date: 10/20/2020

Date: 10/20/2020

Date: 10/20/2020

Empire Management of CNY, Inc.
Property Development & Management
4306 E Genesee St
Dewitt, NY 13214
Office: (315) 445-8990 Fax: (315) 445-7977
dcmuraco@empiremgtco.com
www.empiremgtco.com

ADDENDUM TO NARRATIVE – PROJECT DESCRIPTION & DATA POINTS

The project calls for a total of 4 buildings. 3 of the buildings are fully residential (18 apartments per building x 3 = 54 apartments) and 1 is mixed use (12 apartments). Total of 66 apartments. All buildings are a total of +/- 25,350 SF x 4 = +/- 101,400 SF.

The mixed use building will have a middle space for community space as you described on the ground floor with approximately 5,000 SF of commercial space.

The project is being developed on 3.461 Acres.

4 strategically placed buildings which all provide access to handicap accessible apartments.

Each Building will have internally lit solar powered car ports for the residents to park their cars.



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION INSTRUCTIONS

1. Fill in all blanks, using "none", "not applicable", or "not available" where the question is not appropriate to the project, which is the subject of this Application (the "Project"). If you have any questions about the way to respond, please call the Agency at 315-435-3770.
2. If an estimate is given as the answer to a question, put "(est.)" after the figure or answer, which is estimated. If more space is needed to answer any specific question, attach a separate sheet.
3. If the OCIDA Board approves benefits, it is the company's responsibility to obtain and submit all necessary forms and documents. (ST-60, PILOT Agreement)
4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nate Stevens at nstevens@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**
5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the Project, which is the subject of this Application. The form is available at <http://www.dec.ny.gov/permits/6191.html>.
6. Please note the Public officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant feels that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer's Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.
7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the agency, all administrative and legal fees as stated in Section VI of the Application.
8. A complete application consists of the following 9 items:
 - This Application
 - Local Access Agreement
 - Employment Plan
 - Conflict of Interest
 - A feasibility statement indicating the need for the requested benefits
 - Description of project, Site Plans/Sketches, and Maps
 - NYS Full Environmental Assessment Form
 - A check payable to the Agency in the amount of \$1,000
 - A check payable to Barclay Damon LLP in the amount of \$2,500

It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:
Onondaga County Industrial Development Agency
Attn: Nate Stevens
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nstevens@ongov.net

Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

A) Applicant information-company receiving benefits:

Applicant Name: 629 LeMoyne Manor LLC

Applicant Address: 4306 E. Genesee Street, Dewitt, NY 13214

Phone: 314-445-8990

Fax: 315-445-7977

Website: www.empiremgtco.com

E-mail: dcmuraco@empiremgtco.com

Federal ID#: 81-3132914

NAICS: 531190

State and Year of Incorporation/Organization: New York 2016

Will a Real Estate Holding Company be utilized to own the Project property/ facility? ☐ Yes ☒ No

What is the name of the Real Estate Holding Company: _____

Federal ID#: _____

State and Year of Incorporation/Organization: _____

List of stockholders, members, or partners of Real Estate Holding Company:

B) Individual Completing Application:

Name: David C. Muraco

Title: Manager

Address: 4306 E. Genesee Street, Dewitt, NY 13214

Phone: 315-445-8990

Fax: 315-445-7977

E-mail: dcmuraco@empiremgtco.com

C) Company Contact (if different from individual completing application):

Name: _____

Title: _____

Address: _____

Phone: _____ Cell Phone: _____

E-mail: _____

D) Company Counsel:

Name of Attorney: Mark Arbon, Esq.

Firm Name: Sarofeen & Arbon, PLLC

Address: 110 W. Fayette Street, Syracuse, NY 13202

Phone: 315-314-8157 Cell Phone: _____

E-mail: mta@sapllclaw.com

E) Business Organization (check appropriate category):

☐ Corporation

☐ Partnership

☐ Public Corporation

☐ Joint Venture

☐ Sole Proprietorship

☒ Limited Liability Company

Others (please specify): _____

Year Established: 2016

State in which Organization is established: New York

F) List all stockholders, members, or partners with % of ownership greater than 5% :

Name	% of ownership
David C. Muraco	100
_____	_____
_____	_____
_____	_____

G) Applicant Business Description:

Please attach a description of your company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: 100%

Estimated % of sales outside Onondaga County but within New York State: 0

Estimated % of sales outside New York State but within the U.S.: 0

Estimated % of sales outside the U.S.: 0

(*Percentage to equal 100%)

H) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Onondaga County. Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation including estimated percentages of local purchases. Please attach this information.

I) Applicant History: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? ☐ Yes ☒ No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ☐ Yes ☒ No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? ☐ Yes ☒ No

Please attach any explanations:

J) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State, or the Onondaga Civic Development Corporation in the past? If yes please attach an explanation and please give year, project name, description of benefits, and address of project.

☐ Yes ☒ No

Section II: Project Information

- A) **Project Location:** Location where the investment will take place. If company is moving, the new location should be entered here and the current location should be in Section I.

Address: 629 Old Liverpool Road (LeMoyne Manor)

Legal Address (if different): _____

City: Liverpool

Village/Town: Salina

Zip Code: 13088

School District: Liverpool Central

Tax Map Parcel ID(s): 089.-01-26.0

Current Assessed Value: 202,000

Sq. Footage of Existing Building: 0

Census Tract: _____

- B) **Type (Check all that apply):**

☒ New construction

☐ Purchase of machinery and/or equipment

☐ Expansion/Addition to current facilities

☐ Brownfield/Remediated Brownfield

☐ Renovation of existing facility

☐ LEED Certification

☐ Acquisition of existing facility/property

☐ Other:

☐ Demolition

- C) **Please attach a summary of how this project will help your business grow. Will it set the company up for revenue growth? Will it mitigate cost? Will it provide more flexibility?**

- D) **Description of Project:** Please provide a detailed narrative of the proposed Project. This narrative should include, but is not limited to:

☐ (i) the size of the Project in square feet and a breakdown of square footage per each intended use;

☐ (ii) the size of the lot upon which the Project sits or is to be constructed;

☐ (iii) the current use of the site and the intended use of the site upon completion of the Project;

☐ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site; and

☐ (v) an indication as to why the Applicant is undertaking the Project and the need for the requested benefits. **Please separately attach the description and any copies of site plans, sketches, or maps.**

E) Select Project Type for all end users at Project site (you may check more than one):

****Please check any and all end users as identified below**

- | | |
|---|--|
| ☐ Industrial | ☐ Bank Office |
| ☐ Acquisition of Existing Facility | ☐ Retail |
| ☐ Housing | ☒ Mixed Use |
| ☐ Equipment Purchase | ☐ Facility for Aging |
| ☐ Multi-Tenant | ☐ Civic Facility (not for profit) |
| ☐ Commercial | ☐ Other _____ |

F) For the Agency to consider this Project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?
☒ Yes ☐ No
2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?
☒ Yes ☐ No
3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?
☐ Yes ☒ No

G) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company 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 company located within the state? Please explain if you answer "Yes" by attaching a response.

☐ Yes ☒ No

H) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

I) Environmental Information

1. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms:
 - a. <http://www.dec.ny.gov/permits/6191.html>
2. Have any environmental issues been identified on the property?
☐ Yes ☒ No
If yes please attach an explanation.

Section III: Construction

A) Project Costs and Finances

Description of Costs	Total Budget Amount	% of Total Budget to be Procured in Onondaga County	Total Private Expenditure (should be less than or equal to total budget amount)
Land Acquisition			
Site Work/Demo			
Building Construction & Renovation	12,810,545	100	12,810,545
Furniture & Fixtures	353,000	100	353,000
Equipment			
Equipment Subject to NYS Production Sales Tax			
Engineering/Architect			
Financial Charges			
Legal			
Other			
Management/Developer Fees			
Total Project Cost	13,163,545	100	13,163,545

Note: Do not include OCIDA fees, OCIDA application fees, or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.

B) TOTAL Capital Costs \$ 13,163,545

Project refinancing: estimated amount
(for refinancing of existing debt only) \$ N/A

Sources of Funds for Project Costs:

- | | |
|---|-------------------------|
| 1. Bank Financing | \$ <u>12,000,000.00</u> |
| 2. Equity (excluding equity that is attributed to grants/tax credits) | \$ <u>1,163,545</u> |
| 3. Tax Exempt Bond Issuance (if applicable) | \$ <u>N/A</u> |
| 4. Taxable Bond Issuance (if applicable) | \$ <u>N/A</u> |

5. Public Sources (Include sum total of all state and federal grants and tax credits)

\$ 0

-Identify each state and federal grant/credit:

\$ 0

\$ 0

\$ 0

6. Total Sources of Funds for Project Costs

\$ 13,163,545

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?

☐ Yes

☒ No

If yes, provide number of FTE jobs at the facility: _____

2. Complete the following:

Estimate the number of FTE jobs to be retained as a result of this Project:	0
Estimate the number of construction jobs to be created by this Project:	40
Estimate the average length of construction jobs to be created (months):	14
Current annual payroll at facility:	0
Average annual growth rate of wages:	0
Please list, if any, benefits that will be available to either full and/or part time employees:	
Average annual benefit paid by the company (\$ or % salary) per FTE job:	
Average growth rate of benefit cost:	
Amount or percent of wage employees pay for benefits:	
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	

D) New Employment Benefits

- i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, third, fourth, and fifth years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.
- ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Current & Planned Full Time Occupations (Job Titles)	Salary (Annual or Hourly)	Current Number of FTEs	Estimated Number of FTE Jobs added each year after project				
			Year 1	Year 2	Year 3	Year 4	Year 5
Real Estate Rental Agent	45000	0	1				
Maintenance	45000	0	1				
Retail Jobs	30000	0		5	5		
Job Creation Subtotal			2	5	5		

For purposes of completing the chart, please list the job titles that will be increasing in number. If possible, please attach a brief description that outlines what each job entails.

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the project.

E) Financial Assistance sought (estimated values):

☒ Real Property Tax Abatement (PILOT): TBD

☒ Mortgage Recording Tax Exemption (.75% of amount mortgaged): 90,000

☒ Sales and Use Tax Exemption (4% Local, 4% State): 438,240

☐ Tax Exempt Bond Financing (Amount Requested):

☐ Taxable Bond Financing (Amount Requested):

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/
bridge financing): \$ 12,000,000

Estimated Mortgage Recording Tax Exemption Benefit (product of
mortgage amount as indicated above multiplied by .0075): \$ 90,000

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and US tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ 5,478,000

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section "E" on this page, this calculation only exists to help you with your estimate):

\$ 438,240

Section IV: Estimate of Real Property Tax Abatement Benefits*** and Percentage of Project Costs Financed from Public Sector Sources

** Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

A) PILOTS Estimate Table Worksheet

OCIDA estimate of current value	
New construction and renovation costs	
OCIDA estimate of increase in value	
OCIDA estimated value of completed project	
OCIDA estimate of taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	Exemption %	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100						
2	90						
3	80						
4	70						
5	60						
6	50						
7	40						
8	30						
9	20						
10	10						
TOTAL							

*** Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

Section V: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revoking and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency 629 LeMoyne Manor LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands an Agency tax-exempt certificate is valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency before a tax exempt certificate is issued or extended.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 10/8/20 (date).

Company: 629 LeMoyne Manor LLC

Representative for Contract: David C. Muraco

Address: 4306 E. Genesee Street City: Dewitt State: NY Zip: 13214

Phone: 315-445-8990 Email: dcmuraco@empiremtco.com

Project Address: 629 Old Liverpool Road City: Liverpool State: NY Zip: 13088

General Contractor: 629 LeMoyne Manor LLC

Contact Person: David C. Muraco

Address: 4306 E. Genesee Street City: Dewitt State: NY Zip: 13214

Phone: 315-445-8990 Email: dcmuraco@empiremtco.com

Authorized Representative: David C. Muraco Title: Manager

Signature: 

Section VI: Agency Fee Schedule

Payment Terms:

Application & Processing Fee (payable at the time of application):	\$1,000
Legal Deposit (payable at the time of application):	\$2,500
Agency Fee for Bond Projects:	Payable at Closing
Agency and Legal Fees for all other projects:	Due and Payable at Inducement

*** A sales tax certificate (ST-60) will not be issued until the Agency Fee is Paid in Full**

Agency Fees: The project cost is the Total Project Cost from section III A

<u>Benefit Sought</u>	<u>Fee Charged</u>
Mortgage Recording Tax and/or Sales Tax exemptions:	0.01 X the project cost
Additional Fee for PILOT Agreement Projects:	0.0025 X the project cost
Fee for bond financing, refinancing & refunding:	0.0025 X the project cost

Note: For Manufacturing Projects under \$10 million the fee is reduced by: 0.0025 X the project cost

Agency Legal Fees: The project cost is the Total Project Cost from section III A

Fee for first \$20 million:	0.0025 of the project cost
Fee for expenses above \$20 million:	0.00125 of the project cost

In addition to the foregoing, Applicants are responsible for payment of all costs and expenses incurred by OCIDA in connection with application or Project including without limitation publication, copying costs, SEQRA compliance and fees and costs to OCIDA's attorneys, engineers, and consultants. OCIDA reserves the right to require a deposit to cover anticipated costs. Application fees are payable at time application/request is submitted. All fees are non-refundable. Applicants for bond transactions are responsible for payment of a Bond Issuance Charge payable to the State of New York. Applicants are also responsible for payment of post-closing fees and costs associated with the appointment of additional agents.

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

Section VII: Recapture of Tax Abatement/Exemptions

Information to be Provided by Companies: Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Recapture of Benefits: It is the policy of the Agency to recapture the value of a PILOT, any sales and use tax exemption, and mortgage recording tax exemption in accordance with the Laws of the State and the provisions contained herein. Before receiving benefits, the Company must attest in writing to its understanding of, and agreement to, the recapture provisions contained in State Law and herein. To the extent permitted by State law, the recapture provisions contained herein may be modified from time to time by the Agency at its sole discretion.

Recapture of a PILOT, Sales Tax and the Mortgage Recording Tax Exemptions: If the number of full time equivalent jobs to be maintained or created in connection with a project falls below 75% of the number projected in the Company's application to the Agency, or if there are material violations of the project agreements, then the value of the property tax, sales and use tax and mortgage recording tax benefits extended to the project by the Agency may be subject to recapture. When deciding whether or not to recapture benefits and the amount of such recapture, the Agency may consider the potential future benefit of the business to the community.

Recapture Payment: The recapture payment paid by the Company to the Agency shall be determined (1) by the difference between any PILOT payments made by the Company and the property taxes that would have been paid by the Company if the property were not under the supervision, jurisdiction or control of the Agency, (2) the value of any mortgage recording tax exemption, if awarded to the Company and (3) the amount of sales and use tax that would have been paid if an exemption was not granted.

Recapture of the PILOT, Sales Tax or Mortgage Recording Tax: The Recapture Schedule for a Payment in Lieu of Tax Agreement, Sales Tax or the Mortgage Recording Tax is as follows:

Time from Project Completion	Tax Savings Recaptured
1 Year	80%
2 Years	60%
3 Years	40%
4 Years	20%
5 Years	10%

Distribution of the Recapture Payment: Any funds recaptured as a result of the recapture payment shall be distributed to the affected taxing jurisdictions in the same proportion as if the payments were paid or owed by the Company on the date of recapture.

Additional Conditions for the Recapture of Sales and Use Tax: As of April 1, 2013, New York State law requires Industrial Development Agencies to recapture sales tax benefits where:

- A project is not entitled to receive the benefits;
 - Exemptions received exceed the amount authorized by the Agency;
 - Exemptions are claimed by the Project for unauthorized property or services; or
 - A project fails to use property in the manner required by its IDA agreements.
1. **Distribution of Sales and Use Tax.** Project operators must cooperate with the Agency in its effort to recapture all sales and use tax benefits received by the Company by promptly paying the recapture amount as determined by the Agency. The amount to be recaptured will be dictated by State Law or this UTEP Policy, which ever may be applicable. The Agency shall remit the recaptured sales and use tax benefits to the State within 30 days of receipt.
 2. **Compliance Report.** Annually, the Agency will file an annual compliance report with the State of New York detailing its recapture terms and its activities to recapture benefits, including any attempt to recapture benefits from an Agency project.

A "Full Time Permanent Employee" shall mean

1. A full time, permanent, private sector employee on the Company's payroll, who has worked at the project location for a minimum of thirty hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours; or
2. Up to three part time, permanent, private-sector employees on Company's payroll, who have worked at the project location for a combined minimum of thirty hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours.

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company

629 LeMoyne Manor LLC

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

David C. Muraco, Manager

Date:

10/5/20

Section VIII: Employment Plan

Jobs Listings: In accordance with §858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that if the 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 Project will be listed with the New York State Department of Labor Business Services and with the administrative entity of the service delivery area created by the Workforce Innovation and Opportunity Act of 2014 in which the Project is located. In Onondaga County, please contact CNY Works. Additionally, the applicant is encouraged to review the services provided by JOBSPlus! for candidate matching services.

Are the employees of your company currently covered by a collective bargaining agreement?

☐ Yes ☒ No

If yes, name and location: _____

Is the labor pool in Onondaga County and/or the CNY Economic Development Region adequate to fill new positions?

☒ Yes ☐ No

Enter Company Name in three (3) places below and sign by an authorized company officer:

In consideration of the benefits provided by the Onondaga County Industrial Development Agency (OCIDA), 629 LeMoyne Manor LLC, project beneficiary, also agrees to report to OCIDA on the number of new employment opportunities created in connection with industrial or commercial projects financed by the proceeds of such benefits to be listed with the New York State Department of Labor Business Services and CNY Works.

629 LeMoyne Manor LLC, project beneficiary, also agrees to report to OCIDA on or before March 1 of each year the status of employment opportunities filed with the New York State Department of Labor Business Services, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.

629 LeMoyne Manor LLC, project beneficiary, further agrees that, to the extent practicable and feasible, and subject to the requirements of any existing collective bargaining agreement, the project beneficiary shall fill at least 10% of new employment opportunities with persons eligible for service under the Workforce Innovation and Opportunity Act of 2014.

Name of Applicant Company: 629 LeMoyne Manor LLC

Signature of Officer or Authorized Representative: 

Name & Title of Officer or Authorized Representative: David C. Muraco

Date: 12/8/20

NYS Department of Labor:
Roy Jewell
Associate Business Service Representative
450 South Salina Street, Syracuse, NY 13202 315-479-3362
roy.jewell@labor.ny.gov
www.labor.ny.gov

CNY Works
Chris Kennedy
Business Development Specialist
960 James Street, Syracuse, NY 13203
315-477-6974
ckennedy@cnyworks.com
www.cnyworks.com

Section IX: Conflict of Interest

Agency Board Members

1. Patrick Hogan
2. Steve Morgan
3. Victor Ianno
4. Sue Stanczyk
5. Kevin Ryan
6. Janice Herzog
7. Fanny Villarreal

Agency Officers/Staff

1. Robert M. Petrovich
2. Nathaniel Stevens
3. Nancy Lowery
4. Karen Doster
5. Chris Cox

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Mirabito, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company

629 LeMoyne Manor LLC

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

David C. Muraco, Manager

Date: 10/8/20

Section X: Representations, Certifications, and Indemnification

David C. Muraco (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Manager (title) of 629 LeMoyne Manor LLC (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which 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 within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.
- C. Annual Sales Tax Filings:** In accordance with §874(8) 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, 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.
- D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent 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, with said report being an agenda item subject to the open

meetings law.

F. 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, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

G. Compliance: The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

H. 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.

I. 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.

J. 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 in the Project.

K. 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.

L. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants 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 statement contained herein not misleading.

M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

N. **Hold Harmless Agreement:** Applicant hereby releases Onondaga 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 cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 process of the Application, including attorney's fees, if any.

Name of Applicant Company

629 LeMoyne Manor LLC

Signature of Officer or Authorized Representative:

David C. Muraco

Name & Title of Officer or Authorized Representative:

David C. Muraco

Date:

10/8/20

STATE OF NEW YORK

)

COUNTY OF ONONDAGA

)ss.;

David C. Muraco

, being first duly sworn, deposes and says:

1. That I am the Manager (Corporate Officer) of 629 LeMoyne Manor LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read and 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 8th day of October, 2020

Bari S. Nardella

(Notary Public)

BARI S NARDELLA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01NA6355217
Qualified in Onondaga County
My Commission Expires 02-27-2021

End of Application

Rev 1-9-20



Town of Salina
OFFICE OF THE TOWN SUPERVISOR

Colleen A. Gunnip
Town Supervisor

Douglas R. Wickman, P.E.
Staff Engineer

Nancy A. O'Neil
Secretary to the Supervisor

November 4, 2020

Onondaga County Industrial Development Agency
Office of Economic Development
333 W. Washington Street, Suite 130
Syracuse, New York 13202

Dear Board Members,

We are writing in support of the application submitted to the Industrial Development Agency by Mr. David Muraco, President and Chief Executive Officer of Empire Management Company. The application is to build apartments with retail shops on the former Lemoyne Manor site located at 629 Old Liverpool Road.

As you know, this site was a landmark in the Town of Salina since 1916, when famed architect Ward Wellington Ward built a home on the 5-acre lot overlooking Onondaga Lake and called it Le Moyne Manor. Later, the restaurant and inn were a popular location for banquets, weddings and business meetings. The Lemoyne Manor brought people from all over Onondaga County into our town for many years. We were sad to see this business close in 2011.

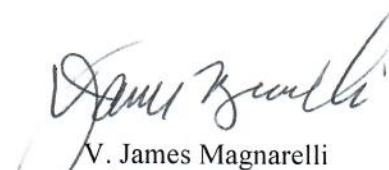
In 2016, when Mr. Muraco announced his plan to redevelop the site into a retail building and apartments, the Town was excited to once again have a business on this landmark site. The project calls for a total of four (4) buildings, three (3) of the buildings are fully residential and one (1) is mixed use. The total apartments are sixty-six (66) and the mixed-use building will have a middle space for the community and approximately 5,000 SF of commercial space. The project is being developed on 3.461 Acres and in support of the project the Town moved forward by creating a new Zoning District to allow Multiple Family Residential and Commercial to be located on one site.

This is a beautiful site overlooking Onondaga Lake, with close proximity to downtown and the Village of Liverpool. This development should attract a diverse group of residents due to the new focus on the lake, like the amphitheater, Onondaga Lake Park and the proposed Loop the Lake bike trail. The Town strongly supports this development because it will appeal to people of all ages similar to Lemoyne Manor, plus it will bring value back to this area while giving the local economy a deserving boost.

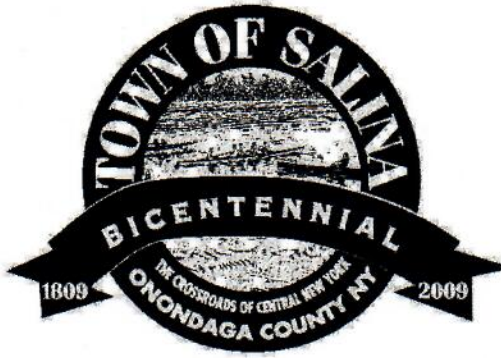
We hope the Industrial Development Agency will approve the application submitted by Empire Management Company and if you have any questions, please do not hesitate to contact me at (315) 457-6661 or at supervisor@salina.ny.us.

Sincerely,


Colleen A. Gunnip
Supervisor


V. James Magnarelli
2nd Ward Councilor

201 School Road – Liverpool, NY 13088 - (315) 457-6661 - Fax: (315) 457-4476
www.salina.ny.us - supervisor@salina.ny.us - Twitter: @TownofSalina - FB: townofsalina



October 14, 2020

Onondaga County Industrial Development Agency
Office of Economic Development
333 W. Washington Street, Suite 130
Syracuse, New York 13202

Dear Board Members,

We are writing this letter to ask you to join us in support of the proposed redevelopment project located at the former site of Le Moyne Manor address 629 Old Liverpool Road, Liverpool, NY 13088. As Salina Town Councilors, we know once completed, this project will improve the Galeville community and enhance the quality of life for all residents within the Town of Salina and Onondaga County.

We are familiar with Empire Management Company's quality of work and proven track record of success. This site may have one of the best views of Onondaga Lake and is underutilized. The Town of Salina is extremely thankful Empire Management is willing to rehabilitate this property that has been abandoned for far too long.

As a residents of Onondaga County, and as public officials, we ask the Onondaga County Industrial Development Agency to approve the application submitted by Empire Management Company for a 10-Year PILOT, along with mortgage and sales tax exemptions in connection with the site plan approved Le Moyne Manor Development. We appreciate your time and for your service to our community. Please let us know if there is anything we may do to be of assistance and call with questions.

Sincerely,

Nicholas R. Paro
1st Ward Salina Town Councilor

David M. Carnie
4th Ward Salina Town Councilor



October 8, 2020

OCIDA

Robert Petrovich

333 W. Washington Street #130

Syracuse, NY 13202

Dear Mr. Petrovich,

I am writing this letter in show of support for Empire Management Co. and their proposed project at the Lemoyne Manor location in Liverpool. As a business owner located in the neighborhood of this project, I fully support this effort and believe it to have tremendous value to both the surrounding businesses as well as the residents.

The identified location has sat vacant for far too long. It was once a crowning jewel of this neighborhood and we welcome it to be just that once again. The proposed project of mixed use will not only bring value to the area but also will provide for a professional aesthetic with lake views that will be enjoyed by many for years to come.

Please accept my support of this project. Thank you for your consideration in moving this forward for our area.

Sincerely,

Angela Renna, RICP®
President

913 Old Liverpool Road Suite E, Liverpool, NY 13088

Phone: 315.699.3424 Fax: 315.939.1321

www.sterlingcny.com

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ARCHITECTS

239 E. Water Street - 2nd Fl.
Syracuse, New York 13202
www.in-ARCHITECTS.com

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

SCHEMATIC DESIGN

03/24/2020
PROJECT # 20013



FOR REVIEW ONLY.
NOT FOR CONSTRUCTION

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PLAN SEAL BY: P.E.
NYS REGISTRATION # 007211

PROJECT NO.

18-1694

DATE

23 OCT 2020

SCALE

1" = 30'

PREPARED BY:

NAPIERALA
CONSULTING
PROFESSIONAL ENGINEER P.C.

SITE • DESIGN • ENGINEERING
110 FIFTH STREET
MANHATTAN, NEW YORK 10014
email: MNAP@NAPCON.COM
PH: (315) 682-5560 FAX: (315) 682-5544

SHEET TITLE:

SKETCH PLAN

REVISION/ISSUE

NO.

DATE

PROJECT TITLE:

LE MOYNE MANOR
OLD LIVERPOOL ROAD

TOWN OF SALINA

ONONDAGA COUNTY, NY

PREPARED FOR:

EMPIRE MANAGEMENT OF CNY, INC.
4306 E GENESEE STREET
SYRACUSE, NY 13214



BIRDSEYE PERSPECTIVE - OVERALL

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: NOT TO SCALE
SHEET NAME: BIRDSEYE PERSPECTIVE
SHEET NUMBER: A1



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VIEW OF MIXED-USE BUILDING ENTRANCE

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: NOT TO SCALE
SHEET NAME: EXTERIOR PERSPECTIVE
SHEET NUMBER: A2



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VIEW OF MIXED-USE BUILDING ENTRANCE

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: NOT TO SCALE
SHEET NAME: EXTERIOR PERSPECTIVE
SHEET NUMBER: A3



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Syracuse, New York 13202
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BIRDSEYE PERSPECTIVE - MIXED-USE BLDG

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: NOT TO SCALE
SHEET NAME: EXTERIOR PERSPECTIVE
SHEET NUMBER: A4


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Syracuse, New York 13202
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VIEW OF RESIDENTIAL BUILDING ENTRANCE

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: NOT TO SCALE
SHEET NAME: EXTERIOR PERSPECTIVE
SHEET NUMBER: A5



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Syracuse, New York 13202
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VIEW OF RESIDENTIAL BUILDING REAR

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: NOT TO SCALE
SHEET NAME: EXTERIOR PERSPECTIVE
SHEET NUMBER: A6



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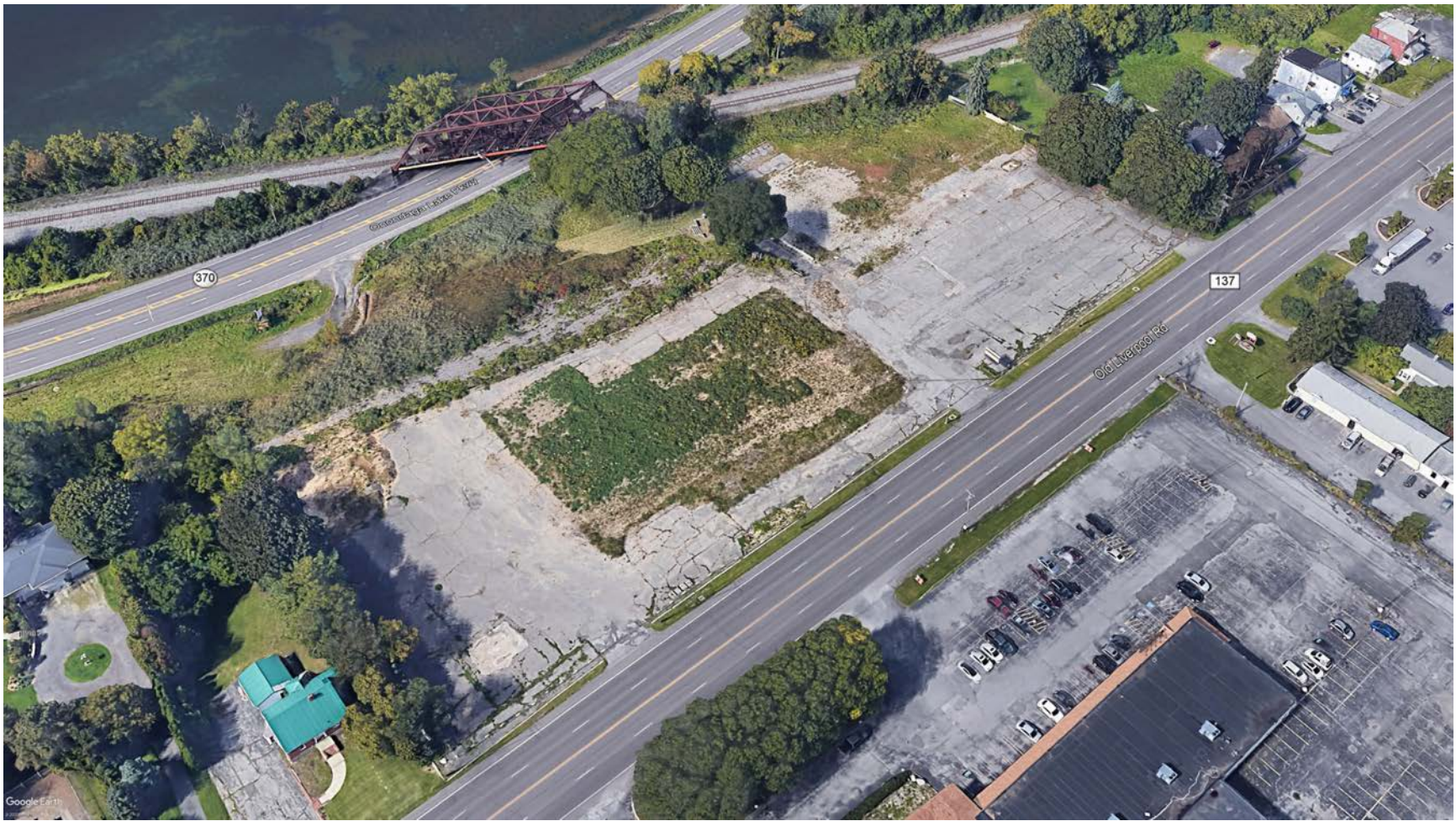
239 E. Water Street - 2nd Fl.
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VIEW FROM OLD LIVERPOOL ROAD



EXISTING PHOTO



EXISTING AERIAL

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 07/01/2020
SCALE: NOT TO SCALE
SHEET NAME: EXTERIOR PERSPECTIVE
SHEET NUMBER: A7



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LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: NOT TO SCALE
SHEET NAME: MIXED-USE BLDG. EXTERIOR ELEVATIONS
SHEET NUMBER: A8



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REAR ELEVATION



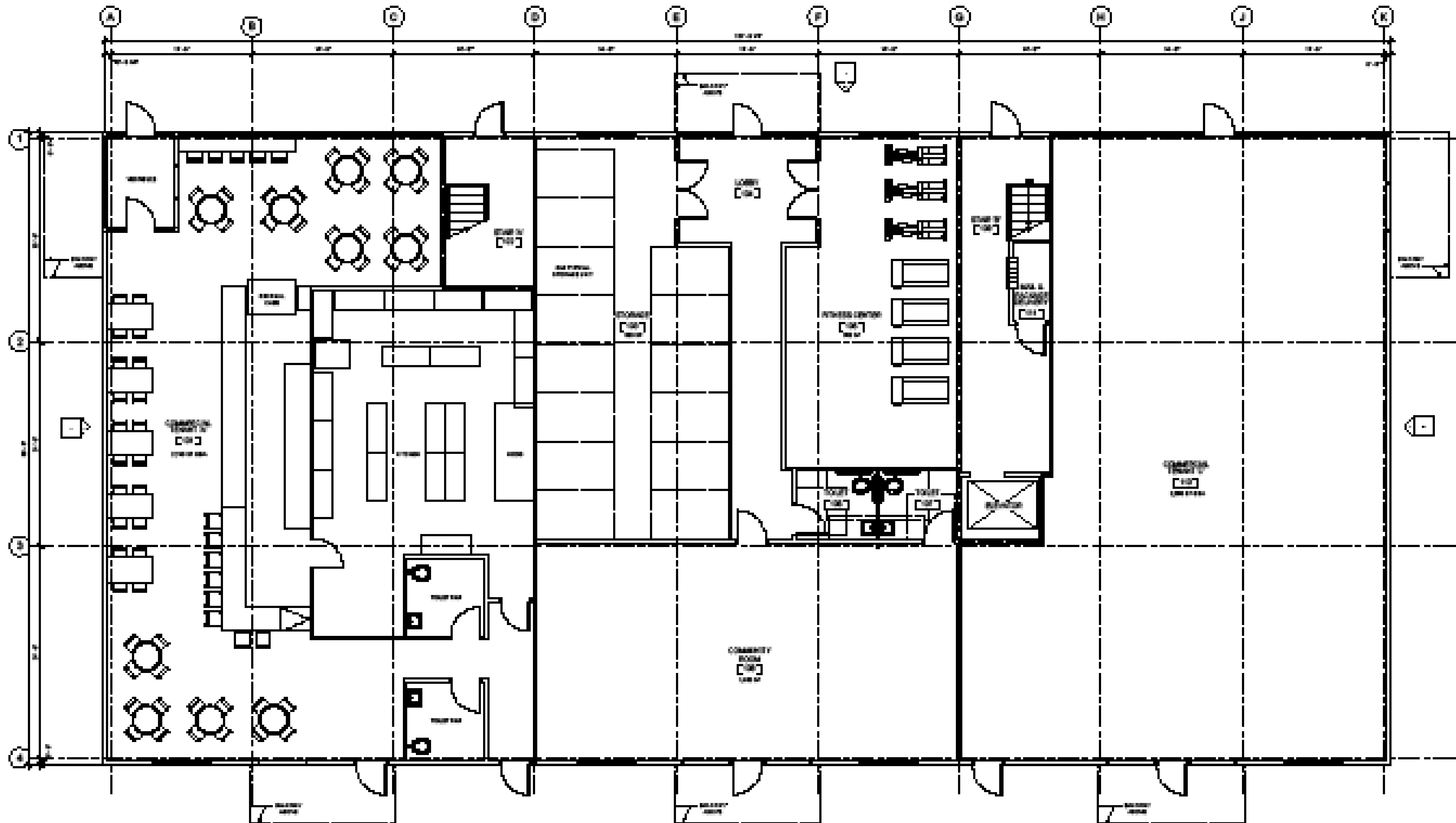
SIDE ELEVATION - TYPICAL

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: NOT TO SCALE
SHEET NAME: RESIDENTIAL BLDG. EXTERIOR ELEVATIONS
SHEET NUMBER: A9



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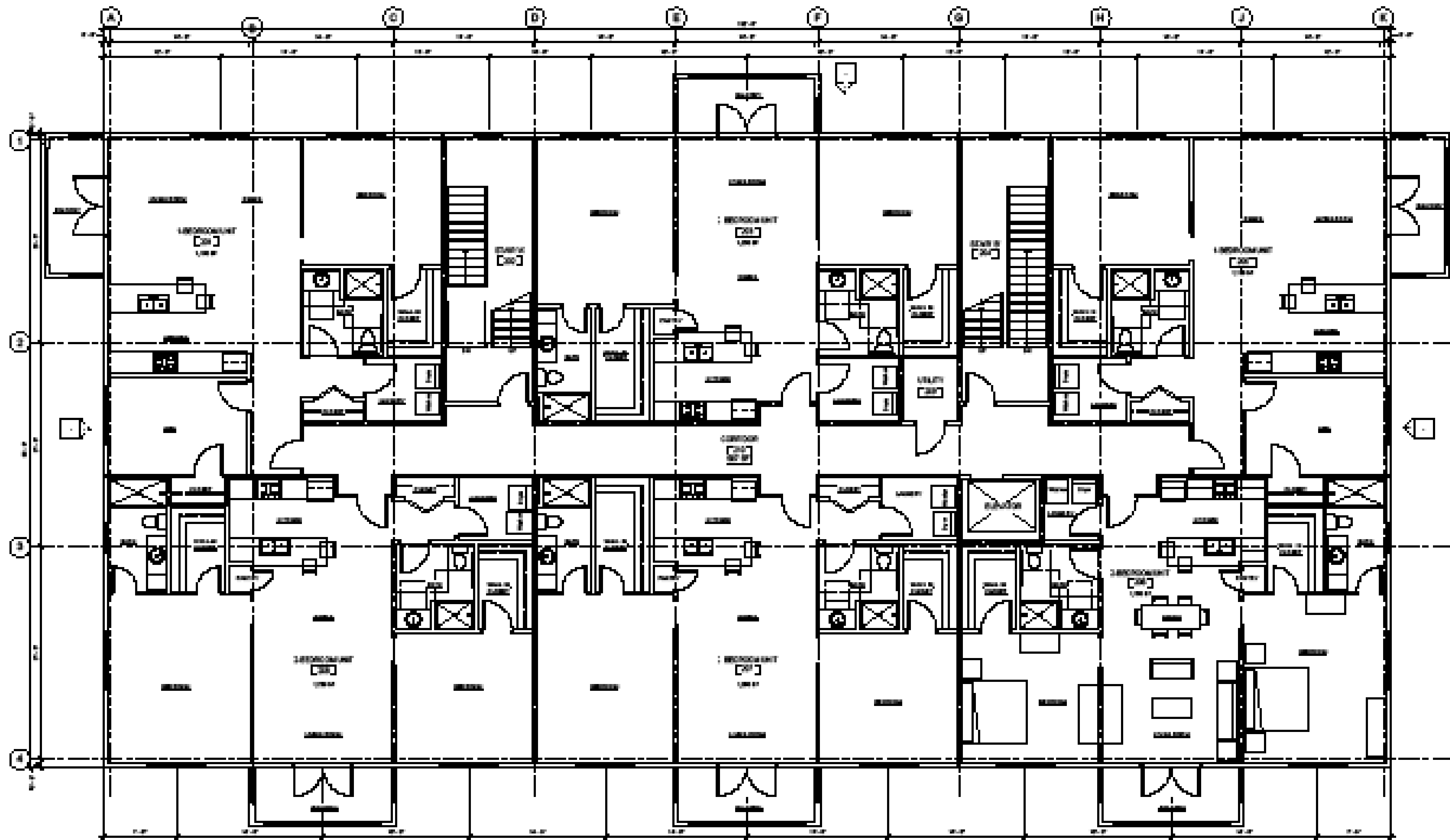
FIRST FLOOR PLAN

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: 3/16" = 1'-0"
SHEET NAME: FLOOR PLAN
SHEET NUMBER: A10



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SECOND FLOOR PLAN

LEMOYNE MANOR APARTMENTS
LIVERPOOL, NEW YORK

DATE: 03/24/2020
SCALE: 3/16" = 1'-0"
SHEET NAME: FLOOR PLAN
SHEET NUMBER: A11


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Onondaga County Industrial Development Agency



Project Summary

12/2/2020

1. Project	Milton Cat 2020 Expansion	2. Project Number	3101-20-22B
3. Location	Town of Cicero	4. School District	North Syracuse (CNS)
5. Tax Parcel(s)	055.-03-01.0 & 055.-03-02.0	6. Project Type	-
		Village	-

7.Total Project Cost	\$	26,000,000.00	8. Total Jobs	109
Land	\$	950,000	8A. Job Retention	109
Site Work	\$	5,000,000	8B: Job Creation	0
Building	\$	13,000,000	(Next 5 Years)	
Furniture & Fixtures	\$	1,000,000		
Equipment	\$	3,500,000		
Equipment Subject to NYS Production Exemption	\$	-		
Engineering/Architecture Fees	\$	1,000,000		
Financial Charges	\$	-		
Legal Fees	\$	50,000		
Other	\$	-		

Cost Benefit Analysis

Milton Cat 2020 Expansion

Fiscal Impact (\$)

Abatement Cost	\$1,227,000
Sales Tax	\$1,040,000
Mortgage Tax	\$187,000
Property Tax Relief (PILOT)	\$0
New Investment	\$21,169,850
PILOT Payments	\$0
Project Wages (10 years)	\$0
Construction Wages	\$1,958,850
Employee Benefits (10 years)	\$0
Project Capital Investment	\$18,950,000
New Sales Tax Generated	\$0
Agency Fees	\$261,000

Benefit:Cost Ratio

17.25 :1

Project Description

Milton CAT is proposing to construct 75,000 - 85,000 square feet of new construction at 7285 Eastman Road in Cicero NY



**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR BENEFITS**

1. Fill in all blanks using "none", "not applicable" or "not available". If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency at 315-435-3770.
2. If providing an estimate put "(est.)" after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.
3. If the OCIDA Board approves benefits, it is the company's responsibility to obtain and submit all necessary forms and documents. (ST-60, PILOT Agreement)
4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nate Stevens at nstevens@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**
5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the Project, which is the subject of this Application. The form is available at <http://www.dec.ny.gov/permits/6191.html>.
6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer's Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.
7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the agency, all administrative and legal fees as stated in Section VI of the Application.
8. A complete application consists of the following 9 items:
 - This Application
 - Local Access Agreement
 - Employment Plan
 - Conflict of Interest
 - A feasibility statement indicating the need for the requested benefits
 - Description of project, Site Plans/Sketches, and Maps
 - NYS Full Environmental Assessment Form
 - A check payable to the Agency in the amount of \$1,000
 - A check payable to Barclay Damon LLP in the amount of \$2,500
9. This Application was adopted by the OCIDA Board on November 19, 2019.

It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:
Onondaga County Industrial Development Agency
Attn: Nate Stevens
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nstevens@ongov.net

Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

A) Applicant information-company receiving benefits:

Applicant Name: Southworth-Milton, Inc. d/b/a Milton CAT

Applicant Address: 100 Quarry Drive, Milford, Massachusetts 01757

Phone: 508-634-3400

Fax: _____

Website: www.miltoncat.com

E-mail: _____

Federal ID#: 02-0258444

NAICS: 423810

State and Year of Incorporation/Organization: New Hampshire 1960

Will a Real Estate Holding Company be utilized to own the Project property/ facility? * ☒ Yes ☐ No

What is the name of the Real Estate Holding Company: Milton Real Properties of Massachusetts, LLC

Federal ID#: 04-3497603

* See attached Milton CAT Transaction Summary

State and Year of Incorporation/Organization: New Hampshire 1999

List of stockholders, members, or partners of Real Estate Holding Company:

Christopher G. Milton, Laura E. Milton 2017 Irrevocable Trust, Anna Louise Milton 2017 Irrevocable Trust, Keith Culver Milton 2017 Irrevocable Trust

B) Individual Completing Application:

Name: Stephen A. Boyd

Title: Vice President - Chief Financial Officer

Address: 100 Quarry Drive, Milford, Massachusetts 01757

Phone: 508-634-5570

Fax: _____

E-mail: steve_boyd@miltoncat.com

C) Company Contact (if different from individual completing application):

Name: Bradlee T. Farrin
Title: Corporate Facilities Manager
Address: 100 Quarry Drive, Milford, Massachusetts 01757
Phone: 508-634-5830 Cell Phone: 508-958-6111
E-mail: brad_farrin@miltoncat.com

D) Company Counsel:

Name of Attorney: Jeremy H. Speich, Esq.
Firm Name: Harris Beach, PLLC
Address: 677 Broadway, Suite 1101
Phone: 518-701-2737 Cell Phone: _____
E-mail: jspeich@harrisbeach.com

E) Business Organization (check appropriate category):

- ☒ Corporation ☐ Partnership
☐ Public Corporation ☐ Joint Venture
☐ Sole Proprietorship ☐ Limited Liability Company

Others (please specify): _____

Year Established: 1960

State in which Organization is established: New Hampshire

F) List all stockholders, members, or partners with % of ownership greater than 5% :

Name	% of ownership
<u>Christopher G. Milton</u>	<u>51%</u>
<u>William B. Swasey 2017 Irrevocable Trust</u>	<u>19%</u>
<u>Laura E. Milton 2017 Irrevocable Trust</u>	<u>10%</u>
<u>Anna Louise Milton 2017 Irrevocable Trust</u>	<u>10%</u>
<u>Keith Culver Milton 2017 Irrevocable Trust</u>	<u>10%</u>

G) Applicant Business Description:

Please attach a description of your company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: 5%

Estimated % of sales outside Onondaga County but within New York State: 27%

Estimated % of sales outside New York State but within the U.S.: 68%

Estimated % of sales outside the U.S.: 0%

(*Percentage to equal 100%)

H) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Onondaga County. Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation including estimated percentages of local purchases. Please attach this information.

I) Applicant History: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? ☒ Yes ☐ No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ☐ Yes ☒ No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? ☐ Yes ☒ No

Please attach any explanations:

J) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State or the Onondaga Civic Development Corporation in the past? If yes please attach an explanation and please give year, project name, description of benefits and address of project.

☐ Yes ☒ No

Section II: Project Information

- A) Project Location: Location where the investment will take place. If company is moving, the new location should be entered here and the current location should be in Section I.

Address: 7285 and 7309 Eastman Road

Legal Address (if different): _____

City: _____

Village/Town: Cicero

Zip Code: 13039

School District: North Syracuse

Tax Map Parcel ID(s): 055-03-01 & 055-03-02

Current Assessed Value: 115,000.00

Sq. Footage of Existing Building: N/A

Census Tract: 010321

- B) Type (Check all that apply):

☒ New construction

☐ Purchase of machinery and/or equipment

☐ Expansion/Addition to current facilities

☐ Brownfield/Remediated Brownfield

☐ Renovation of existing facility

☐ LEED Certification

☐ Acquisition of existing facility/property

☐ Other:

☐ Demolition and Construction

- C) Please attach a summary of how this project will help your business grow. Will it set the company up for revenue growth? Will it mitigate cost? Will it provide more flexibility?

- D) Description of Project: Please provide a detailed narrative of the proposed Project. This narrative should include, but is not limited to: * see attached Transaction Summary

☒ (i) the size of the Project in square feet and a breakdown of square footage per each intended use;

☒ (ii) the size of the lot upon which the Project sits or is to be constructed;

☒ (iii) the current use of the site and the intended use of the site upon completion of the Project;

☒ (iv) the principal products to be produced and/or the principal activities that will occur on the Project site; and

☒ (v) an indication as to why the Applicant is undertaking the Project and the need for the requested benefits. **Please separately attach the description and any copies of site plans, sketches or maps.**

Milton CAT – Transaction Summary

7285 - 7309 Eastman Road, Cicero, New York

The proposed project will be located at 7285 and 7209 Eastman Road, Cicero and represents a \$26,000,000 investment by Milton Cat. The proposed facility will be between 75,000 – 85,000 sq. ft. of buildings on 20 acres of land. This location will be shared by Milton Cat and SITECH Northeast. It is driven by three factors – the space to allow for expansion, the need for a more modern, engaging customer experience environment, and the ability to create a best in class work space for employees.

While our current location at Ainsley Drive has served us well for the last 20 years, the accessibility and roadways to the 60+ year-old location create transportation challenges specific to our business, and the structure and layout no longer meet the levels of our other locations or the needs of the market. Our current and future infrastructure requirements will be more than satisfied with our Eastman Road facility and footprint. Please note that some operations will remain at the Ainsley Drive location.

From our Cicero location we will be able to better serve a wide variety of industries from 14 counties. Customers from our earthmoving side of the business include landscapers, farms, site developers, bridge, highway and utility contractors, paving firms, forestry companies, aggregate producers, a salt mine, town, village and county municipalities and Fort Drum. Our power systems side of the business serves an equally diverse base of customers with the common thread being that they require reliable, sometimes critical-demand power – hospitals, banks, data centers, municipalities, on-highway trucks and many rental applications.

The new facility will also serve as corporate headquarters for SITECH Northeast, a sister company to Milton CAT, that sells and supports the technology and automation side of our earthmoving business. SITECH Northeast has been experiencing double-digit sales growth over the last seven years and has been filling good-paying, technology-based positions at the same rate.

The Milton CAT Syracuse location has a strong relationship with the NY BOCES program and a number of Diesel technology schools, in particular SUNY Morrisville. Our company has a robust internship and cooperative program to train technicians, many of whom we hire. These programs and the ability to teach technicians and other job roles will improve tremendously with the Cicero facility.

Design and construction decisions for the Eastman Road site will be handled by our corporate facilities department and every effort will be made to hire local to the job site. The culture of Milton CAT is to have as many decisions made by local management as possible and this will result in the hiring of local vendors and suppliers after the Cicero facility is complete.

The successful completion of this project is critical to the continued financial success and associated employment for Milton CAT's CNY operations. The financial assistance detailed in this application enables this project to succeed.

Milton CAT provides unique goods and services for our customers. A substitute provider of these goods and services is not available in the Town of Cicero or Onondaga County. The successful completion of this project will make these goods and services available to the Town of Cicero and County of Onondaga that would not otherwise be available.

Milton CAT has a strong track record of being a good community member supporting numerous charities, causes and foundations. Milton CAT also prides itself on being a good equal opportunity employer, offering training, opportunity for growth, and a highly competitive health and benefits package.

The current structure for the IDA transaction contemplates that Southworth-Milton, Inc. would purchase the real property, purchase the equipment and construct the facility under the IDA project. Upon completion of the project and as part of the IDA approval, Southworth-Milton, Inc. would transfer the real property and the facility to Milton Real Properties of Massachusetts, LLC. Southworth-Milton, Inc. would enter into a long-term lease with Milton Real Properties of Massachusetts. Southworth-Milton, Inc. would also hold a note and mortgage on the real property to secure payment of the purchase price.

Upon completion of the intercompany sale-leaseback, Milton Real Properties of Massachusetts, LLC, as the Real Estate Holding Company, will own the Land and the Project Facility and that Southworth-Milton, Inc., as the Operating Company, will be the owner of the Equipment and the operator of the Project Facility.

E) Select Project Type for all end users at Project site (you may check more than one):

**Please check any and all end users as identified below

- | | |
|---|--|
| ☐ Industrial | ☐ Bank Office |
| ☐ Acquisition of Existing Facility | ☐ Retail |
| ☐ Housing | ☐ Mixed Use |
| ☐ Equipment Purchase | ☐ Facility for Aging |
| ☐ Multi-Tenant | ☐ Civic Facility (not for profit) |
| ☐ Commercial | ☒ Other <u>Specialty Sales and Service of Heavy Construction Equipment</u> |

F) For the Agency to consider this Project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?
☒ Yes ☐ No
2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?
☒ Yes ☐ No
3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?
☒ Yes ☐ No

G) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company 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 company located within the state? Please explain if you answer "Yes" by attaching a response.

☐ Yes ☒ No

H) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

I) Environmental Information

1. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms:
 - a. <http://www.dec.ny.gov/permits/6191.html>
2. Have any environmental issues been identified on the property?
☐ Yes ☒ No
If yes, please attach an explanation.

Section III: Construction

A) Project Costs and Finances

Description of Costs	Total Budget Amount	% of Total Budget to be Procured in Onondaga County	Total Private Expenditure (should be less than or equal to total budget amount)
Land Acquisition	950,000	100%	
Site Work/Demo	5,000,000	100%	
Building Construction & Renovation	13,000,000	100% (if available)	
Furniture & Fixtures	1,000,000	50%	
Equipment	3,500,000	50%	
Equipment Subject to NYS Production Sales Tax			
Engineering/Architect	1,000,000	25%	
Financial Charges			
Legal	50,000	0%	
Other			
Management/Developer Fees	1,500,000	50%	
Total Project Cost	26,000,000		

Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.

B) TOTAL Capital Costs

\$ 26,000,000

Project refinancing: estimated amount
(for refinancing of existing debt only)

\$ _____

Sources of Funds for Project Costs:

1. Bank Financing \$ _____
2. Equity (excluding equity that is attributed to grants/tax credits) \$ 26,000,000 (100% equity)
3. Tax Exempt Bond Issuance (if applicable) \$ _____
4. Taxable Bond Issuance (if applicable) \$ _____

5. Public Sources (Include sum total of all state and federal grants and tax credits)

\$ _____

-Identify each state and federal grant/credit:

\$ _____

\$ _____

\$ _____

6. Total Sources of Funds for Project Costs

\$ 26,000,000

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?

☐ Yes

☒ No

If yes, provide number of FTE jobs at the facility: _____

2. Complete the following:

Estimate the number of FTE jobs to be retained as a result of this Project:	109
Estimate the number of construction jobs to be created by this Project:	45
Estimate the average length of construction jobs to be created (months):	12-18 months
Current annual payroll at facility:	\$8,500,000
Average annual growth rate of wages:	3.5%
Please list, if any, benefits that will be available to either full and/or part time employees:	Medical, Dental, 401K, Pension Plan, Life Ins., Long/Short Term Disability, Vacation, Paid Health Ins.
Average annual benefit paid by the company (\$ or % salary) per FTE job:	Variable
Average growth rate of benefit cost:	5%
Amount or percent of wage employees pay for benefits:	Variable
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	N/A

D) New Employment Benefits

- i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, third, fourth and fifth years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.
- ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Current & Planned Full Time Occupations (Job Titles)	Salary (Annual or Hourly)	Current Number of FTEs	Estimated Number of FTE Jobs added each year after project				
			Year 1	Year 2	Year 3	Year 4	Year 5
Management	170,000	5					
Supervisors	80,000	12					
Sales People	91,000	29					
Service Technicians	85,000	39					
Warehouse	55,000	6					
Office Support - Salary	98,000	6					
Office Support - Hourly	60,000	12					
Job Creation Subtotal		109					

For purposes of completing the chart, please list the job titles that will be increasing in number. If possible, please attach a brief description that outlines what each job entails.

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the project.

E) Financial Assistance sought (estimated values):

- ☐ Real Property Tax Abatement (PILOT): _____
- ☒ Mortgage Recording Tax Exemption (.75% of amount mortgaged): 187,500
- ☒ Sales and Use Tax Exemption (4% Local, 4% State): 1,040,000
- ☐ Tax Exempt Bond Financing (Amount Requested): _____
- ☐ Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/
bridge financing):

\$ 25,000,000 *

*See Attached Transaction Summary

Estimated Mortgage Recording Tax Exemption Benefit (product of
mortgage amount as indicated above, multiplied by .0075):

\$ 187,500

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and US tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ 13,000,000

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section "E" on this page, this calculation only exists to help you with your estimate):

\$ 1,040,000

Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

OCIDA estimate of current value	
New construction and renovation costs	
OCIDA estimate of increase in value	
OCIDA estimated value of completed project	
OCIDA estimate of taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	Exemption %	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100						
2	90						
3	80						
4	70						
5	60						
6	50						
7	40						
8	30						
9	20						
10	10						
TOTAL							

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

Section V: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency**.

In consideration of the extension of financial assistance by the Agency Southworth-Milton, Inc. d/b/a Milton CAT (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of December 1, 2020 (date).

Company: Southworth-Milton, Inc. d/b/a Milton CAT

Representative for Contract: Bradlee T. Farrin

Address: 100 Quarry Drive City: Milford State: MA Zip: 01757

Phone: 508-634-5830 Email: brad_farrin@miltoncat.com

Project Address: 7285 and 7309 Eastman Road City: Cicero State: NY Zip: 13039

General Contractor: TBD

Contact Person: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Authorized Representative: _____ Title: _____

Signature: _____

Section VI: Agency Fee Schedule

Payment Terms:

Application & Processing Fee (payable at the time of application):	\$1,000
Legal Deposit (payable at the time of application):	\$2,500
Agency Fee for Bond Projects:	Payable at Closing
Agency and Legal Fees for all other projects:	Due and Payable at Inducement

*** A sales tax certificate (ST-60) will not be issued until the Agency Fee is Paid in Full**

Agency Fees: The project cost is the Total Project Cost from section III A

<u>Benefit Sought</u>	<u>Fee Charged</u>
Mortgage Recording Tax and/or Sales Tax exemptions:	0.01 X the project cost
Additional Fee for PILOT Agreement Projects:	0.0025 X the project cost
Fee for bond financing, refinancing & refunding:	0.0025 X the project cost

Note: For Manufacturing Projects under \$10 million the fee is reduced by: 0.0025 X the project cost

Agency Legal Fees: The project cost is the Total Project Cost from section III A

Fee for first \$20 million:	0.0025 of the project cost
Fee for expenses above \$20 million:	0.00125 of the project cost

In addition to the foregoing, Applicants are responsible for payment of all costs and expenses incurred by OCIDA in connection with application or Project including without limitation publication, copying costs, SEQRA compliance and fees and costs to OCIDA's attorneys, engineers, and consultants. OCIDA reserves the right to require a deposit to cover anticipated costs. Application fees are payable at time application/request is submitted. All fees are non-refundable. Applicants for bond transactions are responsible for payment of a Bond Issuance Charge payable to the State of New York. Applicants are also responsible for payment of post-closing fees and costs associated with the appointment of additional agents.

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

Section VII: Recapture of Tax Abatement/Exemptions

Information to be Provided by Companies: Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Recapture of Benefits: It is the policy of the Agency to recapture the value of a PILOT, any sales and use tax exemption, and mortgage recording tax exemption in accordance with the Laws of the State and the provisions contained herein. Before receiving benefits, the Company must attest in writing to its understanding of, and agreement to, the recapture provisions contained in State Law and herein. To the extent permitted by State law, the recapture provisions contained herein may be modified from time to time by the Agency at its sole discretion.

Recapture of a PILOT, Sales Tax and the Mortgage Recording Tax Exemptions: If the number of full time equivalent jobs to be maintained or created in connection with a project falls below 75% of the number projected in the Company's application to the Agency, or if there are material violations of the project agreements, then the value of the property tax, sales and use tax and mortgage recording tax benefits extended to the project by the Agency may be subject to recapture. When deciding whether or not to recapture benefits and the amount of such recapture, the Agency may consider the potential future benefit of the business to the community.

Recapture Payment: The recapture payment paid by the Company to the Agency shall be determined (1) by the difference between any PILOT payments made by the Company and the property taxes that would have been paid by the Company if the property were not under the supervision, jurisdiction or control of the Agency, (2) the value of any mortgage recording tax exemption, if awarded to the Company and (3) the amount of sales and use tax that would have been paid if an exemption was not granted.

Recapture of the PILOT, Sales Tax or Mortgage Recording Tax: The Recapture Schedule for a Payment in Lieu of Tax Agreement, Sales Tax or the Mortgage Recording Tax is as follows:

Time from Project Completion	Tax Savings Recaptured
1 Year	80%
2 Years	60%
3 Years	40%
4 Years	20%
5 Years	10%

Distribution of the Recapture Payment: Any funds recaptured as a result of the recapture payment shall be distributed to the affected taxing jurisdictions in the same proportion as if the payments were paid or owed by the Company on the date of recapture.

Additional Conditions for the Recapture of Sales and Use Tax: As of April 1, 2013, New York State law requires Industrial Development Agencies to recapture sales tax benefits where:

- A project is not entitled to receive the benefits;
 - Exemptions received exceed the amount authorized by the Agency;
 - Exemptions are claimed by the Project for unauthorized property or services; or
 - A project fails to use property in the manner required by its IDA agreements.
1. **Distribution of Sales and Use Tax.** Project operators must cooperate with the Agency in its effort to recapture all sales and use tax benefits received by the Company by promptly paying the recapture amount as determined by the Agency. The amount to be recaptured will be dictated by State Law or this UTEP Policy, which ever may be applicable. The Agency shall remit the recaptured sales and use tax benefits to the State within 30 days of receipt.
 2. **Compliance Report.** Annually, the Agency will file an annual compliance report with the State of New York detailing its recapture terms and its activities to recapture benefits, including any attempt to recapture benefits from an Agency project.

A "Full Time Permanent Employee" shall mean

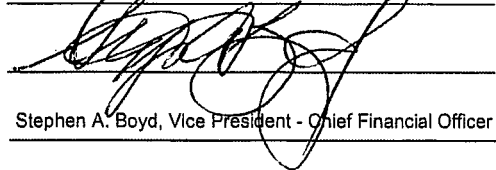
1. A full time, permanent, private sector employee on the Company's payroll, who has worked at the project location for a minimum of thirty hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours; or
2. Up to three part time, permanent, private-sector employees on Company's payroll, who have worked at the project location for a combined minimum of thirty hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours.

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company

Southworth-Milton, Inc. d/b/a Milton CAT

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

Stephen A. Boyd, Vice President - Chief Financial Officer

Date: December 1, 2020

Section VIII: Employment Plan

Jobs Listings: In accordance with §858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that if the 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 Project will be listed with the New York State Department of Labor Business Services and with the administrative entity of the service delivery area created by the Workforce Innovation and Opportunity Act of 2014 in which the Project is located. In Onondaga County, please contact CNY Works. Additionally, the applicant is encouraged to review the services provided by JOBSPlus! for candidate matching services.

Are the employees of your company currently covered by a collective bargaining agreement?

☒ Yes ☐ No

If yes, name and location: Operating Engineers Local 545

Is the labor pool in Onondaga County and/or the CNY Economic Development Region adequate to fill new positions?

☒ Yes ☐ No

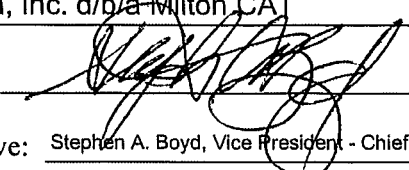
Enter Company Name in three (3) places below and sign by an authorized company officer:

In consideration of the benefits provided by the Onondaga County Industrial Development Agency (OCIDA), Southworth-Milton, Inc. d/b/a Milton CAT, project beneficiary, also agrees to report to OCIDA on the number of new employment opportunities created in connection with industrial or commercial projects financed by the proceeds of such benefits to be listed with the New York State Department of Labor Business Services and CNY Works.

Southworth-Milton, Inc. d/b/a Milton CAT, project beneficiary, also agrees to report to OCIDA on or before March 1 of each year the status of employment opportunities filed with the New York State Department of Labor Business Services, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.

Southworth-Milton, Inc. d/b/a Milton CAT, project beneficiary, further agrees that, to the extent practicable and feasible, and subject to the requirements of any existing collective bargaining agreement, the project beneficiary shall fill at least 10% of new employment opportunities with persons eligible for service under the Workforce Innovation and Opportunity Act of 2014.

Name of Applicant Company: Southworth-Milton, Inc. d/b/a Milton CAT

Signature of Officer or Authorized Representative: 

Name & Title of Officer or Authorized Representative: Stephen A. Boyd, Vice President - Chief Financial Officer

Date: December 1, 2020

NYS Department of Labor:

Roy Jewell

Associate Business Service Representative

450 South Salina Street, Syracuse, NY 13202 315-479-3362

roy.jewell@labor.ny.gov

www.labor.ny.gov

CNY Works

Chris Kennedy

Business Development Specialist

960 James Street, Syracuse, NY 13203

315-477-6974

ckennedy@cnyworks.com

www.cnyworks.com

Section IX: Conflict of Interest

Agency Board Members

1. Patrick Hogan
2. Steve Morgan
3. Victor Ianno
4. Sue Stanczyk
5. Kevin Ryan
6. Janice Herzog
7. Fanny Villarreal

Agency Officers/Staff

1. Robert M. Petrovich
2. Nathaniel Stevens
3. Nancy Lowery
4. Karen Doster
5. Chris Cox

Agency Legal Counsel & Auditor

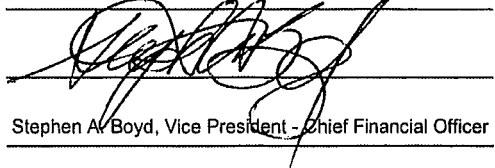
1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Mirabito, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company

Southworth-Milton, Inc. d/b/a Milton CAT

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

Stephen A. Boyd, Vice President - Chief Financial Officer

Date: December 1, 2020

Section X: Representations, Certifications, and Indemnification

Stephen A. Boyd, Vice President - Chief Financial Officer (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Vice President - Chief Financial Officer (title) of Southworth-Milton, Inc. d/b/a Milton CAT (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which 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 within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.
- C. Annual Sales Tax Filings:** In accordance with §874(8) 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, 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.
- D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent 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, with said report being an agenda item subject to the open

meetings law.

F. 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, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

G. Compliance: The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

H. 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.

I. 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.

J. 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 in the Project.

K. 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.

L. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants 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 statement contained herein not misleading.

M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

N. **Hold Harmless Agreement:** Applicant hereby releases Onondaga 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 cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 process of the Application, including attorney's fees, if any.

Name of Applicant Company

Southworth-Milton, Inc. d/b/a Milton CAT

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative:

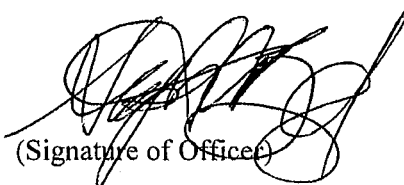
Stephen A. Boyd, Vice President - Chief Financial Officer

Date: December 1, 2020

STATE OF ~~NEW YORK~~ Massachusetts
COUNTY OF ~~ONONDAGA~~ Worcester ss.;

STEPHEN A. BOYD, being first duly sworn, deposes and says:

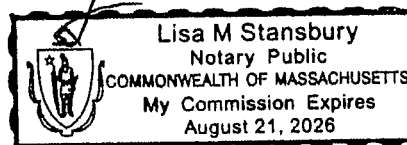
1. That I am the Vice President - Chief Financial Officer (Corporate Officer) of Southworth-Milton, Inc. d/b/a Milton CAT (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read and attached Application, I Know the contents thereof, and that to 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 1st day of Dec 20 20.

Lisa M Stansbury

(Notary Public)



End of Application

Rev 1-9-20

Onondaga County Industrial Development Agency



9/8/2020

Project Summary

1. Project	Milton Cat 2020 Expansion	2. Project Number	3101-20-18A
3. Location	Town of Cicero	4. School District	North Syracuse (CNS)
5. Tax Parcel(s)	055.-03-01.0 & 055.-03-02.0	6. Project Type	-
		Village	-

7.Total Project Cost	\$	26,000,000.00	8. Total Jobs	109
Land	\$	950,000	8A. Job Retention	109
Site Work	\$	5,000,000	8B: Job Creation	0
Building	\$	13,000,000	(Next 5 Years)	
Furniture & Fixtures	\$	1,000,000		
Equipment	\$	3,500,000		
Equipment Subject to NYS Production Exemption	\$	-		
Engineering/Architecture Fees	\$	1,000,000		
Financial Charges	\$	-		
Legal Fees	\$	50,000		
Other	\$	-		

Cost Benefit Analysis

Milton Cat 2020 Expansion

Fiscal Impact (\$)

Abatement Cost	\$1,040,000
Sales Tax	\$1,040,000
Mortgage Tax	\$0
Property Tax Relief (PILOT)	\$0
New Investment	\$21,169,850
PILOT Payments	\$0
Project Wages (10 years)	\$0
Construction Wages	\$1,958,850
Employee Benefits (10 years)	\$0
Project Capital Investment	\$18,950,000
New Sales Tax Generated	\$0
Agency Fees	\$261,000

Benefit:Cost Ratio **20.36 :1**

Project Description

Milton CAT is proposing to construct 75,000 - 85,000 square feet of new construction at 7285 Eastman Road in Cicero NY