

**CHEMUNG COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY  
APPLICATION FOR FINANCIAL ASSISTANCE**

**IMPORTANT NOTICE:** The answers to the questions contained in this application are necessary to determine your firm's eligibility for tax exemptions and other assistance from Chemung 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 Agency.

This application by applicant respectfully states:

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

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

CITY: \_\_\_\_\_ STATE/ZIP CODE: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

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 FIRM: \_\_\_\_\_

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

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

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

**NOTE: PLEASE READ THE INSTRUCTIONS BELOW BEFORE FILLING OUT THIS APPLICATION.**

1. The Agency will not consider any application unless, in the judgment of the Agency, said application 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. 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.
6. 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 of 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.
7. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein. The applicant will also be expected to pay all costs incurred by general counsel and special counsel to the Agency.
8. The Agency has established an application fee of Seven Hundred Fifty Dollars (\$750) 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 ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
9. The Agency has established an Administrative Fee (attached) for each project in which the Agency participates. **UNLESS THE AGENCY AGREES IN WRITING TO THE CONTRARY, THIS PROJECT FEE IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY.**
10. The Agency has established an Economic Incentive Policy, which is attaché hereto.

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

A. Identity of Company:

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

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

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

Employer's Federal ID No.: \_\_\_\_\_

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

\_\_\_\_\_

3. Indicate type of business organization of Company:

a. \_\_\_\_\_ Corporation. If so, incorporated in what country? \_\_\_\_\_; What State? \_\_\_\_\_; Date Incorporated \_\_\_\_\_; Type of Corporation? \_\_\_\_\_; Authorized to do business in New York? Yes \_\_\_\_\_; No \_\_\_\_\_.

b. \_\_\_\_\_ Partnership. If so, indicate type of partnership \_\_\_\_\_; Number of general partners \_\_\_\_\_; Number of limited partners \_\_\_\_\_.

c. \_\_\_\_\_ Sole proprietorship

4. 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Management of Company:

1. List all owners, officers, directors and partners (complete all columns for each person):

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 convicted of a criminal offense (other than a minor traffic violation)? Yes \_\_\_\_\_; No \_\_\_\_\_

4. 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 \_\_\_\_\_,

5. If the answer to any of questions 2 through 4 is yes, please, furnish details in a separate attachment.

Principal Owners of Company:

1. Is Company publicly held? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please list exchanges where stock traded:

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

NAME ADDRESS PERCENTAGE OF HOLDING

D. Company's principal bank(s) of account: \_\_\_\_\_

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II. DATA REGARDING PROPOSED PROJECT

A. Description of the Project: (Please provide a brief narrative description of the Project).

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B. Location of the Project:

1. Address: \_\_\_\_\_

C. 1. Approximate size (in acres or square feet) of the Project site: \_\_\_\_\_. Is a map, survey or sketch of the Project site attached? Yes \_\_\_\_\_; No \_\_\_\_\_.

2. Are there existing buildings on the Project site? Yes \_\_\_\_\_; No \_\_\_\_\_

If yes, indicate the number of buildings on the site: \_\_\_\_\_.

a. Also, please briefly identify each existing building and indicate the approximate size (in square feet) of each such existing building:

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b. Are the existing buildings in operation? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, describe present use of present buildings:

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

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d. Attach photograph of present buildings.

3. Utilities serving the Project site:

Water-Source: \_\_\_\_\_

Sewer-Source: \_\_\_\_\_

Electric-Source: \_\_\_\_\_

Heat-Source: \_\_\_\_\_

4. Present legal owner of the Project site: \_\_\_\_\_

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a. If the Company owns the Project site, indicate date of purchase: \_\_\_\_\_, 20\_\_\_\_; purchase price: \_\_\_\_\_.

b. If Company does not own the Project site, does Company have an option signed with the owner to purchase the Project site? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, indicate date option signed with the 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 owner of the Project site?

Yes \_\_\_\_\_; No \_\_\_\_\_. If yes describe; \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. a. Zoning District in which the Project site is located: \_\_\_\_\_

b. Are there any variances or special permits affecting the Project site? Yes \_\_\_\_; No \_\_\_\_\_. If yes, list below and attach copies of all such variances or special permits:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Description of Proposed Construction:

1. Does part of the Project consist of the acquisition or construction of a new building or buildings? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, indicate number and size of new buildings:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Does part of the Project consist of additions and/or renovations to existing buildings located on the Project site? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed or expanded:

\_\_\_\_\_  
\_\_\_\_\_

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. Project Use:

1. What are the principal products to be produced at the Project? \_\_\_\_\_

\_\_\_\_\_  
2. What are the principal activities to be conducted at the Project? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

3. Will the Project be operated by a not-for-profit corporation? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please explain:

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a. Is the Project likely to attract a significant number of visitors from outside the economic development region in which the Project will be located? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please explain: Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside the State of New York? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please explain: \_\_\_\_\_

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b. Is the predominant purpose of the Project to make available goods or services which would not, but, for the Project, be reasonably accessible to the residents of the city, town, or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please provide detail: \_\_\_\_\_

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4. Will the completion of the Project result in the removal of a plant or facility of the Company or another proposed occupant of the Project (a "Project Occupant") from one area of the State of New York to another area of the State of New York? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please explain: \_\_\_\_\_

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5. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company located in the State of New York? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please provide detail: \_\_\_\_\_

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6. If the answer to either question 4 or question 5 is yes, indicate whether any of the following apply to the Project:

a. Is the Project reasonably necessary to preserve the competitive position of the Company on such Project Occupant in its industry? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please provide detail: \_\_\_\_\_

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b. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please provide detail: \_\_\_\_\_

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**G. Project Status**

1. If the Project includes the acquisition of any land or buildings, have any steps been taken toward acquiring same? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please discuss in detail the approximate stage of such acquisition: \_\_\_\_\_

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2. If the Project includes the acquisition of any Equipment, have any steps been taken toward acquiring same? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please discuss in detail the approximate stage of such acquisition: \_\_\_\_\_

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3. If the Project involves the construction or reconstruction of any building or other improvement, has construction work on any such building or improvement begun? Yes \_\_\_\_\_; No \_\_\_\_\_. If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in you answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Please indicate amount of funds expended on the Project by the Company in the past three (3) years and the purposes of such expenditures: \_\_\_\_\_  
\_\_\_\_\_

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 Federal 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 Sublessee: \_\_\_\_\_  
Term of lease or sublease to Sublessee: \_\_\_\_\_

2. Sublessee name: \_\_\_\_\_  
Present Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Employer's Federal 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 Sublessee: \_\_\_\_\_  
Term of lease or sublease to Sublessee: \_\_\_\_\_

3. Sublessee name: \_\_\_\_\_  
Present Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Employer's Federal 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 Sublessee: \_\_\_\_\_  
Term of lease or sublease to Sublessee: \_\_\_\_\_

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

**PROJECTED PROJECT INVESTMENT**

A.	Land-Related Costs	
1.	Land acquisition	\$ _____
2.	Site preparation	\$ _____
3.	Utilities and infrastructure development	\$ _____
4.	Access roads and parking development	\$ _____
5.	Other land-related costs (describe)	\$ _____
B.	Building-Related Costs	
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)	\$ _____
C.	Machinery and Equipment Costs	
1.	Production and process equipment	\$ _____
2.	Packaging equipment	\$ _____
3.	Warehousing equipment	\$ _____
4.	Installation costs for various equipment	\$ _____
5.	Other equipment-related costs (describe)	\$ _____
D.	Furniture and Fixture Costs	
1.	Office furniture	\$ _____
2.	Office equipment	\$ _____
3.	Other furniture-related costs (describe)	\$ _____
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)	\$ _____
F.	Professional Service Costs	
1.	Architecture and engineering	\$ _____
2.	Accounting/legal	\$ _____
3.	Other service-related costs (describe)	\$ _____
G.	Other Costs	
1.	_____	\$ _____
2.	_____	\$ _____
H.	Summary of Expenditures	
1.	Total Land Related Costs	\$ _____
2.	Total Building Related Costs	\$ _____
3.	Total Machinery and Equipment Costs	\$ _____
4.	Total Furniture and Fixture Costs	\$ _____
5.	Total Working Capital Costs	\$ _____
6.	Total Professional Service Costs	\$ _____
7.	Total Other Costs	\$ _____
<b>TOTAL PROJECT INVESTED A+B+C+D+E+F+G+H =</b>		<b>\$ _____</b>

**PROJECTED CONSTRUCTION EMPLOYMENT IMPACT**

I. Please provide estimates of total construction jobs at the Project:

Year	Construction Jobs (Annual wages and benefits \$40,000 and under)	Construction Jobs (Annual wages and benefits over \$40,000)
Current Year		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		

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

Year	Total Annual Wages and Benefits
Current Year	\$ _____
Year 1	\$ _____
Year 2	\$ _____

**PROJECTED PERMANENT EMPLOYMENT IMPACT**

I. Please provide estimates of total existing permanent jobs to be preserved or retained as a result of the Project:

Year	Existing Jobs (Annual wages and benefits \$40,000 and under)	Existing Jobs (Annual wages and benefits over \$40,000)
Current Year		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		

II. Please provide estimates of total new permanent jobs to be created at the Project:

Year	New Jobs (Annual wages and benefits \$40,000 and under)	New Jobs (Annual wages and benefits over \$40,000)
Current Year		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		

**PROJECTED OPERATING IMPACT**

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

Additional Purchases (1 <sup>st</sup> year following project completion)	\$ _____
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	\$ _____



II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes (“Pilot Payments”):

Year	Existing Real Property Taxes	New Pilot Payments
Current Year		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		
Year 6		
Year 7		
Year 8		
Year 9		
Year 10		

IV. FINANCIAL ASSISTANCE EXPECTED FROM THE AGENCY.

A. Tax Benefits

1. Is the applicant requesting any real property tax exemption in connection with the Project? 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 exemption from of N.Y.S. Sales Tax or Compensating Use Tax? Yes \_\_\_\_; No \_\_\_\_\_.

V. COST BENEFIT ANALYSIS:

*Costs = Financial Assistance*

*Benefits = Economic Development*

Estimated Sale Tax Exemption \$ \_\_\_\_\_ Jobs created \_\_\_\_\_  
 Estimated Mortgage Tax Exemption \$ \_\_\_\_\_ Jobs retained \_\_\_\_\_  
 Estimated Property Tax Abatement \$ \_\_\_\_\_ Private funds invested \_\_\_\_\_

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 DOL”) and with the administrative entity (collectively with the DOL, the “JTPA Entities”) of the service delivery area created by the federal job training partnership act (Public Law 97-300) (“JTPA”) 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
- E. Absence of Conflicts of Interest: The applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described:

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\_\_\_\_\_  
(Applicant)

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

**NOTE: THIS APPLICATION SHOULD BE SUBMITTED WITH A \$750 APPLICATION FEE. THE AGENCY WILL COLLECT AN ADDITIONAL ADMINISTRATIVE FEE AS DESCRIBED IN THE AGENCY GUIDELINES, AT THE TIME OF CLOSING.**

NOTE: APPLICANT MUST COMPLETE THE APPROPRIATE VERIFICATION APPEARING ON PAGES 14 THROUGH 16 HEREOF BEFORE A NOTARY PUBLIC AND MUST SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 17.

CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY

ADMINISTRATIVE FEE POLICY

BOND/SALE LEASEBACK FINANCING

The Chemung County Industrial Development Agency charges the following administrative fees for the issuance of industrial revenue bonds, sale leaseback transaction or related IDA transactions.

<u>RETAIL</u>	<u>COMMERCIAL</u>	<u>INDUSTRIAL</u>
1.25%	1.00%	.75%

BOND REFINANCING

The Chemung County Industrial Development Agency charges the following administrative fees for the refinancing of bonds.

PRIVATE

Retail/Commercial/Industrial

.50%

TRANSFER FEES

The Chemung County IDA charges an administrative fee of .10%, with a cap of \$5,000 for the transfer of Bonds or Leases to new property owners. The new property owner is also obligated to pay for any legal fees associated with such transfer.

APPLICATION FEE

A non-refundable application fee of \$750 is also required for all proposed bond issues and leaseback transactions. In addition, all necessary legal expenses associated with the issuance will be paid by the applicant.

ENVIRONMENTAL REVIEW/LEAD AGENCY FEE

Dependent upon the nature of a given project, the agency may charge a fee for serving as Lead Agency for the purpose of SEQRA. Such fees will be agreed to in writing prior to any commitment.

Chemung County Industrial Development Agency  
Economic Incentive Recapture Policy

Recapture policies are a response to a concern that economic development incentives do not achieve desired results.

Chemung County has been fortunate in that the return on public sector investment in private sector development has generally met or exceeded expectations. As New York State Law requires that each Industrial Development Agency has a Regular Return, it is appropriate to adopt a policy that insures the investments in economic development.

#### Application for Economic Development Assistance

The Chemung County IDA's application for assistance requires projected financial information as well as detailed information concerning the incentive requested. These applications include the following:

1. A description of the construction jobs resulting from the proposed project, including the following:
  - a. The estimated total number of jobs that will be held by Chemung County residents;
  - b. The estimated wages and value of fringe benefits to be provided.
2. A description of the permanent jobs resulting from the proposed project, including the following:
  - a. Existing employment by category with wages and benefits;
  - b. Projected new employment by year for three (3) years by category with wages and benefits.
3. A description of non-employment-related economic benefits, including the following:
  - a. Property taxes and special assessments by jurisdiction for three (3) years;
  - b. Sales tax on construction materials, furnishings and fixtures for the initial project;
  - c. Mortgage recording tax.

#### Reporting Requirements

1. On an annual basis for the duration of the term of the assistance provided, the company will provide the following information:
  - a. Average annual employment by category with wages, benefits and residence of employee;
  - b. Property taxes and special assessments paid;
  - c. Local and New York State sales tax paid;
  - d. Any other information relevant to the project that the IDA deems appropriate, or is mandated by New York State law.

#### Recapture Provisions

1. If the company shifts production activity to a facility outside of Chemung County and, as a result, fails to achieve the economic benefits projected, then the IDA will declare the agreement to be in default and require the value of the incentives utilized to date to be repaid, with interest (determined as the New York State legal interest rate).
2. If it is determined that the economic benefits projected have not been achieved for reasons other than described above, then the IDA will afford the company a hearing where the company can be heard as to the issue. The following criteria will be used to determine if a valid explanation exists for failure to achieve the economic benefits projected by the company.
  - a. Natural Disaster: If a natural disaster such as a fire, flood, or tornado disrupts the business.
  - b. Industry Trends: An evaluation of industry trends will be made relevant to the company, and a determination reached as to whether the company is in a market that is declining. International and national data will be used in the evaluation. An industrial is considered in decline when, measured by the appropriate SIC code, it experiences employment or revenue declines—beyond its control—of 10% or more over 3 years.
  - c. Loss of Major Supplier or Customer: If the loss of a customer or supplier represents 15% or more of the sales of the company.

- d. Productivity Improvements: If new technology, equipment or general productivity improvements result in the need for less than projected employees or investment.
  - e. Unfair Competition: If an international competitor utilizes an unfair competitive advantage to acquire market share.
3. If the IDA, based on criteria outlined in points 1 and 2 above, then determines that the company's reasons for failing to meet the economic benefit projections are invalid, the IDA can declare the agreement to be in default and require the value of the incentive utilized to date to be repaid, with interest.
  4. The IDA granting the economic incentive retains all rights to impose, delay or waive penalties.
  5. The policy is effective as of the date of project approval and applies to all current and future projects.

VERIFICATION

(If Applicant is a Corporation)

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

\_\_\_\_\_deposes and says that he is the  
(Name of officer of applicant)

\_\_\_\_\_ of \_\_\_\_\_,  
(Title) (Company Name)

the corporation 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. 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 partnership)

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

\_\_\_\_\_, deposes and says that he is one of the  
(Name of Individual)

members of the firm of \_\_\_\_\_, the partnership named in the attached  
(Partnership name)

application; that he has read the foregoing application and know 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

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

VERIFICATION

(If applicant is sole proprietor)

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

\_\_\_\_\_, deposes and says that he has read the foregoing  
(Name of Individual)

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

NOTE: THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 17 IS SIGNED BY THE APPLICANT.



HOLD HARMLESS AGREEMENT

Applicant hereby releases Chemung County Industrial Development Agency and the members, 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 (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) and 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 and 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 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

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public