



Empowering Businesses. Inspiring Growth.

APPLICATION FOR FINANCIAL ASSISTANCE

(Applicant Name)

(Date of Application)

Orange County IDA
4 Crotty Lane, Suite 100 New Windsor, NY 12553
Phone: 845-234-4192 Fax: 845-220-2228
www.ocnyida.com business@ocnyida.com

Updated March 11, 2024



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Vice Chairman

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Board Member

OCIDA Staff

Bill Fioravanti
Chief Executive Officer

Kelly Reilly
Project Manager

Martha Borrás
Administrative Assistant

Bousquet Holstein PLLC
IDA Legal Counsel

Hodgson Russ LLP
IDA Bond Counsel



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MISSION STATEMENT

“The mission of the Orange County Industrial Development Agency is to **promote economic growth** through a program of incentives-based allocations that assist in the construction, equipping and maintenance of specific types of projects and facilities. The IDA works to advance the health, prosperity and economic welfare of our County’s citizens by **retaining and creating jobs and attracting new businesses.**”



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The sections below make up the information and documents that must be completed and submitted to the OCIDA for a project application to be considered. Failure to provide the required information may cause a delay in the project being considered in a timely manner.

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Fill in all blanks, using “none” or “not applicable” or “N/A” where the question does not pertain to the applicant’s project.

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APPLICATION FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION

A) APPLICANT

Company Name: _____

Mailing Address: _____

Phone No.: _____

Fax No.: _____

Fed Id. No.: _____

Contact Person: _____

Title: _____

Contact Phone No.: _____

Contact Email: _____

IDA Management must be able to reach the Applicant's Contact throughout the duration of the Agreement. Should this information change at any time IDA Management should be notified Immediately. Please initial stating you understand and consent to the above _____

B) INDIVIDUAL COMPLETING APPLICATION

Name: _____

Company Name: _____

Title: _____

Address: _____

Phone No.: _____

Fax No.: _____

Email: _____

C) APPLICANT'S COUNSEL

Name: _____

Address: _____

Phone No.: _____

Fax No.: _____

Email: _____

IDA Management must be able to reach the Applicant's Counsel throughout the duration of the Agreement. Should this information change at any time IDA Management should be notified Immediately. Please initial stating you understand and consent to the above _____

D) APPLICANT'S AUDIT CONTACT

Name: _____

Address: _____

Phone No.: _____

Fax No.: _____

Contact Email: _____

E) APPLICANT'S GENERAL CONTRACTOR/CONSTRUCTION MANAGER

Name/Contact: _____

Address: _____

Phone No.: _____

Fax No.: _____

Email: _____

F) **Principal Owners/Officers/Directors (list owners with 15% or more in equity holdings with percentage ownership):**

Name	Office Held	% of Ownership	% of Voting Rights

**Please attach chart if space provided is not sufficient.

G) **Corporate Structure (attach schematic if applicant is a subsidiary or otherwise affiliated with another entity)**

Form of Entity

Corporation

Date of Incorporation: _____

State of Incorporation: _____

Partnership

General or Limited

Number of general partners _____

If applicable, number of limited partners _____

Date of formation _____

Jurisdiction of Formation _____

Limited Liability Company/Partnership (number of members _____)

Date of organization: _____

State of Organization: _____

Sole Proprietorship

H) **If a foreign organization, is the applicant authorized to do business in the State of New York?**

Yes or No

If no, please explain below:

**Please attach narrative if space provided is not sufficient.

I) If any of the above persons, or a group of them, owns more than a 50% interest in the company company, list all other organizations which are related to the company by such persons having more than a 50% interest in such organizations.

**Please attach chart if space provided is not sufficient.

J) Is the company related to any other organization by reason of more than 50% common ownership? If so, indicate name of related organization and relationship.

**Please attach narrative if space provided is not sufficient.

K) Has the Applicant or any of its affiliated organizations ever received OCIDA benefits?

Yes or No

If yes, please describe the assisted project below:

**Please attach narrative if space provided is not sufficient.

L) Legal Questions:

1. Is the Company presently the subject of any litigation, or is any litigation threatened, which would have a material adverse effect on the Company's financial condition?
 Yes or No
2. Has the company or any of its affiliates ever been involved in bankruptcy, a creditor's rights or receivership proceeding, or sought protection from creditors?
 Yes or No
3. Has the Company ever settled a debt with a lending institution for less than the full amount outstanding?
 Yes or No
4. Has any senior manager, member, officer or principal of the Company ever been convicted of any felony or misdemeanor, other than a minor traffic violation, or are any such charges pending?
 Yes or No
5. Has the Company or any of its affiliates, been cited for a violation of federal, state, or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or operating practices?
 Yes or No
6. Are there any outstanding judgments or liens pending against the Company other than liens in the normal course of business?
 Yes or No
7. Is the Company delinquent on any New York State, federal or local tax obligations?
 Yes or No

8. Is the applicant (Company) in violation of any local, state, and federal, workers' compensation protection, and environmental laws?

Yes or No

If your answer is "YES" for any of the above questions, please provide an explanation:

**Please attach narrative if space provided is not sufficient.

M) **Has the company (or any related corporation or person) made a public offering or private placement of its stock within the last year?**

Yes or No

If yes, please attach offering statement used.

N) **Brief description of Company History (formation, growth, transitions, location):**

**Please attach narrative if space provided is not sufficient.

Estimated % of sales within the County:

Estimated % of sales outside the County but within NYS:

Estimated % of sales outside NYS but within the U.S.:

Estimated % of sales outside the U.S.:

O) Sales and income projection or a project pro forma for proposed project for the next 3 to 5 years.

**Please attach chart if space provided is not sufficient

FINANCIAL INFORMATION OF THE COMPANY

A. For existing businesses:

- The Applicant must submit three (3) years of accountant prepared financial statements.
- The Applicant must submit a current Certificate of Good Standing from the Department of State for the business.

B. For new businesses:

- The Applicant must submit three (3) years of personal tax returns for the owner(s).
- The Applicant must submit three (3) years of tax returns for the related businesses as well as Certificates of Good Standing from the Department of State.

The requested Financial Information of the Company is to be kept confidential and is not subject to the Freedom of Information Law (FOIL).

II. PROJECT INFORMATION

A) Project Address: _____

Tax Map Number _____
(Section/Block/Lot)

Located in City of _____

Located in Town of _____

Located in Village of _____

School District of _____

B) Are utilities on site?

Water _____ Electric _____
Gas _____ Sanitary/Storm Sewer _____

C) Present legal owner of the site

If not the Applicant, who is owner and by what means will the site be acquired? If leasing, when does the lease end?

D) Zoning of Project Site: Current: _____ Proposed: _____

E) Are any variances needed? _____

F) Environmental Information. An Environmental Assessment Form (EAF) MUST be completed and submitted along with this application. Please visit <https://www.dec.ny.gov/permits/6191.html> for the online EAF Mapper Application and EAF Forms.

1. Have any environmental issues been identified on the property?

Yes or No

If yes, please explain:

2. Has any public body issued a State Environmental Quality Review Act determination for this Project?

Yes or No

If yes, please attach to this application.

G) Attach copies of preliminary plans or sketches of proposed construction or rehabilitation or both.

H) Statement describing project. Include all uses and services, allocated square footages, improvements and equipment to be installed (i.e. land acquisition, construction of manufacturing facility, all exterior renovations including landscaping, etc.):

**Please attach narrative if space provided is not sufficient.

Attach a detailed description of the proposed project including all uses and services and allocated square footages, improvements and equipment to be installed.

I) Statement describing the impact of incentives on this project, should they be granted:

**Please attach narrative if space provided is not sufficient.

J) Statement describing the economic benefit to the surrounding community resulting from this project:

**Please attach narrative if space provided is not sufficient.

K) Anticipated Date of Completion: _____

L) Anticipated Date of Occupancy: _____

M) Principal use of project upon completion:

- | | | | |
|--|---------------------------------------|-----------------------------------|--------------------------------------|
| <input type="checkbox"/> manufacturing | <input type="checkbox"/> warehousing | <input type="checkbox"/> research | <input type="checkbox"/> offices |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> recreation | <input type="checkbox"/> retail | <input type="checkbox"/> residential |
| <input type="checkbox"/> Training | <input type="checkbox"/> data process | | |

If other, explain: _____

Identify NAIC Code, if applicable _____
(see <https://www.census.gov/naics/>)

Project Data

1. Project site (land)

(a) Indicate approximate size (in acres or square feet) of project site.

(b) Are there buildings now on the project site? Yes No

(c) Indicate the present use of the project site.

(d) Indicate relationship to present user of project.

2. Does the project involve acquisition of an existing building or buildings? If yes, indicate number, size, and approximate age of buildings:

3. Does the project consist of the construction of a new building or buildings? If yes, indicate number and size of new buildings:

4. Does the project consist of additions and/or renovations to existing buildings? If yes, indicate nature of expansion and/or renovation:

5. Estimated Start Date of Construction: _____

6. Estimated End Date of Construction: _____

Has construction work on this project begun? Yes or No

Complete the following

- | | | |
|----------------------------|--|------------------|
| (a) site clearance | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ % complete |
| (b) foundation | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ % complete |
| (c) footings | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ % complete |
| (d) steel | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ % complete |
| (e) masonry work | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ % complete |
| (f) other (describe below) | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____ % complete |

7. If any space in the project is to be leased to third parties, indicate total square footage of the project amount to be leased to each tenant and proposed use by each tenant.

III. PROJECT COSTS & FINANCING

A) Estimated Project Costs

1. State the costs reasonably necessary for the acquisition, construction, and/or renovation of the Project:

Description of Cost Type	Total Budget Amount
Land Acquisition	
Site Work/Demo	
Building Construction & Renovation	
Furniture, Fixtures	
Equipment Subject to NYS Production Sales Tax Exemption (Manufacturing)	
Engineering/Architects Fees	
Financial Charges	
Legal Fees	
Other	
Management /Developer Fee	
Total Project Cost	
Total Construction Budget (Project Cost – Acquisition Costs)	

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

2. Sources of Funds for Project Costs:

(a) Bank Financing: \$ _____

(b) Equity (excluding equity that is attributed to grants/tax credits) \$ _____

- (c) Tax Exempt Bond Issuance (if applicable) \$ _____
- (d) Taxable Bond Issuance (if applicable) \$ _____
- (e) Public Sources
(include sum total of all state and federal grants and tax credits) \$ _____

Identify each state and federal grant/credit:

	\$ _____
	\$ _____
	\$ _____
	\$ _____

Total Sources of Funds for Project Costs: \$ _____

The total amount of public sector funding should equal the public sector amount listed in (2)(e) above.

B) Financial Assistance Requested (estimated values):

Applicants requesting exemptions and/or abatements from OCIDA must provide the estimated value of the savings they anticipate receiving. New York State regulations require OCIDA to recapture any benefit that exceeds the amount listed in this application.

1. Is the Applicant expecting that the financing of the Project will be secured by one or more mortgages: Yes No

If yes, list amount requested and name of lender: _____

2. Benefits Requested:

- Sales Tax Exemption Tax-Exempt/ Taxable Revenue Bond
- Mortgage Recording Tax Exemption Real Property Tax Agreement

C) Amount of Exemption/Abatement Requested:

IDA PILOT Benefit:

1. Is the Applicant requesting a payment in lieu of tax agreement (PILOT) for the purpose of a real property tax abatement? Yes No

If yes, identify from the Agency's UTEP the category of PILOT requested:

Is the Applicant requesting any real property tax abatement that is **inconsistent** with the Agency's UTEP? Yes No

Please contact the Executive Director prior to submission of this Application for assistance with PILOT calculation.

Sales and Use Tax:

2. Estimated value of Sales Tax exemption for facility construction, fixtures and equipment:

\$ _____ * X .08125 (4.125% State, 4% local) = \$ _____

*(Amount of project cost subject to tax)

Mortgage Recording Tax Exemption Benefit:

3. Estimated value of Mortgage: \$ _____

Estimated value of Mortgage Recording Tax exemption:

\$ _____ X .0075 = \$ _____

(Projected Amount of Mortgage X Mortgage Recording Tax = Total)

****To calculate the value of this exemption take 1.05% of the mortgage amount from (C)(3) above to get the "mortgage recording tax" and then multiply the mortgage recording tax figure by 75%. You will receive an exemption equal to 75% of the mortgage recording tax.**

Tax-Exempt/ Taxable Revenue Bond Benefit:

Amount of Bonds, if requested: \$ _____

Is a purchaser for the Bonds in place? Yes or No

D) Likelihood of Undertaking Project without Receiving Financial Assistance

Please confirm by checking the box below, will this project move forward without the requested incentives?

Yes or No

If the Project will be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be given economic incentives by the Agency:

E) In accordance with N.Y. GML Sec. 862(1):

- 1. Will the Project primarily consist of retail facilities that will be primarily used in making sales of goods or services to customers who personally visit the Project site as defined in Section 862(2)(a) of the GML?**

Yes No

If yes, will the cost of these facilities exceed one-third of the total Project cost?

Yes No

- 2. Will the Project be in a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has (i) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? (Source: United States Census Bureau <https://factfinder.census.gov/>)**

Yes No

- 3. Is the Project site designated as an Empire Zone?**

Yes No

- 4. Is the Project location or facility likely to attract a significant number of visitors from outside the Mid-Hudson Economic Development Region (i.e.: Orange, Dutchess, Putnam, Rockland, Sullivan, Ulster, and Westchester counties)?**

Yes No

- 5. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located?**

Yes No

- 6. Will any other companies or related facilities within the state close or be subjected to reduced activity as a result of this Project? If so please list the town and county of the location(s):**

Yes No

- 7. Will the completion of the Project result in the removal of a plant or facility of the Applicant from one area of the State New York to another area of the State of New York?**

Yes No

- 8. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Applicant located in the State of New York?**

Yes No

a. If any answer to questions 6, 7 or 8 above is yes, is the Project reasonably necessary to discourage the Applicant from removing such other plant or facility to a location outside the State of New York?

Yes No

b. If any answer to questions 6, 7 or 8 above is yes, is the Project reasonably necessary to preserve the competitive position of the Applicant in its respective industry?

Yes No

IV. EMPLOYMENT PLAN

A) **Current Employee Headcount:**

	Current # of jobs at proposed project location or to be relocated to project location from existing facility (e.g. retained jobs)	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED within THREE Years after Project completion			Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon THREE years after Project Completion**				
		End of Year 1	End of Year 2	End of Year 3	End of Year 1	End of Year 2	End of Year 3	Total New Jobs After 5 Years	Total Retained Jobs After 5 Years
Full Time (FTE)									
Part Time (PTE)									
Total									

Full-time Employee Definition: (i) a full-time, permanent, private-sector employee on the Company’s payroll, who has worked at the Project Location for a minimum of 35 hours per week for more than six months of a year and who is entitled to receive the usual and customary fringe benefits extended by Recipient to other employees with comparable rank and duties; or (ii) two part-time, permanent, private sector employees on Recipient’s payroll, who have worked at the Project Location for a combined minimum of 35 hours per week for more than six months of a year and who are entitled to receive the usual and customary fringe benefits extended by Recipient to other employees with comparable rank and duties.

**For the purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. The Labor Market Area includes Orange County and the surrounding region (or six other contiguous counties, including Orange County, chosen at the Agency’s discretion).

B) Salary and Fringe Benefits for Jobs to be Created:

Category of Jobs to be Created	Number of Jobs to be created in Year 1	Number of Jobs to be created in Year 2	Number of Jobs to be created in Year 3	Average Salary or Salary Range	Average Fringe Benefit or Range of Fringe Benefits
Management					
Professional					
Administrative					
Sales					
Production/ Manufacturing					
Independent Contractor					
Other (specify)					

If there is a salary range larger than \$20,000 in a category above please provide additional breakdown information below:

**Please attach breakdown if space provided is not sufficient.

C) Salary and Fringe Benefits for Jobs to be Retained:

Category of Jobs to be Retained	Current Number of Jobs	Average Salary or Salary Range	Average Fringe Benefit or Range of Fringe Benefits
Management			
Professional			
Administrative			
Sales			

Production/ Manufacturing			
Independent Contractor			
Other (specify)			

D) Describe the benefits or benefits package offered to employees:

**Please attach narrative if space provided is not sufficient.

E) Describe internal training and advancement opportunities offered to employees:

**Please attach narrative if space provided is not sufficient.

V. 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 proposed 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 proposed project must be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JPTA") in which the project is located.
- B. First Consideration for Employment In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Fillings In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed 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.
- E. Annual Employment Reports and Outstanding Bonds: 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 FTE at this Project site. The Applicant also 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.
- F. Compliance with N.Y. GML Sec. 862(1): : 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.
- G. Compliance with Applicable Laws: 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.

- H. False and Misleading Information: The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- I. Recapture: Should the Applicant not expend, hire as presented, or violates Sales Tax Exemption regulations, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- J. Rescission of Benefits Conferred: Applicant understands and agrees that in the event that (a) the Applicant does not proceed to final Agency approval within six (6) months of the date the Agency adopts its initial approval resolution and/or (b) close with the Agency on the requested financial assistance within twelve (12) months of the date the Agency adopts its initial resolution, the Agency reserves its right to rescind and cancel all prior approvals. In the event the Agency rescinds its approvals and the Applicant re-applies to the Agency, the Applicant understands and agrees that its re-application will be subject to any and all changes in law, Agency policies or fees imposed by the Agency that are in effect as of the date of re-application.
- K. 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, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:
- L. Freedom of Information Law (FOIL): The applicant acknowledges that the OCIDA is subject to New York State's Freedom of Information Law (FOIL). Applicants understand that all project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.
- M. The IDA is legally required to submit an annual PARIS report to the state that requires information from each project. Applicant participation is **NOT OPTIONAL. ALL INFORMATION** must be submitted in a **COMPLETE** and **TIMELY** manner. Failure to comply with this request **WILL RESULT** in a **LOSS/RECAPTURE** of **ALL OR SOME** of your benefits.
- N. GML Compliance: The Applicant certifies that, as of the date of the Application, the proposed project is in substantial compliance with all provisions of NYS General Municipal Law Article 18-A, including but not limited to Sections 859-a and 862(1).
- O. OCIDA's Policies: The Applicant is familiar with all of OCIDA's policies posted on its website <https://www.ocnyida.com> and agrees to comply with all applicable policies.
- P. Disclosure: Article 6 of the Public Officers Law declares that 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, the Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officers Law, if requested, OCIDA may also redact personal, private, and/or

proprietary information from publicly disseminated documents. The Applicant understands that the Applicant must identify in writing to OCIDA any information it deems proprietary or personal and seeks to have redacted and the rationale therefore.

- Q. Reliance: THE APPLICANT ACKNOWLEDGES THAT ALL ESTIMATES OF PROJECTED FINANCIAL IMPACTS, VALUE OF FINANCIAL ASSISTANCE REQUESTED, AND OTHER INFORMATION CONTAINED IN THIS APPLICATION WILL BE RELIED UPON BY OCIDA AND ANY CHANGES IN SUCH INFORMATION MUST BE MADE IN WRITING AND MAY IMPACT THE GRANT OF FINANCIAL ASSISTANCE TO THE PROJECT.
- R. Prevailing Wage: **The Company hereby acknowledges and agrees that the Financial Assistance being provided by the Agency under the Company Documents constitutes "public funds" unless otherwise excluded under Section 224-a(3) of the New York Labor Law, and by executing this Agreement, (i) confirms that it has received notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law and (ii) acknowledges its obligations pursuant to Section 224-a(8)(a) of the New York Labor Law. Other than the Agency Financial Assistance estimates provided herein and disclosed to the Company, the Agency makes no representations or covenants with respect to the total sources of "public funds" received by the Company in connection with the Project.**

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION

VERIFICATION

STATE OF _____)
) SS.:
COUNTY OF _____)

_____, deposes and says that s/he is the
(Name of Individual)
_____ of _____
(Title) (Applicant Name)

that s/he is the CEO or a person authorized to bind the company/applicant, and has personally completed and read the foregoing Application, which includes and incorporates all attachments and exhibits, and knows the contents thereof and that the same is true, accurate, and complete to the best of her/his knowledge, as subscribed and affirmed under the penalties of perjury. The grounds of deponent's beliefs relative to all matters in the said Application which are not stated upon her/his own personal knowledge are investigations which the deponent has caused to be made concerning the subject matter of the Application as well as, if applicable, information acquired by deponent in the course of her/his duties/responsibilities for the Applicant and from the books and records of the Applicant. The deponent also acknowledges the receipt of the schedules attached to the Application, including but not limited to the Agency's fee schedule and assumes responsibility for payment of any and all applicable fees as described therein. Deponent further acknowledges review and understanding of the Agency's published policies, including but not limited to the Agency's Recapture Policy, and agrees on behalf of the Applicant to be bound by and comply with, all such policies.

Applicant Representative's Signature

Title

Subscribed and sworn to before me this
____ day of _____, 20 ____.

Notary Public

This Application should be submitted to:

Orange County Industrial Development Agency
c/o Jeffrey Crist, Chairman
Orange County Business Accelerator
4 Crotty Lane, Suite 100
New Windsor, NY 12553

The Agency will collect an administrative fee at the time of closing.

SEE ATTACHED FEE SCHEDULE AT EXHIBIT "A".

Transaction Counsel
Susan R. Katzoff, ESQ.
Bousquet Holstein PLLC
110 West Fayette Street
One Lincoln Center, Suite 1000
Syracuse, NY 13202
Tel: (315) 701--6303
Fax: (315) 410-1557
Email: skatzoff@bhlawpllc.com



Empowering Businesses. Inspiring Growth.

HOLD HARMLESS AGREEMENT

Applicant hereby releases the ORANGE 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 causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in processing of the Application, including attorneys' fees, if any.

(Applicant Signature)

By: _____

Name: _____

Title: _____

(Notary Public)

Sworn to before me this ____ day
of _____, 20__.

[stamp]

ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION

**APPENDIX A
CONFLICT OF INTEREST STATEMENT**

Agency Board Members

- 1. Jeffrey Crist
- 2. Dean Tamburri
- 3. Vincent Odock
- 4. Marc Greene
- 5. Linda Muller
- 6. Giovanni Palladino
- 7. Susan Walski

Agency Officers/Staff

- 1. Bill Fioravanti
- 2. Kelly Reilly
- 3. Martha Borrás

Agency Legal Counsel

- 1. Bousquet Holstein PLLC
- 2. Hodgson Russ LLC

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:

Signature:

Authorized Representative:

Title:

Date:

EXHIBIT "A"



FEE SCHEDULE

1. Application Fees

- **Administrative Application Fee: \$2,500** to be remitted directly to OCIDA; *and*
- **Transaction Counsel Application Fee: \$2,500** to be remitted directly to OCIDA's legal counsel.

2. Labor Policy Monitoring Fees

The OCIDA employs a third-party firm, or firms, to monitor compliance with our Local Labor Policy (attached hereto). The total anticipated labor monitoring fees, borne entirely by the applicant, are assessed up-front, upon the closing of your OCIDA transaction. However, if Project delays occur or if extra monitoring is required, additional fees may be assessed. These fees will be deposited into a non-interest bearing escrow account and will fund the ongoing audit of Local Labor Policy compliance throughout construction of the Project. Any unused funds on deposit with the OCIDA will be returned to the applicant upon Project completion.

- **Agency Administrative Fee: 1%** of the total anticipated Local Labor monitoring fees.
- **Labor Monitoring Fees:**

Based on Total Capital Expenditure...

Less than \$5M :	\$5,000.00.
Greater than \$5M , less than \$15M :	\$10,000.00.
Greater than \$15M , less than \$25M :	\$20,000.00.
Greater than \$25M , less than \$50M :	\$30,000.00.
Greater than \$50M , less than \$100M :	\$45,000.00.
Greater than \$100M , less than \$500M :	\$55,000.00.
Greater than \$500M :	TBD.

3. Closing Fees:

- **Sales Tax Exemption (STE) and/or Mortgage Recording Tax Exemption (MRTE) Only:**
1% of the Total \$ Benefit Awarded by OCIDA.

Closing Fees continued:

- **Bond Issuance Only:**

Based on Principal Amount of Bonds Issued...

First \$10M :	1% of Bond Value,
Next \$10M – \$25M :	.5% of Bond Value,
Remaining \$25M and above:	.25% of Bond Value.

- **Refinancing Bonds:** .5% of the Outstanding Bond Value.

- **Projects that Include PILOTS:**

Based on Sector category of the Project...

- **Manufacturing Sector** – **1% of the first \$2,000,000** of the Project cost (as identified on page 12 of this application), plus .5% of amount above that, due at closing (total Project cost includes land acquisition costs).
- **Warehouse/Distribution Sector** – **1% of the Project cost** (as identified on page 15 of this application), due at closing.
- **Retail Sector: Stores** – **485B: 2% of the first \$2,000,000** of the Project cost (as identified on page 15 of this application), **plus 1% of amount above that.**
- **Retail Sector: Back Office/Medical** – **10 year PILOT: 1% of the Project cost** (as identified on page 15 of this application), due at closing.
- **Hotel Sector** (per Scoring Criteria)
 - **10 year PILOT: 1% of the Project cost** (as identified on page 15 of this application), due at closing.
 - **4 year PILOT: 1% of the Project cost** (as identified on page 15 of this application), due at closing.
- **Tourism Sector**
 - **\$0-\$30M Capital Cost: 1% of the Project cost** (as identified on page 15 of this application), due at closing.
 - **\$30-\$100M Capital Cost: .75% of the Project cost** (as identified on page 15 of this application), due at closing.
 - **Over \$100M Capital Cost: 1% of the Project cost** (as identified on page 15 of this application), due at closing.
- **“Special Projects”** – TBD per Project.

4. IDA Transaction Counsel Fees:

Legal fees are charged based upon actual hours worked on your Project by OCIDA/OCFC's general counsel and/or bond counsel. Current hourly rates may be provided by our counsel upon request.

NOTE: OCIDA reserves the right to seek additional IDA and Transaction Counsel fees for exceptionally large or complex transactions.

Please make all Checks payable to:

Orange County Industrial Development Agency

Mail to:

4 Crotty Lane

New Windsor, NY 12553

*In the event that an applicant does not seek or does not qualify for an OCIDA PILOT or the equivalent of the State's 485-b program, the fee will be a straight one-half percent (0.5%) of the Project cost.

The OCIDA Fee Schedule is the standard used when calculating all Project fees. These fees are not open for negotiation. Please initial stating you understand and consent to the above _____

Miscellaneous Fees:

Amendments and Assignments – **\$1,500.00**

Termination Fee – **\$1,000.00**

Submitting Annual Reports *after* February 24 – **\$2,500.00**

If at any time the Project costs change prior to the Final Resolution, please inform management immediately for closing fee recalculation purposes.

Please initial stating you understand and consent to the above _____

Closing Fee:

Please be advised should the Orange County IDA act to adopt the Final Resolution for your Project a fee will be due at closing.

If at any time the Project costs change prior to the Final Resolution, please inform management immediately for closing fee recalculation purposes.

Please initial stating you understand the foregoing, have provided accurate Project costs, and consent to the estimated closing fee provided above _____

EXHIBIT "E"



Empowering Businesses. Inspiring Growth.

PROJECT SCORING CRITERIA

To be completed/calculated by AGENCY

Project Name: _____ **Score:** _____

1. Strategic Vision (0 OR 5)*:

- a. Does the project fit into preferred industry categories (manufacturing, industrial, medical, office, tourism)?
- b. Capitalizes upon un-or-under-employed, available talent pool?

2. Ratable Value (Capital Expenditure) (0 – 5):

- a. Investment in property resulting in increased ratables in municipality.
- b. Utilizes brownfield or otherwise “undesirable” parcel
- c. Return non-taxable property tax rolls
- d. “Brownfield remediation” would receive a 5

3. Number of Jobs (1 – 5):

- a. NOT sliding scale; relative to industry

4. Quality of Jobs (0 – 5):

- a. Defined as
 - 0 = ANY jobs at minimum wage
 - 1 = ALL jobs over \$15/hour
 - 2 = 25% over \$25/hr plus benefits
 - 3 = 50% over \$25/hr plus benefits
 - 4 = 75% over \$25/hr plus benefits
 - 5 = ALL jobs over \$25/hr plus benefits

Project Name:

Score:

5. Location (1 OR 5):

- a. 1 = In Orange County
- b. 5 = Designated growth zone, as identified by IDA (ex. Port Jervis, Highland Falls)

6. Desirability (0 – 5)*:

- a. Does the project have local political support?
- b. Support letter from Supervisor/Mayor
- c. Is there favor, locally, for the project?
- d. Is the project remediating a brownfield or repurposing a zombie property?
- e. Is the parcel located in federally distressed area?
- f. Has project construction already begun?

TOTAL

** Speculative Buildings - identified as a project built with no end-user committed - results in an automatic 0 in these categories*

2-10 - Low/No PILOT
 11-20 - Medium/Sector-based PILOT
 21-30 - High/Qualifies for "Goliath" PILOT

EXHIBIT "C"
LABOR POLICY
ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Adopted 01-18-23

The Orange County Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Orange County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Orange County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs, though limited in time duration, are vital to the overall employment opportunities and economic growth in Orange County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices (hereinafter "construction workers"), including those who have returned from military service, during the construction phase of projects. In this way, the IDA can generate significant benefits to advance the County's general prosperity. It is, therefore, the policy of the IDA that firms benefiting from its programs shall employ workers from Orange County and the "local labor" market during all project phases, including the construction phase.

For the purpose of this policy, the "local labor" market for construction workers shall be defined as those individuals living in Orange, Ulster, Sullivan, Dutchess, Putnam, Rockland, Westchester, and Delaware Counties. Applicants receiving IDA benefits shall ensure the contractor/developer hire at least 85% from the "local labor" market for their approved projects. The 85% shall be by contractor and in total at the time of completion of the project. The contractor/developer is mandated to keep daily log sheets of all field workers, commencing on the date of application. Any work performed after application shall be included in the determination of overall compliance with the 85% hiring requirements of this policy. A third-party auditing firm will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

However, the IDA recognizes that the use of local labor may not be possible for the following reasons and the applicant may request an exemption on a particular contract or trade scope for the following reasons:

1. Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;
2. Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work;

3. Cost Differentials:
 - a. For projects whose project cost exceeds \$15M, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the sub contract or contract of a particular trade or work scope by at least 20%. Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the 20% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Hudson Valley Building and Construction Trades Council and other local Contractor Associations;
 - b. For projects whose project cost is less than \$15M, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the sub contract or contract of a particular trade or work scope by 10% or more. Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the 10% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Hudson Valley Building and Construction Trades Council and other local Contractor Associations;
4. No labor is available for the project; and
5. The contractor requires key or core persons such as supervisors, foreman or "construction workers" having special skills that are not available in the "local labor" market.

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party monitor and received in advance of work commencing. The request will be reviewed by the 3rd party monitor and forwarded to the IDA, at which time the IDA's Audit Committee shall have the authority to approve or disapprove the exemption. The 3rd party monitor shall report each authorized exemption to the Board of Directors at its monthly meeting.

In addition, applicants receiving IDA benefits and Contractors on the project shall make every reasonable effort to utilize vendors, material suppliers, subcontractors and professional services from Orange County and the surrounding counties. Applicants and contractors shall be required to keep records of those local vendors, material suppliers, contractors and professional services whom they have solicited and with whom they have contracted with or awarded. This shall be stored in a binder on site and shall be easily available for review by an authorized representative of the IDA, such as the IDA's 3rd party monitor. It shall include any documents for solicitation and contracts. It is the goal of the County of Orange and the IDA to promote the use of local veterans on projects receiving IDA benefits. By partnering with local contractors, local contractor groups, local trade unions and contractors awarded work on IDA projects, there are opportunities for veterans to gain both short term and long term careers in the construction industry.

Once approved for IDA benefits, all applicants will be required to provide to IDA staff the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project;
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions;
3. The names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification from all contractors' employees performing work on the site; and
4. A Construction Completion Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of the project.

All Orange County IDA projects are subject to local monitoring by the IDA and any 3rd party monitor. The applicant and/or the Construction Manager or General Contractor acting as agent for the applicant on the project, shall keep a log book on site detailing the number of workers, hours worked and counties and states in which they reside. Proof of residency or copy of drivers' license shall be included in the log book, along with evidence of necessary OSHA certifications. Reports will be on forms provided by the IDA or weekly payroll reports which contain the same information as required on the IDA issued form. The applicant and contractors are subject to periodic inspection or monitoring by the IDA or 3rd party monitor.

The 3rd party monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the Audit Committee and/or IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, IDA staff shall notify the applicant and contractor in writing of non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or its 3rd party monitor shall notify the applicant that the project is in violation of the Orange County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

The IDA will use a third party firm or firms to monitor and audit compliance with this local labor policy, the cost of which shall be paid for by the Company in advance of the audits and held in a non-interest bearing escrow account until audits are complete.

The applicant of an IDA approved project shall be required to maintain a 4' X 8' bulletin board on the project site containing the following information:

1. Contact information of the applicant;
2. Summary of the IDA benefits received;
3. Contractors names and contact information on IDA provided form;
4. Copies of proof of exemption from labor policy;
5. Copies of any warnings or violations of policy;
6. Copy of the Executed Labor Policy.

The bulletin board shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible at least 10 feet from said board.

The applicant has read the OCIDA Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same. The Applicant understands and agrees that it is responsible for all third-party auditing and monitoring costs.

Applicant Signature

Signature of CM, GC or SC

Company Name

Company Name

Print Name of above signer

Print Name of above signer

Email/phone of Applicant

Email/phone of CM/GC/SC

Date

Date