

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

Section I: Applicant Information

Please answer all questions. Use "None" or "Not Applicable" where necessary.

A) Applicant Information-company receiving benefit:

Applicant Name: _____

Applicant Address: _____

Phone: _____ Fax: _____

Website: _____ E-mail: _____

Federal ID#: _____ NAICS: _____

State and Year or Incorporation/Organization: _____

List of stockholders, members, or partners of Applicant: _____

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

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

Federal ID#: _____

State and Year or Incorporation/Organization: _____

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

B) Individual Completing Application:

Name: _____

Title: _____

Address: _____

Phone: _____ Fax: _____

E-Mail: _____

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

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

Name: _____
Title: _____
Address: _____
Phone: _____ Fax: _____
E-Mail: _____

D) Company Counsel:

Name of Attorney: _____
Firm Name: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

E) Identify the assistance being requested of the Corporation (select all that apply):

- 1. Exemption from Mortgage Tax Yes or No
 - 2. Tax Exempt Financing * Yes or No
- * (typically for not-for-profits & small qualified manufacturers)

F) Business Organization (check appropriate category):

Corporation	<input type="checkbox"/>	Partnership	<input type="checkbox"/>
Public Corporation	<input type="checkbox"/>	Joint Venture	<input type="checkbox"/>
Sole Proprietorship	<input type="checkbox"/>	Limited Liability Company	<input type="checkbox"/>

Other (please specify) _____
Year Established: _____
State in which Organization is established: _____

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

G) List all stockholders, members, or partners with % of ownership greater than 20%:

<u>Name</u>	<u>% of ownership</u>
_____	_____
_____	_____
_____	_____

H) Applicant Business Description:

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility: _____

Estimated % of sales within County/City/Town/Village: _____

Estimated % of sales outside County/City/Town/Village. but within New York State: _____

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

Estimated % of sales outside the U.S. _____

(*Percentage to equal 100%)

Section II: Project Description & Details

A) Project Location:

Municipality or Municipalities of current operations: _____

Will the Proposed Project be located within the Municipality, or within a Municipality, identified above?

Yes or No

If Yes, in which Municipality will the proposed project be located: _____

If No, in which Municipality will the proposed project be located: _____

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

Provide the Property Address of the proposed Project:

If the Proposed Project is located in a different Municipality than the Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?

Yes or No

SBL Number for Property upon which proposed Project will be located: _____

Are Real Property Taxes current? Yes or No. If no, please explain _____

Town/City/Village: _____ School District: _____

Does the Applicant or any related entity currently hold fee title to the Project site? Yes or No

If No, indicate name of present owner of the Project Site: _____

Does Applicant or related entity have an option/contract to purchase the Project site? Yes or No

Describe the present use of the proposed Project site: _____

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

B) Project Narrative:

Please provide narrative of project and the purpose of the project (new build, renovations, and/or equipment purchases). Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility):

Describe the reasons why the Corporation's Financial Assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary):

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and County/City/Town/Village?

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

C) Site Characteristics:

Will the Project meet zoning/land use requirements at the proposed location? Yes or No

Describe the present zoning/land use: _____

Describe required zoning/land use, if different: _____

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements: _____

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? If yes, please explain: _____

D) Environmental Assessment:

Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the proposed project site? Yes or No If yes, please provide a copy.

E) Have any other studies or assessments been undertaken with respect to the proposed project site that indicate the known or suspected presence of contamination that would complicate the site's development?

Yes or No. If yes, please provide copies of the study

Provide any additional information or details: _____

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

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

** Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the Retail Questionnaire contained in Section IV of the Application.

Retail Sales: Yes or No

Services: Yes or No

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

G) Project Information:

Estimated costs in connection with Project:

- | | |
|---|----------|
| 1. Land and/or Building Acquisition: | \$ _____ |
| _____ acres _____ square feet | |
| 2. Land and/or Building Lease: | \$ _____ |
| _____ acres _____ square feet | |
| 3. New Building Construction: _____ square feet | \$ _____ |
| 4. New Building Addition(s): _____ square feet | \$ _____ |
| 5. Infrastructure Work | \$ _____ |
| 6. Reconstruction/Renovation: _____ square feet | \$ _____ |
| 7. Manufacturing Equipment: | \$ _____ |
| 8. Non-Manufacturing Equipment (furniture, fixtures, etc.): | \$ _____ |
| 9. Soft Costs: (professional services, etc.): | \$ _____ |
| 10. Other, Specify: _____ | \$ _____ |

TOTAL Capital Costs: \$ _____

Project refinancing: estimated amount

(for refinancing of existing debt only) \$ _____

Sources of Funds for Project Costs:

- | | |
|--|----------|
| Bank Financing: | \$ _____ |
| Equity (excluding equity that is attributed to grants/tax credits) | \$ _____ |
| Tax Exempt Bond Issuance (if applicable) | \$ _____ |
| Taxable Bond Issuance (if applicable) | \$ _____ |

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

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:

\$ _____

Have any of the above costs been paid or incurred as of the date of this Application? Yes or No If Yes,

describe particulars: _____

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

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

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by 0.75%): \$ _____

Construction Cost Breakdown:

Total Cost of Construction \$ _____ (sum of 2,3,4,5, and/or 7 in Question I, above)

Cost for materials: \$ _____

% sourced in County/City/Town/Village: _____%

% sourced in State _____% (including County/City/Town/Village)

Cost for labor: \$ _____

Percentage of Project Costs financed from Public Sector sources: Corporation staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above in Section II (I) of the Application.

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

H) Project timetable:

What is your project timetable (Provide dates):

1. Start date: acquisition of equipment or construction of facilities: _____
2. Estimated completion date of project: _____
3. Project occupancy – estimated starting date of operations: _____
4. Have construction contracts been signed? Yes or No
5. Has Financing been finalized? Yes or No

*** If constructions contracts have been signed, please provide copies of executed construction contracts and a complete project budget. The complete project budget should include all related construction costs totaling the amount of the new building construction, and/or new building addition(s), and/or renovation.*

I) Site plans:

Have site plans been submitted to the appropriate planning department? Yes or No

*** If yes, please provide the Corporation with a copy of the related State Environmental Quality Review Act (“SEQR”) Environmental Assessment Form that may have been required to be submitted along with the site plan application to the appropriate planning department. Please provide the Corporation with the status with respect to any required planning department approval: _____*

Has the Project received site plan approval from the planning department? Yes or No.

If Yes, please provide the Corporation with a copy of the planning department approval along with the related SEQR determination.

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

Section III Representations, Certifications and Indemnification

**** This Section of the Application can only be completed upon the Applicant receiving, and must be completed after the Applicant receives, CCCRC Staff confirmation that Section I through Section V of the Application are complete.**

_____ (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the _____ (title) of _____ (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Corporation and as follows:

- A. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Corporation may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Corporation so that the Corporation is authorized to use and rely on the reports. The Corporation, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.
- B. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Corporation from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Corporation, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- C. Hold Harmless Provision: The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Corporation incurred in connection with any actions required to be taken by the Corporation in furtherance of the Application including the Corporation's costs of general counsel and/or the Corporation's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Corporation shall not be liable for and agrees to indemnify, defend, and hold the Corporation harmless from and against any and all liability

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

arising from or expense incurred by: (i) the Corporation's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Corporation; (ii) the Corporation's acquisition, construction and/or installation of the proposed Project described herein; and (iii) any further action taken by the Corporation with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing.

- D. This obligation includes an obligation to submit an Corporation Fee Payment to the Corporation in accordance with the Corporation Fee policy effective as of the date of this Application.
- E. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Corporation and the Corporation's general counsel and/or the Corporation's bond/transaction counsel, the same to be paid at the times indicated:
- (i) a non-refundable \$750 application and publication fee (the "Application Fee");
 - (ii) a \$2,500 expense deposit for the Corporation's Counsel Fee Deposit.
 - (iii) Unless otherwise agreed to by the Corporation, an amount equal to one percent (1%) of the total project costs for the issuance of civic facility bond related CCCRC transactions and 0.5% of total project costs for the refinancing of bonds.
 - (iv) All fees, costs and expenses incurred by the Corporation for (1) legal services, including but not limited to those provided by the Corporation's general counsel and/or the Corporation's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Corporation's general counsel and the Corporation's bond/transaction counsel; and (2) other consultants retained by the Corporation in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.
- F. If the Applicant fails to conclude or consummate the 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 Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Corporation, its agents, or assigns all actual costs incurred by the Corporation in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Corporation's general counsel and/or the Corporation's bond/transaction counsel.
- G. The Applicant acknowledges and agrees that all payment liabilities to the Corporation and the Corporation's general counsel and/or the Corporation's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

documentation of the transaction contemplated by this Application.

- H. The cost incurred by the Corporation and paid by the Applicant, the Corporation's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- I. The Applicant acknowledges that the Corporation is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
- J. 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.
- K. 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 Corporation's involvement the Project.
- L. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Corporation and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

_____, being first duly sworn, deposes and says:

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

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this ___ day of _____, 20__.

(Notary Public)

Adopted: December 15, 2017

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

**APPENDIX A
HOLD HARMLESS AGREEMENT**

Applicant hereby releases the Chemung County Capital Resource Corporation and the members, officers, servants, agents and employees thereof (collectively the "Corporation" from, agrees that the Corporation shall not be liable for, and agrees to indemnify, defend, and hold the Corporation harmless from and against any and all liability arising from or expense incurred by: (A) the Corporation'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 Corporation, (B) the Corporation's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Corporation with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Corporation or the Applicant are unable to reach final agreement with respect to the Project, or the inability of the Applicant, for any reason, to proceed with the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Corporation, its agents or assigns, all costs incurred by the Corporation in the processing of or in connection with the Application, including attorney's fees, if any.

Name of Applicant Company _____

Signature of Officer or Authorized Representative _____

Name & Title of Officer or Authorized Representative _____

Date _____

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

**APPENDIX B
CONFLICT OF INTEREST STATEMENT**

Corporation Board Members

1. Alan Winston
2. Michael P. Hosey
3. Donna L. Draxler
4. Dawn H. Burlew-Schmidt
5. Thomas J. Santulli
6. Donald G. Quick, Jr.

Corporation Officers/Staff

1. Michael S. Krusen
2. Zsuzsi E. Kadar
3. Tara J. Cofone
4. Mary K. Rocchi

Corporation Legal Counsel

1. Susan Katzoff, Esq., Barclay Damon, LLP.

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

Signature: _____

Authorized Representative: _____

Title: _____

Date: _____

**CHEMUNG COUNTY CAPITAL RESOURCE CORPORATION
APPLICATION FOR FINANCIAL ASSISTANCE**

**APPENDIX C
CCCRC FEE SCHEDULE**

BOND FINANCING

The Chemung County Capital Resource Corporation charges the following administrative fees for the issuance of civic facility/private activity bond related CCCRC transactions.

1% Total Project Cost

BOND REFINANCING

The Chemung County Capital Resource Corporation charges the following administrative fees for the refinancing of bonds.

.50%/total project cost

TRANSFER FEES

The Chemung County CRC charges an administrative fee of .10%, with a cap of \$5,000 for the transfer of Bonds 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.

Payment - All fees must be paid as a condition of closing on financial assistance unless otherwise agreed to by the CCCRC Board.

Readopted on: 10/31/17