

# **Columbia County Industrial Development Agency**

## **COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY MEETING NOTICE**

Please take notice that there will be a regular meeting of the Columbia County Industrial Development Agency and its Committees to be held in person on October 3, 2023 at 8:30am, at One Hudson City Centre, Suite 301, Hudson, NY 12534 in accordance with Public Officers Law Section 103-a; This meeting is open to the public, who will have the opportunity to attend the meeting in person at the One Hudson City Centre address or via Zoom and provide live comments. Meeting packets are posted and available on the IDA's website: <https://columbiaedc.com/about-cedc/columbia-county-ida/ccida-public-documents-room/Join Zoom Meeting>  
<https://us06web.zoom.us/j/89718095167?pwd=eFFTa2lXWWs0OVZITGFEWStzejB2QT09>  
Meeting ID: 897 1809 5167, Passcode: 982290, Dial by your location: 1 646 558 8656  
Find your local number: <https://us06web.zoom.us/j/89718095167?pwd=eFFTa2lXWWs0OVZITGFEWStzejB2QT09>

Dated: September 26, 2023  
Nina Fingar-Smith  
Secretary, Columbia County Industrial Development Agency

### **IDA Board of Members Agenda**

#### **Members:**

Nina Fingar-Smith	Bob Galluscio	William Gerlach	Brian Keeler
Carmine Pierro	Rick Rector	Sarah Sterling	

1. Draft Minutes, August 1, 2023 and September 11, 2023\*
2. Treasurer's Report\*
3. 2024 Meeting Schedule\*
4. Administrative Directors Report
  - a. Draft Revised Application \*
  - b. Draft Revised Evaluation Criteria\*
  - c. Policy Respecting Uniform Criteria for the Evaluation of Projects Discussion\*
5. Project Updates\*
6. Public Comments

#### **Attachments:**

Draft Minutes August 1 and September 11, 2023
Treasurer's Report
2024 Meeting Schedule
Draft Revised Application
Draft Revised Uniform Project Evaluation Criteria

\* Requires Action

**One Hudson City Centre, Suite 301  
Hudson, New York 12534  
518-828-4718**

# Columbia County Industrial Development Agency

## MINUTES Draft COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY Full Board Tuesday, August 1, 2023

A regular meeting of Columbia County Industrial Development Agency's Board was held Tuesday, August 1, 2023 in person, and accessible to the public via Zoom. The meeting was called to order at 8:44 am by Carmine Pierro, Chair.

Attendee Name	Title	Status	Arrived
Nina Fingar-Smith	Secretary	Absent	
Robert Galluscio	Treasurer	Present in person	
William Gerlach	Board Member	Present in person	
Brian Keeler	Board Member	Present in person	
Carmine Pierro	Chair	Present in person	
Rick Rector	Board Member	Present in person	
Sarah Sterling	Vice-Chair	Present in person	
Andrew Howard	Counsel	Present in person	
F. Michael Tucker	President/CEO	Present in person	
Jessica Gabriel	Vice President of Economic Development	Present in person	
Chris Brown	Housing Development Coordinator	Present in person	
Martha Lane	Vice President of Business Development	Present in person	
Stephen VanDenburgh	Business Development Specialist	Present in person	
Valen Hay	Intern	Present in person	
Cat Lyden	Bookkeeper	Absent	
Riley Werner	Administrative Assistant	Absent	
Lisa Drahushuk	Administrative Supervisor	Present in person	

### Minutes June 6, 2023:

*Mr. Galluscio made a motion, seconded by Ms. Sterling to approve the minutes of June 6, 2023 as presented. Carried.*

### Treasurer's Report:

Mr. Tucker reviewed the IDA financials with the Board. He noted there was only one project remaining with the IDA. He stated new accounts had been opened at Key Bank and the bookkeeping would be moved to the cloud. *Mr. Gerlach made a motion, seconded by Mr. Rector to approve the Treasurer's Report as presented. Carried.*

### 2024 Budget:

Mr. Tucker noted the 2024 proposed budget remained the same as the 2023 budget, with the anticipation of a project. *Mr. Keeler made a motion, seconded by Mr. Gerlach to approve the 2024 budget as recommended by the Finance Committee. Carried.*

**Administrative Director's Report:****Commerce Park – Lot 8:**

Mr. Tucker reviewed the history of Lot 8 in the Commerce Park. He noted the property had been sold originally with a deadline for project completion of 9/2024. The project has not moved forward and the principal was interested in selling. They had requested IDA approval to sell the parcel for the original amount they paid to a neighboring landowner in the Commerce Park. This person would assume the note and mortgage. He noted the issue is the short timeline with the IDA contract construction deadline of 9/30/2024. The potential buyer requested that the deadline be extended to 6/30/2025, to allow sufficient time to construct a building. Mr. Tucker recommended the transaction be authorized to move forward as outlined. *Mr. Galluscio made a motion, seconded by Ms. Sterling to approve the sale with the extended deadline of 6/30/2025. Carried.*

**Application Discussion:**

Mrs. Gabriel stated she was working on the revised application and evaluation. She expected to have drafts ready for Board review and discussion at the next meeting.

**Klocke Estate Distillery, LLC:**

Mrs. Gabriel stated the project was moving along and they anticipated an opening by Fall of 2023. She stated CEDC had assisted the business with a marketing grant application. Mr. Tucker stated NYS office of Community Renewal had visited the site along with the Empire State Development Regional office. He stated Congressman Molinaro would be visiting the site later in the day.

Mr. Tucker stated the Office of Community Renewal grant for Kleinskill Farms had been completed. Chair Pierro asked about the status of the potential IDA project for Healy Boulevard. Mr. Tucker stated the IDA had received a FOIL request of a document related to the project, and was unsure of a start date. Mrs. Gabriel stated there was a potential IDA project in the Kinderhook area. She noted the project was being reviewed for consideration as a destination project.

*With no public comment or further business, Mr. Rector made a motion, seconded by Ms. Sterling to adjourn the meeting. The meeting adjourned at 9:15am.*

*Respectfully submitted by Lisa Drahushuk*

# **Columbia County Industrial Development Agency**

## **MINUTES Draft COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY Full Board Monday, September 11, 2023**

A Special meeting of Columbia County Industrial Development Agency's Board was held Monday, September 11, 2023 in person, and accessible to the public via Zoom. The meeting was called to order at 8:44 am by Carmine Pierro, Chair.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Nina Fingar-Smith	Secretary	Absent	
Robert Galluscio	Treasurer	Present in person	
William Gerlach	Board Member	Present in person	
Brian Keeler	Board Member	Absent	
Carmine Pierro	Chair	Present in person	
Rick Rector	Board Member	Present in person	
Sarah Sterling	Vice-Chair	Present in person	
Andrew Howard	Counsel	Present in person	
A Joseph Scott	Bond Counsel	Present via Zoom	
Jeremy Selman	Project Principal	Present via Zoom	
Gabriel Katz	Project Principal	Present via Zoom	
Sean Rowland	Project Principal	Present via Zoom	
Phil Borelli	Project Attorney	Present via Zoom	
F. Michael Tucker	President/CEO	Present in person	
Jessica Gabriel	Vice President of Economic Development	Present in person	
Chris Brown	Housing Development Coordinator	Present in person	
Martha Lane	Vice President of Business Development	Absent	
Stephen VanDenburgh	Business Development Specialist	Present in person	
Cat Lyden	Bookkeeper	Present in person	
Riley Werner	Administrative Assistant	Present in person	
Lisa Drahushuk	Administrative Supervisor	Present in person	

### **Minutes June 6, 2023:**

*Mr. Galluscio made a motion, seconded by Ms. Sterling to approve the minutes of June 6, 2023 as presented. Carried.*

### **41 Cross Street/The Wick:**

Mr. Tucker reviewed the original project and the process that was followed by the City IDA and the County IDA. He noted that a new request had been received from the original applicant as well as the new applicant, HN MacArthur 41 Cross Street Owner, LLC. He noted they were seeking an assignment of the project documents to the new entity. Mr. Tucker asked Mr. Scott to explain the documents and the process.

Mr. Scott reviewed the requirements of the initial documents, noting the original applicant was required to undertake, complete the project and operate the project. He noted they had done so. He stated conversations between the original applicant and the new applicant had taken place with the new applicant wishing to acquire the project, including the IDA benefits. He noted the original IDA documents, provided for an assignment and a conveyance of the documents, dependent upon the review and consent of the IDA after review and due diligence of the new entity. He noted as part of the review the new entity had completed an application which provided the details necessary for a complete review and determination by the IDA. He noted the resolution prepared by his office, if adopted would express the IDA's consent to the new entity, and provides for the assignment and assumption of the current IDA documents by the new entity, thereby allowing the new entity to "step into the shoes" of the existing project owner. He stated this allows the transfer of the rights and obligations of the project to the new owner, while keeping the project the same as it was under the previous owner.

Mr. Tucker asked Mr. Selman to introduce himself and his partners. Mr. Selman introduced himself and his partners, Gabriel Katz and Sean Roland. He stated their intent was to acquire and continue to operate the project. He stated they were also involved in the Pocketbook Factory project. He gave a brief overview of his background including his experience in the lifestyle/boutique hotel sector. He introduced Phil Borelli, their attorney.

Mr. Tucker stated the group would be taking over the project with 4 remaining years of the PILOT, as well as the mortgage recording tax exemption. Mr. Pierro asked if they planned on adding to the building. Mr. Selman stated after a number of years the building will require some updating, which was required by their affiliation with the Marriott flag. Ms. Sterling asked about the number of employees and the training program and the mortgage recording tax. Mr. Selman stated he was unsure of the exact number of employees at present. Mr. Scott noted the previous agreements would be maintained through the change in ownership as provided by the previously executed documents.

Mr. Selman asked Mr. Rowland to discuss the employee training portion. Mr. Rowland described the process they would be following with the Hudson IDA at the Pocketbook Factory project and stated the same would be done for The Wick project. He stated they would be working with the local resources in the process. He noted they were in the beginning stages.

Mr. Tucker confirmed that there were clawbacks in the initial documents. Mr. Scott stated he could update the documents to reflect the change in the employee training reflecting the new ownership. He stated all responsibilities would transfer from the old applicant to the new applicant, thereby taking the former owner out of the situation. Mrs. Gabriel stated jobs were reported yearly under the original owner.

Mr. Rector stressed the importance of a PILOT. He thanked the new applicant and noted the current owner had done a wonderful job with the project. He asked if there was a need for an extension of a PILOT on the project, asking if the sale of the property was dependent upon the PILOT. Mr. Selman stated it was. Mr. Rowland stated the PILOT would allow them to plan for capital improvements and provide for robust management. Mr. Tucker stated the City IDA had been consulted prior to bringing it to the County IDA Board.

Mr. Tucker reviewed the Resolution with the Board. Ms. Sterling suggested going into Executive Session to discuss the personal financial history of the applicant. *Ms. Sterling made a motion to enter Executive Session, seconded by Mr. Rector, with all present voting in favor. Executive Session was entered into at under Section 105.1. f. to discuss: the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Executive Session*

## Columbia County Industrial Development Agency

*was entered at 9:12am. Executive Session was exited at 9:24am on a motion by Mr. Rector, which was seconded by Mr. Galluscio.*

Mr. Pierro called for a role call vote on the resolution consenting and authorizing the execution and delivery of documents with respect to the assignment and assumption of the 41 Cross Street Hospitality LLC Project. Mr. Gerlach made a motion, seconded by Mr. Rector to approve the resolution.

Member Name	Title	Yes	No	Absent
Nina Fingar-Smith	Secretary			X
Robert Galluscio	Treasurer	X		
William Gerlach	Board Member	X		
Brian Keeler	Board Member			X
Carmine Pierro	Chair	X		
Rick Rector	Board Member	X		
Sarah Sterling	Vice-Chair	X		

The resolution was approved unanimously.

*With no public comment or further business, Mr. Galluscio made a motion, seconded by Ms. Sterling to adjourn the meeting. The meeting adjourned at 9:29am.*

*Respectfully submitted by Lisa Drahushuk*

Columbia County IDA  
**Balance Sheet**  
As of August 31, 2023

	<u>Aug 31, 23</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
Key Checking	486.51
Key Money Market	<u>35,310.23</u>
Total Checking/Savings	35,796.74
Other Current Assets	
Prepaid Expense	<u>116.00</u>
Total Other Current Assets	<u>116.00</u>
Total Current Assets	<u>35,912.74</u>
<b>TOTAL ASSETS</b>	<u><u>35,912.74</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
due to CEDC	<u>16,000.00</u>
Total Other Current Liabilities	<u>16,000.00</u>
Total Current Liabilities	16,000.00
Long Term Liabilities	
Due to Col.Cnty Land Sale	
HRVH, LLC	<u>6,058.69</u>
Total Due to Col.Cnty Land Sale	<u>6,058.69</u>
Total Long Term Liabilities	<u>6,058.69</u>
Total Liabilities	22,058.69
Equity	
Fund Balance - Unrestricted	40,112.15
Net Income	<u>-26,258.10</u>
Total Equity	<u>13,854.05</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>35,912.74</u></u>

Columbia County IDA  
**Profit & Loss**  
January through August 2023

Jan - Aug 23

Ordinary Income/Expense

Income	
Administration Fee Income	1,500.00
Bank Interest	3.42
Total Income	1,503.42
Expense	
Legal Fees	880.00
Accounting & Audit	9,425.60
Administration/CEDC	16,000.00
Insurance	1,438.00
Office & Misc Exp	17.92
Total Expense	27,761.52
Net Ordinary Income	-26,258.10
Other Income/Expense	
Other Income	
PILOT Receipts	
41 Cross Street Hospitality, LLC	62,500.00
2990 Rt 0 Realty Corp.	9,947.01
Total Other Income	72,447.01
Other Expense	
PILOT Payments	
Columbia Co. Treasurer	7,728.25
Town of Livingston	2,218.76
Columbia Co. Treasurer	11,594.60
City of Hudson	18,340.21
Hudson City School District	32,565.19
Total Other Expense	72,447.01
Net Other Income	0.00
Net Income	-26,258.10



## 2024 Meeting Schedule

### **2024 IDA/CRC Meetings**

February 6<sup>th</sup> 8:30am

March 11<sup>th</sup> 8:30am

April 2<sup>nd</sup> 8:30am

June 4<sup>th</sup> 8:30am

August 6<sup>th</sup> 8:30am

October 1<sup>st</sup> 8:30am

December 3<sup>rd</sup> 8:30am

**Columbia County Industrial Development Agency**

One Hudson City Centre, Suite 301

Hudson, New York 12534

Tel: (518) 828-4718

Email: [Ldrahus@ColumbiaEDC.com](mailto:Ldrahus@ColumbiaEDC.com)

APPLICATION

IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the Columbia County Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Columbia County Industrial Development Agency.

TO: Columbia County Industrial Development Agency  
One Hudson City Centre, Suite 301  
Hudson, New York 12534

APPLICANT: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE NO.: \_\_\_\_\_ ~~FAX NO.:~~ \_\_\_\_\_ E-MAIL: \_\_\_\_\_

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION: \_\_\_\_\_

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: \_\_\_\_\_

ATTORNEY'S ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE NO.: \_\_\_\_\_ ~~FAX NO.:~~ \_\_\_\_\_ E-MAIL: \_\_\_\_\_

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NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 OF THIS APPLICATION BEFORE  
COMPLETING THIS FORM.  
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## INSTRUCTIONS

1. The Columbia County Industrial Development Agency (“the Agency”) will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”).
3. If an estimate is given as the answer to a question, put “(est)” after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return five (5) printed copies and one (1) electronic copy of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. ~~Please note that~~ Article 6 of the Public Officers Law declares that all records in the possession of the Agency (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 or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant’s competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred by the Agency in connection with this application and the Project contemplated herein, regardless of whether a closing occurs -(to the extent such expenses are not paid out of the proceeds of the Agency’s bonds issued to finance the project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the Agency. The costs incurred by the Agency, including the Agency’s general counsel-, special counsel and bond counsel, and any required consultants, may be considered as a part of the project and included as a part of the resultant bond issue. The applicant shall establish an escrow with the Agency for such costs upon request.
9. The Agency has established a non-refundable application fee of One Thousand Dollars (\$1,000.00) for projects with a cost of up to but not including Five Million Dollars (\$5,000,000.00) and an application fee of Two Thousand Dollars (\$2,000.00) for projects with a cost of Five Million Dollars (\$5,000,000.00) and above to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE CONSIDERED COMPLETE BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**

~~FOR AGENCY USE ONLY~~

<del>1.</del> Project Number	_____
<del>2.</del> Date application received by the Agency	_____, 20__

<del>3. Date application referred to attorney for review</del>	<del>_____, 20____</del>
<del>4. Date copy of application mailed to members</del>	<del>_____, 20____</del>
<del>5. Date notice of Agency meeting on application posted</del>	<del>_____, 20____</del>
<del>6. Date notice of Agency meeting on application mailed</del>	<del>_____, 20____</del>
<del>7. Date of Agency meeting on application</del>	<del>_____, 20____</del>
<del>8. Date Agency conditionally approved application</del>	<del>_____, 20____</del>
<del>9. Date scheduled for public hearing</del>	<del>_____, 20____</del>
<del>10. Date Environmental Assessment Form ("EAF") received</del>	<del>_____, 20____</del>
<del>11. Date Agency completed environmental review</del>	<del>_____, 20____</del>
<del>12. Date of final approval of application</del>	<del>_____, 20____</del>

## SUMMARY OF PROPOSED PROJECT

~~Applicant~~ Project Name: \_\_\_\_\_

Project Description (provide a brief narrative):

Project Street Address: \_\_\_\_\_

Primary Contact Person Name, Title, Company: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Project Occupant: \_\_\_\_\_

Project Street Address: \_\_\_\_\_

Approximate Size of Project Site: \_\_\_\_\_

Description of Project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Type of Project: Select project type for all end-users at Project Site (choose all that apply): ☒ Manufacturing

☐ Warehouse/Distribution

☐ Commercial ☐ Other Specify

<u>Manufacturing</u>	<u>Warehouse/Distribution</u>	<u>Back office</u>
<u>Multi-tenant/Mixed Use</u>	<u>Commercial</u>	<u>Facility for Aging</u>
<u>Acquisition of existing facility</u>	<u>Civic Facility (not-for-profit)</u>	<u>Housing*</u>
<u>Retail / Service*</u>	<u>Other (specify):</u>	

\*Complete specific use type questionnaire in Attachment B Retail Questionnaire

Employment Impact: Retained~~Existing~~ Jobs: Full Time: \_\_\_\_\_ Part-Time: \_\_\_\_\_

New Jobs Full Time: \_\_\_\_\_ Part-Time: \_\_\_\_\_

Total Project Cost: \$ \_\_\_\_\_

Type of Financing: ☐ Tax-Exempt ☐ Taxable ☐ Straight Lease

Amount of Bonds Requested: \$ \_\_\_\_\_

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax: \$ \_\_\_\_\_

Mortgage Recording Taxes: \$ \_\_\_\_\_

Real Property Tax Exemptions: \$ \_\_\_\_\_

Other (please specify): \$ \_\_\_\_\_

Provide estimates for the following:

Number of Full Time Employees at the Project Site before IDA Status:	_____
Estimate of Jobs to be Created:	_____
Estimate of Jobs to be Retained:	_____
Average Estimated Annual Salary of Jobs to be Created:	_____
Annualized Salary Range of Jobs to be Created:	_____
Estimated Average Annual Salary of Jobs to be Retained:	_____

**I. INFORMATION CONCERNING THE PROPOSED OCCUPANT OF THE PROJECT (HEREINAFTER, THE "COMPANY").**

A. Identity of Company: \_\_\_\_\_

1. Company Name: \_\_\_\_\_

Present Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Fed ID/EIN: \_\_\_\_\_ Website: \_\_\_\_\_

2. If the Company differs from the Applicant, give details of relationship: \_\_\_\_\_  
\_\_\_\_\_

3. ~~Indicate type of business organization of Company~~ Company Ownership & History:

4. Type of Organization (eg. C-Corp, LLC):

a. Founded in which state:

b. Year founded:

c. Authorized to do business in New York:

3.5. NAICS Code:

(a) Corporation (If so, incorporated in what country?) \_\_\_\_\_

If United States which State? \_\_\_\_\_

Date Incorporated? \_\_\_\_\_ Type of Corporation? \_\_\_\_\_

Authorized to do business in New York? Yes \_\_\_\_ No \_\_\_\_

(b) Partnership (if so, indicate type) \_\_\_\_\_

Number of general partners \_\_\_\_\_, Number of limited partners \_\_\_\_\_

(c) Sole Proprietorship \_\_\_\_\_

6. Is the Company a subsidiary or direct or indirect affiliate of any other organization(s)? If so, indicate name of related organization(s) and relationship:  
\_\_\_\_\_  
\_\_\_\_\_

6. Describe in detail the Company's background, products, customers, good and services:

7. Has the Company ever received incentives tied to job creation? If yes, describe the project, incentive and results. Additional sheets may be attached, if necessary.

B. Ownership and Management of Company:

1. List all owners, officers, members, directors and partners and attach an organizational chart. (complete all columns for each person):

Name Home Address	Office Held / <u>Title</u>	<u>Other Principal</u> <u>Business% of Ownership</u>
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		<u>% of Voting Rights</u>

Is Company publicly held? If yes, list exchanges where stock is traded:

If the answer to any of questions 2 through 4-5 is yes, provide a detailed confidential explanation under a separate cover addressed to CCIDA Counsel. ~~please furnish details in a separate attachment.~~

2. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes \_\_\_\_ No \_\_\_\_.

3. Has any person listed above ever been a plaintiff or defendant in any civil or criminal litigation? Yes \_\_\_\_ No \_\_\_\_.

4. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes \_\_\_\_; No \_\_\_\_.

4.5. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes \_\_\_\_; No \_\_\_\_\_. ~~(If yes to any of the foregoing, furnish details in a separate attachment).~~

~~Principal Owners of Company:~~

1. ~~Principal owners of Company: Is Company publicly held?~~  
~~Yes \_\_\_\_; No \_\_\_\_.~~

~~If yes, list exchanges where stock traded: \_\_\_\_\_~~

2. ~~If no, list all stockholders having a 5% or more interest in the Company:~~

<u>NAME</u>	<u>ADDRESS</u>	<u>PERCENTAGE OF HOLDING</u>

~~D. Company's Principal Bank(s) of account: \_\_\_\_\_~~

\_\_\_\_\_



## II. ~~DATA REGARDING PROPOSED PROJECT DETAILS~~

A. Project Activities:

Street Address: \_\_\_\_\_

Tax Map ID(s):

B. ~~A.~~ What are the principal products to be produced at the Project Site?

What are the principal services to be provided at the Project Site?

Summary: (Please provide a brief narrative description of the Project.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. Provide business activity by location (estimate the percentage of company's sales/activities based on location):

Within Columbia County \_\_\_\_\_ % Within NYS but outside of Columbia County \_\_\_\_\_ %  
Outside NYS but within USA \_\_\_\_\_ % Outside USA \_\_\_\_\_ % List primary foreign countries

D. Provide business supply sources by location (estimate the percentage of company's raw material purchases based on location):

Within Columbia County \_\_\_\_\_ % Within NYS but outside of Columbia County \_\_\_\_\_ %  
Outside NYS but within USA \_\_\_\_\_ % Outside USA \_\_\_\_\_ % List primary foreign countries

~~D.E.~~ Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities?

Yes \_\_\_\_; No \_\_\_\_\_. If yes, complete Attachment B, Retail Questionnaire.

C. Project Site:

1. Approximate size (in acres or square feet) of Project site: \_\_\_\_\_

Is a map, survey or sketch of the project site attached? Yes \_\_\_\_; No \_\_\_\_.

2. Describe the Project site condition (ex. Brownfield, abandoned or blighted, undeveloped or vacant land or infill):

3. Are there existing buildings on project site? Yes \_\_\_\_; No \_\_\_\_.

a. If yes, indicate number and approximate size (in square feet) of each existing building: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b. Are existing buildings in operation? Yes \_\_\_\_; No \_\_\_\_.

If yes, describe present use of present buildings: \_\_\_\_\_

\_\_\_\_\_

- c. Are existing buildings abandoned? Yes \_\_\_\_; No \_\_\_\_.  
About to be abandoned? Yes \_\_\_\_; No \_\_\_\_\_. If yes, describe: \_\_\_\_\_

d. Attach photograph of present buildings.

3. Current utilities serving project site:

Water-Municipal: \_\_\_\_\_

Other (describe): \_\_\_\_\_

Sewer-Municipal: \_\_\_\_\_

Other (describe) \_\_\_\_\_

Electric-Utility: \_\_\_\_\_

Other (describe) \_\_\_\_\_

Heat-Utility: \_\_\_\_\_

Other (describe) \_\_\_\_\_

4. Present legal owner of project site:

- a. If the Company owns project site, indicate date of purchase: \_\_\_\_\_,  
Purchase price: \$\_\_\_\_\_.

- b. If Company does not own the Project site, does Company have option signed  
with owner to purchase the Project site? Yes \_\_\_\_; No \_\_\_\_\_. If yes, indicate  
date option signed with owner: \_\_\_\_\_, 20\_\_\_\_; and the date the option  
expires: \_\_\_\_\_, 20\_\_\_\_\_.

- c. If the Company does not own the project site, is there a relationship legally or by  
common control between the Company and the present owners of the project site?  
Yes \_\_\_\_; No \_\_\_\_\_. If yes, describe: \_\_\_\_\_

E. Description of the Equipment:

1. Does a part of the Project consist of the acquisition or installation of machinery,  
equipment or other personal property (the "Equipment")? Yes \_\_\_\_; No \_\_\_\_\_. If yes,  
describe the Equipment: \_\_\_\_\_

2. With respect to the Equipment to be acquired, will any of the Equipment be Equipment  
which has previously been used? Yes \_\_\_\_; No \_\_\_\_\_. If yes, please provide  
detail: \_\_\_\_\_

3. Describe the principal uses to be made by the Company of the Equipment to be  
acquired or installed: \_\_\_\_\_

<u>The applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can take action on proposed financial incentives. It is the Applicant's responsibility to provide a complete determination to the Agency.</u>	
<u>Environmental Assessment Form (attached):</u> <u>Short Form</u> <u>Long Form</u>	
<u>Lead Agency:</u>	
<u>Agency Contact:</u>	<u>Date of Submission:</u>
<u>Status of Submission:</u>	<u>Final SEQRA Determination:</u>
<u>Has the Project been presented to the local planning board for approval?</u>	
<u>If yes, on what date and summarize current status of review:</u>	
<u>Identify the zoning district in which the project site is located:</u>	
<u>Are there any variances or special permits affecting the site?</u>	
<u>If yes, list below and attach copies of all such variances or special permits:</u>	
<u>Does the Project consist of a new building or buildings?</u>	
<u>If yes, indicate number and size of new buildings:</u>	
<u>Does part of the Project consist of additions and/or renovations to the existing buildings?</u>	
<u>If yes, indicate the buildings to be expanded or renovated, the size of any expansion and the nature of the expansion and/or renovation:</u>	
<u>Does the Project require the installation of any new or updated utilities that are not currently servicing the Project Site?</u>	
<u>If yes, indicate which utilities will need to be installed:</u>	
<u>Will the Project result in the relocation of existing facility (jobs and/or operation) from one part of NYS to another? (If yes, complete Attachment A – Inter-municipal Move Determination)</u>	
<u>Will the Project result in the relocation from another state or country?</u>	
<u>If yes, list state, municipality and/or country:</u>	

Will the Project be owned by a not-for-profit corporation? Yes\_\_\_\_; No\_\_\_\_. If yes, please provide detail: \_\_\_\_\_

Will the Project be sold or leased to a municipality? Yes\_\_\_\_; No\_\_\_\_. If yes, please provide detail: \_\_\_\_\_

**I. Method of Construction After Agency Approval:**

1. If the Agency approves the project which is the subject of this application, there are two methods that may be used to construct the project. The applicant can construct the project privately and sell the project to the Agency upon completion. Alternatively, the applicant can request to be appointed as "agent" of the Agency, in which case certain laws applicable to public construction may apply to the project. Does the applicant wish to be designated as "agent" of the Agency for purposes of constructing the project? Yes \_\_\_\_; No \_\_\_\_.
2. If the answer to question 1 is yes, does the applicant desire such "agent" status prior to the closing date of the financing? Yes\_\_\_\_; No\_\_\_\_.

**III. INFORMATION CONCERNING LEASES OR SUBLEASES OF THE PROJECT. (PLEASE COMPLETE THE FOLLOWING SECTION IF THE COMPANY INTENDS TO LEASE OR SUBLEASE ANY PORTION OF THE PROJECT).**

- A. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes\_\_\_\_; No\_\_\_\_. If yes, please complete the following for **each** existing or proposed tenant or subtenant:

1. Sublessee name: \_\_\_\_\_  
Present Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Employer's ID No.: \_\_\_\_\_  
Sublessee is: \_\_\_\_ Corporation: \_\_\_\_ Partnership: \_\_\_\_ Sole Proprietorship  
Relationship to Company: \_\_\_\_\_  
Percentage of Project to be leased or subleased: \_\_\_\_\_  
Use of Project intended by Sublessee: \_\_\_\_\_  
Date of lease or sublease to Sublessee: \_\_\_\_\_  
Term of lease or sublease to Sublessee: \_\_\_\_\_  
Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project?  
Yes\_\_\_\_; No\_\_\_\_. If yes, **complete Attachment B, Retail Questionnaire please**

- B. What percentage of the space intended to be leased or subleased is now subject to a binding written lease or sublease? \_\_\_\_\_

**IV<sup>[JG1]</sup>. Employment Impact**

C. ——— Indicate the number of people presently employed at the Project site and the **additional** number that will be employed at the Project site at the end of the first and second years after the Project has been completed, using the tables below for (1) employees of the Applicant, (2) independent contractors, and (3) employees of independent contractors. (Do not include construction workers). Also indicate below the number of workers employed at the Project site representing newly created positions as opposed to positions relocated from other project sites of the applicant. Such information regarding relocated positions should also indicate whether such positions are relocated from other project sites financed by obligations previously issued by the Agency.

<b>TYPE OF EMPLOYMENT</b>					
<b>Employees of Applicant</b>					
	Professional ——— or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

<b>TYPE OF EMPLOYMENT</b>					
<b>Independent Contractors</b>					
	Professional ——— or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

<b>TYPE OF EMPLOYMENT</b>					
<b>Employees of Independent Contractors</b>					
	Professional ——— or Managerial	Skilled	Semi-Skilled	Un-Skilled	Totals
Present Full Time					
Present Part Time					
Present Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

~~QQQQQQQQQ. ——— Indicate below (1) the estimated salary and fringe benefit averages or ranges and (2) the estimated number of employees residing in the Capital District Economic Development Region for all the jobs at the Project site, both retained and created, listed in the tables described in subsection A above for each of the categories of positions listed in the chart below.~~

<del>RELATED EMPLOYMENT INFORMATION</del>				
	<del>Professional ——— or Managerial</del>	<del>Skilled</del>	<del>Semi-Skilled</del>	<del>Un-Skilled</del>
<del>Estimated Salary and Fringe Benefit Averages or Ranges</del>				
<del>Estimated — Number — of Employees Residing in the Capital District Economic Development Region<sup>†</sup></del>				

~~LLLLLLLLL. ——— Please describe the projected timeframe for the creation of any new jobs with respect to the undertaking of the Project:~~

~~VVVVVVVVVV. ——— Please prepare a separate attachment describing in detail the types of employment at the Project site. Such attachment should describe the activities or work performed for each type of employment.~~

## **V. Summary of Project Cost**

More detailed list is to be completed in the attached Cost/Benefit Questionnaire.

- A. Anticipated Project Costs. State the costs reasonably necessary for the acquisition of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

<u>Description of Cost</u>	<u>Amount</u>
Land	\$ _____
Buildings	\$ _____
Machinery and equipment costs	\$ _____
Utilities, roads and appurtenant costs	\$ _____
Architects and engineering fees	\$ _____
Costs of Bond Issue (legal, financial and printing)	\$ _____
Construction loan fees and interest (if applicable)	\$ _____

<sup>†</sup>~~The Capital District Economic Development Region consists of the following counties: Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren and Washington.~~

Other (specify)	
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>TOTAL PROJECT COSTS</b>	\$ _____

- B. Anticipated Project Financing Sources. State the sources reasonably necessary for the financing of the Project site, the construction of the proposed buildings and the acquisition and installation of any machinery and equipment necessary or convenient in connection therewith, and including any utilities, access roads or appurtenant facilities, using the following categories:

<u>Description of Sources</u>	<u>Amount</u>
Private Sector Financing	\$ _____
Public Sector	
Federal Programs	\$ _____
State Programs	\$ _____
Local Programs	\$ _____
Applicant Equity	\$ _____
Other (specify, e.g., tax credits)	
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>TOTAL AMOUNT OF PROJECT FINANCING SOURCES</b>	\$ _____

~~Have any of the above expenditures already been made by the applicant?~~  
~~Yes \_\_\_\_; No \_\_\_\_.~~ If yes, indicate particulars.

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~~D.~~ Amount of loan requested: \$ \_\_\_\_\_;

~~Maturity requested: \_\_\_\_\_ years.~~

- E. Has a commitment for financing been received as of this application date, and if so, from whom? (Attach copies of commitments)

Yes \_\_\_\_; No \_\_\_\_\_. Institution Name: \_\_\_\_\_

Provide name and telephone number of the person we may contact.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

- F. The percentage of Project costs to be financed from public sector sources is estimated to equal the following: \_\_\_\_\_%

- G. The total amount estimated to be borrowed to finance the Project is equal to the following:  
\$ \_\_\_\_\_

## VI. **BENEFITS EXPECTED FROM THE AGENCY**

### A. Financing

1. Is the applicant requesting that the Agency issue bonds to assist in financing the project? Yes \_\_\_\_; No \_\_\_\_\_. If yes, indicate:

Amount of loan requested: \_\_\_\_\_ Maturity requested (in years): \_\_\_\_\_

2. Is the interest on such bonds intended to be exempt from federal income taxation? Yes \_\_\_\_; No \_\_\_\_.

3. If the answer to question 2 is yes, will any portion of the Project be used for any of the following purposes:

- a. retail food and beverage services: Yes \_\_\_\_; No \_\_\_\_
- b. automobile sales or service: Yes \_\_\_\_; No \_\_\_\_
- c. recreation or entertainment: Yes \_\_\_\_; No \_\_\_\_
- d. golf course: Yes \_\_\_\_; No \_\_\_\_
- e. country club: Yes \_\_\_\_; No \_\_\_\_
- f. massage parlor: Yes \_\_\_\_; No \_\_\_\_
- g. tennis club: Yes \_\_\_\_; No \_\_\_\_
- h. skating facility : Yes \_\_\_\_; No \_\_\_\_
- j. racquet sports facility (including handball and racquetball court): Yes \_\_\_\_; No \_\_\_\_
- j. hot tub facility: Yes \_\_\_\_; No \_\_\_\_
- k. suntan facility: Yes \_\_\_\_; No \_\_\_\_
- l. racetrack: Yes \_\_\_\_; No \_\_\_\_

4. If the answer to any of the above questions contained in question 3 is yes, ~~please furnish details on a separate attachment~~ complete Attachment B, Retail Questionnaire.



B. Tax Benefits

1. Is the applicant requesting any real property tax exemption in connection with the Project that would not be available to a project that did not involve the Agency? Yes\_\_\_\_; No\_\_\_\_. If yes, is the real property tax exemption being sought consistent with the Agency's Uniform Tax Exemption Policy? Yes\_\_\_\_; No\_\_\_\_.

2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes \_\_\_\_; No \_\_\_\_\_. If yes, what is the approximate amount of financing to be secured by mortgages? \$\_\_\_\_\_.

3. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax? Yes \_\_\_\_; No \_\_\_\_\_. If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes? \$\_\_\_\_\_.

4. What is the estimated value of each type of tax exemption being sought in connection with the Project? Please detail the type of tax exemption and value of the exemption.

a.	N.Y.S. Sales and Compensating Use Taxes:	\$	
b.	Mortgage Recording Taxes:	\$	
c.	Real Property Tax Exemptions:	\$	
d.	Other (please specify):		
		\$	
		\$	JG21

4. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's Uniform Tax Exemption Policy? Yes \_\_\_\_; No \_\_\_\_\_. If yes, please explain.

C. Project Cost/Benefit Information. Complete the attached Cost/Benefit Analysis so that the Agency can perform a cost/benefit analysis of undertaking the Project. Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

VI. **REPRESENTATIONS BY THE APPLICANT.** The applicant understands and agrees with the Agency as follows:

A. **Job Listings.** In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any 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 Community Services Division (the “DOC”) and with the administrative entity (collectively with the DOC, the “JTPA Entities”) of the service delivery area created by the federal job training partnership act (Public Law 97-300) (“JTPA”), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.

B. **First Consideration for Employment.** In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any 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 JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.

C. **Annual Sales Tax Filings.** In accordance with Section 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, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.

D. **Annual Employment Reports.** The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the “NYS-45”), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable.

E. **Uniform Agency Project Agreement.** The applicant agrees to enter into a project benefits agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the “Public Benefits”) and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if the project is unsuccessful in whole or in part in delivering the promised Public Benefits.

F. **Representation of Financial Information.** Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their

opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.

G. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

G.H. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

H.I. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

I.J. False or Misleading Information. The applicant understands 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 exemptions claimed by reason of Agency involvement in the Project.

J.K. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. 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:

L. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency are included in the Agency's Policies which can be accessed at [https://columbiaedc.com/about-cedc/columbia-county-ida/http://www.columbiaedc.com/?page\\_id=10](https://columbiaedc.com/about-cedc/columbia-county-ida/http://www.columbiaedc.com/?page_id=10).

## ATTACHMENT A

### Inter-municipal Move Questionnaire

The agency is required by State law to make a determination that, if completion of a Project benefiting from Agency financial assistance results in the relocation of a company from one area of the State of New York to another area of the State or in abandonment of one or more facilities of the Project occupant located within the State, Agency financial assistance is required to prevent the Project occupant from relocating out of state, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.

	YES	NO
1. <u>Will the Project result in the removal of a plant or facility of the Applicant from one area of the state to another area of the state?</u>		
2. <u>Will the Project result in the removal of a plant or facility of another proposed occupant of the Project from one area of the state to another area of the state?</u>		
3. <u>Will the Project result in the abandonment of one or more plants or facilities located within the state?</u>		
<u>If yes to either question above, explain why Agency financial assistance is necessary to prevent the relocation of the Project occupant out of state and/or to preserve the Applicant's competitive position:</u>		
	YES	NO
4. <u>Does the Project involve the relocation or consolidation of a Project occupant from another municipality? <b>Within NYS:</b></u>		
5. <u>Does the Project involve the relocation or consolidation of a Project occupant from another municipality? <b>Within the County:</b></u>		
<u>If yes, explain:</u>		

**ATTACHMENT B**  
**Retail Questionnaire**

Complete the following questions if end users (including tenants and subtenants) are or will be primarily engaged in making retail sales of goods or services as identified in Section D of the Application. Retail projects include hotels and restaurants.

Section 862 of NYS General Municipal Law sets limits on the type of retail projects that are eligible for agency financial assistance. To ensure compliance with Section 862, the following additional information is required to determine if the Project qualifies for Agency financial assistance. For purposes of the questions below, the term “retail sales” means (a) sales by a registered vendor under Article 28 of NYS Tax Law primarily engaged in the retail sales of tangible personal property (as defined in Section 1101(b)(4)(i) of Tax Law) or (b) sales of a service to such customers where customers personally visit the Project site to undertake either a retail sales transaction or purchase services.

	YES	NO
<u>1. Will any portion of the Project consist of facilities or property that will be primarily used in making retail sales of goods or services to customers who personally visit the site?</u> <u><i>If no, do not complete the remainder of the Retail Questionnaire</i></u>		
<u>2. If the answer to Question 1 is yes, what percentage of the cost of the Project will be expended on facilities or property primarily used in making sales of goods or services to customers who personally visit the Project site?</u>		
<u>3. If the answer to Question 1 is yes and the answer to Question 2 is more than 33.33%, will the Project location or facility likely attract a significant number of visitors from outside the Capital Region Economic Development region (Albany, Columbia, Greene, Rensselaer, Schenectady, Warren, and Washington counties)?</u> <u><i>If yes, provide a third party market analysis or other documentation supporting your response.</i></u>		
<u>4. If the answer to Question 1 is yes and the answer to Question 2 is more than 33.33%, will the Project make available goods or services which are not currently reasonably accessible to the residents of Columbia County?</u> <u><i>If yes, describe the goods and services provided that cannot be obtained locally at this time:</i></u>		
<u>5. If the answer to Question 1 is yes and the answer to Question 2 is more than 33.33%, will the project be located in a highly distressed area, as defined in Section 854(18) of the NYS General Municipal Law?</u> <u><i>If yes, provide supporting documentation to support your response.</i></u>		
<u>6. If the answer to Question 1 is yes and the answer to Question 2 is more than 33.33%, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?</u> <u><i>If yes, explain:</i></u>		

~~I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.~~

\_\_\_\_\_

~~Applicant~~

By: \_\_\_\_\_

Title: \_\_\_\_\_

CERTIFICATION

I certify that I have prepared the responses provided in this Application and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documents will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to closing.

I understand 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 exemptions claimed by reason of Agency or authority involvement in the Project as well as may lead to other possible enforcement actions.

I affirm under penalty of perjury that all statements made on this application are true and accurate and complete to the best of my knowledge.

<u>Name of Person Completing Application on behalf of the Company:</u>	
<u>Name:</u>	
<u>Title:</u>	
<u>Phone Number:</u>	
<u>Date:</u>	
<u>Signature:</u>	

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NOTE: APPLICANT MUST ALSO COMPLETE THE ~~APPROPRIATE~~ VERIFICATION ~~APPEARING ON PAGES 23 THROUGH 26 HEREOF~~ BEFORE A NOTARY PUBLIC AND MUST SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT ON THE FOLLOWING PAGES APPEARING ON PAGE 27

VERIFICATION

(If Applicant is a Corporation)

STATE OF \_\_\_\_\_ )

\_\_\_\_\_ ) SS.:

COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, deposes and says that he is the \_\_\_\_\_ of  
(Name of chief executive of applicant) (Title)

\_\_\_\_\_, the corporation named in the attached application that he has read the  
\_\_\_\_\_ (Company Name)

foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. Deponent further says that the reason this verification is made by the deponent and not by said company is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as an officer of and from the books and papers of said corporation.

\_\_\_\_\_  
\_\_\_\_\_ (officer of applicant)

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Notary Public)

VERIFICATION

(If applicant is sole proprietor)

STATE OF \_\_\_\_\_)

\_\_\_\_\_ ) SS.:

COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, deposes and says

\_\_\_\_\_  
(Name of Individual)

that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application.

\_\_\_\_\_

Sworn to before me this  
\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

(Notary Public)

VERIFICATION

(If applicant is a limited liability company)

STATE OF \_\_\_\_\_)

\_\_\_\_\_ ) SS.:

COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, deposes and says

\_\_\_\_\_  
(Name of Individual)

that he is one of the members of the firm of \_\_\_\_\_,

(Limited Liability Company)

the limited liability company named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge.

The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as a member of and from the books and papers of said limited liability company.

\_\_\_\_\_



Sworn to before me this  
day of , 20.

(Notary Public)

VERIFICATION

~~(If applicant is a partnership)~~

STATE OF \_\_\_\_\_ )  
 ) SS.:  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, ~~deposes and says being first duly sworn, deposes and says:~~  
(Name of Individual)

1. That I am the \_\_\_\_\_ (Title) of \_\_\_\_\_ (Applicant) and  
that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have fully read the attached Application, I know the contents thereof, and that  
to the best of my knowledge and belief, this Application and the contents of this  
Application are true, complete and accurate.

that he is one of the members of the firm of \_\_\_\_\_,  
(Partnership Name)

~~the partnership named in the attached application; that he has read the foregoing application and knows the contents thereof; and that the same is true and complete and accurate to the best of his knowledge. The grounds of deponent's belief relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as information acquired by deponent in the course of his duties as a member of and from the books and papers of said partnership.~~

~~Sworn to before me this~~Subscribed and affirmed to me under penalties of perjury.  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

**~~NOTE: THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS THE HOLD  
HARMLESS AGREEMENT APPEARING ON PAGE 27 IS SIGNED BY THE APPLICANT.~~**

## HOLD HARMLESS AGREEMENT

Applicant hereby releases Columbia County Industrial Development Agency and the member, officers, servants, agents and employees thereof (hereinafter collectively referred to as 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 (i) 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 issuance of bonds requested therein are favorably acted upon by the Agency, (ii) the Agency's financing of the Project described therein; and (iii) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

BY: \_\_\_\_\_

~~Sworn to before me this~~ Subscribed and affirmed to me under penalties of perjury  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

TO: Project Applicants  
 FROM: Columbia County Industrial Development Agency  
 RE: Cost/Benefit Analysis

In order for the Columbia County Industrial Development Agency (the “Agency”) to prepare a Cost/Benefit Analysis for a proposed project (the “Project”), the Applicant must answer the questions contained in this Project Questionnaire (the “Questionnaire”) and complete the attached Schedules. This Questionnaire and the attached Schedule will provide information regarding various aspects of the Project, and the costs and benefits associated therewith.

This Questionnaire must be completed as part of the Application for Financial Assistance.

### **PROJECT QUESTIONNAIRE**

1. Name of Project Beneficiary (“Company”):	
2. Brief Identification of the Project:	

### **PROJECTED PROJECT INVESTMENT**

<b>A.</b>	<b>Land-Related Costs</b>	
1.	Land acquisition	\$ _____
2.	Site preparation	\$ _____
3.	Landscaping	\$ _____
4.	Utilities and infrastructure development	\$ _____
5.	Access roads and parking development	\$ _____
6.	Other land-related costs (describe)	\$ _____
	<b><u>TOTAL</u></b>	<b><u>\$ _____</u></b>
<b>B.</b>	<b>Building-Related Costs</b>	
1.	Acquisition of existing structures	\$ _____
2.	Renovation of existing structures	\$ _____
3.	New construction costs	\$ _____
4.	Electrical systems	\$ _____
5.	Heating, ventilation and air conditioning	\$ _____
6.	Plumbing	\$ _____
7.	Other building-related costs (describe)	\$ _____
	<b><u>TOTAL</u></b>	<b><u>\$ _____</u></b>
<b>C.</b>	<b>Machinery and Equipment Costs</b>	
1.	Production and process equipment	\$ _____
2.	Packaging equipment	\$ _____
3.	Warehousing equipment	\$ _____
4.	Installation costs for various equipment	\$ _____
5.	Other equipment-related costs (describe)	\$ _____
	<b><u>TOTAL</u></b>	<b><u>\$ _____</u></b>
<b>D.</b>	<b>Furniture and Fixture Costs</b>	
1.	Office furniture	\$ _____
2.	Office equipment	\$ _____
3.	Computers	\$ _____
4.	Other furniture-related costs (describe)	\$ _____

	<u>TOTAL</u>	\$ _____
E.	Working Capital Costs	
1.	Operation costs	\$ _____
2.	Production costs	\$ _____
3.	Raw materials	\$ _____
4.	Debt service	\$ _____
5.	Relocation costs	\$ _____
6.	Skills training	\$ _____
7.	Other working capital-related costs (describe)	\$ _____
	<u>TOTAL</u>	\$ _____
F.	Professional Service Costs	
1.	Architecture and engineering	\$ _____
2.	Accounting/legal	\$ _____
3.	Other service-related costs (describe)	\$ _____
	<u>TOTAL</u>	\$ _____
G.	Other Costs	
1.	_____	\$ _____
2.	_____	\$ _____
	<u>TOTAL</u>	\$ _____
H.	<u>Summary of Expenditures</u>	
<del>1.</del>	<del>Total Land-Related Costs</del> <u>Total of Expenditures</u>	\$ _____
<del>2.</del>	<del>Total Building-Related Costs</del>	\$ _____

Have any of the project expenses listed above already been paid by the Applicant? If yes, provide the total expenditure to date and describe the costs:

Would this project be undertaken but for the Agency's financial assistance?

If yes, describe why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operation.

## **PROJECTED CONSTRUCTION EMPLOYMENT IMPACT**

- I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year		\$ _____	\$ _____
Year 1		\$ _____	\$ _____
Year 2		\$ _____	\$ _____
Year 3		\$ _____	\$ _____
Year 4		\$ _____	\$ _____
Year 5		\$ _____	\$ _____

When does the Applicant anticipate the start of construction?

Has construction work on this project begun?

If yes, discuss in detail the approximate extent of construction and the extent of completion. Indicate in your response whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.

Indicate the date the applicant estimates the Project will be completed:

Describe the likelihood of accomplishing the Project in a timely fashion:

What is the total value of construction contracts to be executed?

Describe the general contractor's plans and selection process for using regional and/or Columbia County construction labor or regional and/or Columbia County sub contractors:

## **PROJECTED ~~PERMANENT~~ EMPLOYMENT IMPACT**

Indicate the number of people presently employed at the Project site that will be retained and the additional jobs that will be created at the Project site at the end of the first, second and third years. "Year One" will begin upon the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy.

Employment should be quantified by full time equivalent "FTE", which shall mean one or more employees working at least 35 hours per week for not less than four consecutive weeks and who are (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties.

### i. Employment Plan:

<u>Occupancy In Company</u>	<u>Retained Permanent FTE</u>		<u>Projected New Permanent FTE</u>			
	<u>Number of Current FTE</u>	<u>Average Annual Salary or Hourly Wage</u>	<u>FTE in Year 1 (20__)</u>	<u>FTE in Year 2 (20__)</u>	<u>FTE in Year 3 (20__)</u>	<u>FTE in Year 4 (20__)</u>
<u>Professional/Management</u>						
<u>Administrative</u>						
<u>Sales</u>						

<u>Services</u>						
<u>Manufacturing/Production</u>						
<u>High-Skilled</u>						
<u>Medium-Skilled</u>						
<u>Basic-Skilled</u>						
<u>Other (specify)</u>						
<u>TOTAL</u>						

<u>Provide the projected percentage of employment that would be filled by Columbia County residents:</u>		
<u>Provide a brief description of how the project expects to meet this percentage:</u>		
<u>Are employees provided retirement benefits?</u>		<u>Are employees provided health benefits?</u>
<u>Describe any workforce training programs and/or activities that the Company will invest in as part of the Project:</u>		

- ~~I. Estimates of the total number of existing permanent jobs to be preserved or retained as a result of the Project are described in the tables in Section IV of the Application.~~
- ~~II. Estimates of the total new permanent jobs to be created at the Project are described in the tables in Section IV of the Application.~~
- ~~III. Please provide estimates for the following:~~
- ~~A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.~~
- ~~IV. Provide the projected percentage of employment that would be filled by Columbia County residents:~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~
- ~~A. Provide a brief description of how the project expects to meet this percentage:~~

**PROJECTED OPERATING IMPACT**

I. ~~Please Provide~~ provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 <sup>st</sup> year following project completion)	\$ _____
Additional Sales Tax Paid on Additional Purchases	\$ _____
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$ _____
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	\$ _____

~~II. H.~~ Will the Project incorporate renewable energy sources or energy efficiency elements in the design and operation of the Project? If so, provide details. If not, explain why it will not.

~~III.~~ Describe the Project's Impact on the need for affordable housing, if applicable:

~~— Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"):~~

<del>Year</del>	<del>Existing Real Property Taxes (Without IDA involvement)</del>	<del>New Pilot Payments (With IDA)</del>	<del>Total (Difference)</del>
<del>Current Year</del>			
<del>Year 1</del>			
<del>Year 2</del>			
<del>Year 3</del>			
<del>Year 4</del>			
<del>Year 5</del>			
<del>Year 6</del>			
<del>Year 7</del>			
<del>Year 8</del>			
<del>Year 9</del>			
<del>Year 10</del>			

~~IV. H.~~ Please provide a detailed description for the impact of other economic benefits and all anticipated community benefits expected to be produced as a result of the Project. Examples of these benefits include MWBE/SDVOB participation, EEO workforce utilization, regional labor, apprenticeship program, inclusionary housing, and historic preservation. (attach additional pages as needed for a complete and detailed response):

**BENEFITS REQUESTED FROM THE AGENCY**

Sales and Use Tax Benefit:



The figures below will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.

<u>Costs for goods and services that are subject to State and local sales and use tax:</u>
<u>Estimated State and local sales and use tax benefit: (auto calculated)</u>

Mortgage Recording Tax Benefit:

<u>Mortgage amount (include construction, permanent, bridge financing or refinancing):</u>
<u>Estimated mortgage recording tax exemption benefit: (auto calculated)</u>

Property Tax Benefit:

<u>Current full assessed value of the property before Project improvements:</u>
<u>Estimated new assessed full value of property after Project improvements:</u>
<u>Is the Applicant seeking a property tax benefit consistent with the Agency's UTEP?</u>
<u>If not, provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes (PILOT Payments) in the chart below</u>

<u>Year</u>	<u>Estimated Real Property Taxes (Without IDA Involvement)</u>	<u>New PILOT Payments (With IDA)</u>	<u>Total (Difference)</u>
<u>Current Year</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 1</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 2</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 3</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 4</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 5</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 6</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 7</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 8</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 9</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 10</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 11</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 12</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 13</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 14</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 15</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 16</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 17</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 18</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 19</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>Year 20</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>TOTAL</u>	<u>\$</u>	<u>\$</u>	<u>\$</u>

## CERTIFICATION

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

<b>Date Signed:</b> _____, 20__.	<b>Name of Person Completing Project Questionnaire on behalf of the Company.</b>  Name: _____ Title: _____ Phone Number: _____ Address: _____  <b>Signature:</b> _____
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## POLICY RESPECTING UNIFORM CRITERIA FOR THE EVALUATION OF PROJECTS

SECTION 1. PURPOSE AND JUSTIFICATION. (A) The purpose of this Policy is to provide Uniform criteria to be utilized by Columbia County Industrial Development Agency (the "Agency") to evaluate and select projects from each category of eligible projects for which the Agency can provide financial assistance.

(B) The Agency was created pursuant to Section 895-1 of Title 2 of Article 18-A of the General Municipal Law and Title 1 of Article 18-A the General Municipal Law (collectively, the "Act") for the purpose of promoting employment opportunities for, and the general prosperity and economic welfare of, residents of Columbia County, New York (the "County") and the State of New York (the "State"). Under the Act, the Agency was created in order to advance the job opportunities, health, general prosperity, and economic welfare of the residents of the County and of the State.

(C) Chapter 563 of the Laws of 2015, effective June 15, 2016 (the "Reform Legislation"), requires each industrial development agency to adopt an assessment of all material information included in connection with an application for financial assistance, as necessary to afford a reasonable basis for the decision by an industrial development agency to provide financial assistance for a project.

SECTION 2. ELIGIBLE PROJECT CATEGORIES. The Agency may provide financial assistance to any "project", as defined in Section 854 of the Act.

SECTION 3. UNIFORM CRITERIA. (A) The following general uniform criteria will apply to all categories of eligible projects: (1) extent to which ~~at~~the project will create or retain jobs; (2) estimated value of tax exemptions to be provided; (3) amount of private sector investment by the proposed project; (4) Likelihood of project being accomplished in a timely fashion; (5) extent of new revenue provided to local taxing jurisdictions by the proposed project; (6) impact of the proposed project on local labor construction jobs~~Any additional public benefits~~; and ~~(7) effect of the proposed project upon the environment~~~~Local labor construction jobs~~; (8) demonstrated public support for the proposed project; and (9) any additional public benefits as a result of the proposed project.

(B) The following additional criteria may apply to warehousing and research project: (1) wage rates (above median for County); (2) in County purchases (% of purchases from local vendors); (3) supports local businesses or clusters; (4) retention or flight risk; and (5) provides capacity to meet County demand or shortage.

(C) The following additional criteria may apply to commercial projects: (1) regional wealth creation (% of sales/customers outside of the County); (2) located in a highly distressed census tract; (3) alignment with local planning and development efforts; (4) promotes walkable community areas; (5) elimination or reduction in blight; (6) proximity/support of regional tourism attractions/facilities; (7) local or County official support; (8) building or site has historic designation; and (9) provides brownfield remediation.

SECTION 4. REMOVAL OR ABANDONMENT. If the proposed project involves the removal or abandonment of a facility or plant within the state, the Agency will notify the chief elected officer or officers of the municipality or municipalities in which the facility or plantt was located.

SECTION 5. EFFECTIVE DATE. This policy shall be effective with respect to any project undertaken by the Agency after the date of approval of this Policy.