ALBANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

APPLICATION

IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from Montgomery 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.

TO: ALBANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY
112 State Street
Albany, New York 12207

This application by applicant respectfully states:

APPLICANT:

APPLICANT'S
ADDRESS:

CITY: _____ STATE: _____ 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
ATTORNEY:

ATTORNEY'S
ADDRESS:

CITY: _____ STATE: _____ PHONE NO.:

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NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 2 HEREOF BEFORE FILLING OUT THIS FORM.

INSTRUCTIONS

1. The Agency will not approve 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. When completed, return four (4) copies of this application to the Agency at the address indicated on the first page of this application.

6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.

7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.

8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein.

9. The Agency has established an application fee of Two Hundred Fifty Dollars ($250) 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.

FOR AGENCY USE ONLY

1. Project Number _____

2. Date Received by Agency _____, 20

3. Date referred to Attorney for review _____, 20

4. Date notice of Agency meeting on application posted _____, 20

5. Date notice of Agency meeting on application mailed _____, 20

6. Date of Agency meeting on application _____, 20

7. Date Agency conditionally approved application _____, 20

8. Date Agency offer mailed to applicant _____, 20

9. Date applicant accepted Agency offer _____, 20

10. Date Environmental Assessments Form ("EAF") received _____, 20

11. Date Agency completed environmental review _____, 20

12. Date of final approval of application _____, 20

I. Proposed occupant of Project (hereinafter, the "Company").

A. Company Name:

Present Address:

Zip Code:

Employer's ID No.:

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

C. Indicate type of business organization of Company:

1. ___Corporation (If so, incorporated in what country? What State?

Date Incorporated? _____ Type of Corporation? Authorized to do business in New York? ___ yes ___ no).

2. ___ Partnership (If so, indicate type of partnership _____, Number of general partners _____, Number of limited partners _____).

3. ___ Limited liability company (If so, formed in what State? , Date formed? _____, Authorized to do business in New York? ___).

4. ___ Sole proprietorship

D. 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:

E. Management of Company:

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

NAME (First, Middle, Last) 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. If yes to any of the foregoing, furnish details in a separate attachment.

F. Principal owners of Company: Is Company publicly held?
___ yes ___ no. If yes, list exchanges where stock traded:

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

NAME	ADDRESS	PERCENTAGE OF HOLDING

G. Company's Principal Bank(s) of account:

II. Information concerning lease or sublease of the project. (Please complete the following section if the Company intends to lease or sublease 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 provide detail.

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

C. 1. Sublessee name:

Present Address:

City: _____ State: _____ Zip:

Employer's ID No.:

Sublessee is:
___ Corporation: ___ Partnership: ___ Sole Proprietorship

Relationship to Company:

Percentage of Project to be leased or subleased:

Use of Project intended by Sublessee:

Date of lease or sublease to Sublessee:

Term of lease or sublease to Sublessee:

2. Sublessee name:

Present Address:

City: _____ State: _____ Zip:

Employer's ID No.:

Sublessee is:
___ Corporation: ___ Partnership: ___ Sole Proprietorship

Relationship to Company:

Percentage of Project to be leased or subleased:

Use of Project intended by Sublessee:

Date of lease or sublease to Sublessee:

Term of lease or sublease to Sublessee:

3. Sublessee name:

Present Address:

City: _____ State: _____ Zip:

Employer's ID No.:

Sublessee is:
___ Corporation: ___ Partnership: ___ Sole Proprietorship

Relationship to Company:

Percentage of Project to be leased or subleased:

Use of Project intended by Sublessee:

Date of lease or sublease to Sublessee:

Term of lease or sublease to Sublessee:

III. Data regarding Proposed Project

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

B. Location of Proposed Project:

1. Street Address:

2. City of

3 Town of

4. Village of

5. County of

C. Project Site:

1. Approximate size (in acres or square feet) of Project site: _____. Is a map, survey or sketch of the project site attached? ___ yes ___ no.

2. Are there existing buildings on project site? ___ yes ___no. If yes, indicate number and approximate size (in square feet) of each existing building:

3. Are existing buildings in operation? ___ yes ___ no.
If yes, describe present use of present buildings:

Are existing buildings abandoned? ___ yes ___ no. About to be abandoned? yes ___ no. Attach photograph of present buildings.

4. Utilities serving project site:

Water-Municipal:

Other (describe)

Sewer-Municipal:

Other (describe)

Electric-Utility:

Other (describe)

Heat-Utility:

Other (describe)

5. Present legal owner of project site:

If the Company owns project site, indicate date of purchase: _____, 20__; Purchase price: $_____.

If Company not owner, does Company have option signed with owner to purchase the project site? ___ yes ___ no. If yes, indicate date option signed with owner: , 20__.

Date option expires: _____, 20__. If the Company does not own the project site, is there a relationship legally or by common control between the Company and the present owners of the project site? ___ yes ___ no. If yes, describe in detail on separate attachment.

6. Zoning District in which the project site is located:

Are there any variances or special permits affecting the site? ___ yes ___ no. If yes, list below and attach copies of all such variances or special permits:

D. Buildings:

1. Does part of the project consist 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 the existing buildings? ___ yes ___ no. If yes, indicate 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. 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 any portion of the Project be used for any of the following purposes:

retail food and beverage services:
___ Yes ___ No

automobile sales or service:
___ Yes ___ No

recreation or entertainment:

___ Yes ___ No

golf course:
___ Yes ___ No

country club:
____ Yes ___ No

massage parlor: ___ Yes ___ No

tennis club: ___ Yes ___ No

skating facility (including roller skating, skateboard and ice skating):
___ Yes ___ No

racquet sports facility (including handball and racquetball court):
___ Yes ___ No

hot tub facility: ___ Yes ___ No
suntan facility: ___ Yes ___ No

racetrack: ___ Yes ___ No

If the answer to any of the above questions is yes, please furnish details on a separate attachment.

4. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? ___ yes ___ no. If yes, please provide detail:

5. If the answer to question 4 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? ___%

6. If the answer to question 4 is yes, and the answer to question D is more than 33.33%, indicate whether any of the following apply to the Project:

a. Will the Project be operated by a not-for-profit corporation?
Yes ___; No ___.

b. 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 ___.

c. 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 ___.

d. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonable 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.

e. Will the Project be located in one of the following: (a) the City of New York; (b) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (c) 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? Yes ___; No ___.

7. If the answers to any of subdivisions c. through e. of question 6 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? Yes No ___. If yes, please provide detail.

8. 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:

9. 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:

10. If the answer to either question 8 or question 9 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:

    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:

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

12. If the answer to question 11 is yes, indicate whether any of the following apply to the Project:

    a. Is the Project a housing facility primarily designed to be occupied by individuals 60 years of age or older? Yes ___; No ___. If yes, please explain:

    b. Is the Project a dormitory for an educational institution? Yes ___; No ___. If yes, please explain:

    c. Is the Project a facility as defined in Article 28 of the Public Health Law? Yes ___; No ___. If yes, please explain:

13. If the answer to any of the questions contained in question 12 is yes, indicate whether the cost of the Project will exceed $15 million. Yes ___; No ___. If yes, please provide detail:

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

F. Construction Status:

1. Has construction work on this project begun?
___ yes ___ no. If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.:

2. Please indicate amount of funds expended on this project by the Company in the past three (3) years and the purposes of such expenditures:

G. Method of Construction After Agency Approval: If the Agency approves the project which is the subject of this application, there are two methods that may be used to construct the project. The applicant can construct the project privately and sell the project to the Agency upon completion. Alternatively, the applicant can request to be appointed as "agent" of the Agency, in which case certain laws applicable to public construction may apply to the project. Does the applicant wish to be designated as "agent" of the Agency for purposes of constructing the project? ___ yes ___ no.

IV. <u>Employment Impact</u>

A. Indicate below the number of people presently employed at the project site and the number that will be employed at the project site at end of the first and second years after the project has been completed (Do not include construction workers). Also indicate below the number of workers employed at the project site representing newly created positions as opposed to positions relocated from other project sites of the applicant.

TYPE OF EMPLOYMENT					
	PROFESSIONAL MANAGERIAL	SKILLED	SEMI-SKILLED	UN-SKILLED	TOTALS
Present Full Time					
Present Part Time					
Present					

Seasonal					
First Year Full Time					
First Year Part Time					
First Year Seasonal					
Second Year Full Time					
Second Year Part Time					
Second Year Seasonal					

V. Project Cost

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

Description of Cost	Amount
Land	$
Buildings	$
Machinery and equipment costs	$
Utilities, roads and appurtenant costs	$
Architects and engineering fees	$
Costs of Bond issue (legal, financial and printing)	$
Construction loan fees and interest (if applicable)	$
Other (specify)	$
_____	$
_____	$
_____	$
TOTAL PROJECT COST	$

B. Have any of the above expenditures already been made by applicant?
___ yes ___ no. If yes, indicate particular.

C. 1. Amount of loan requested: _____ Dollars;
2. Maturity requested: _____ Years.

VI. Benefits expected from the Agency

A. Is the applicant requesting that the Agency issue bonds to assist in financing the project? ___yes ___no.

B. Is the interest on such bonds intended to be exempt from federal income taxation? yes ___no.

C. Is the applicant requesting any real property tax exemption that would not be available to a project that did not involve the Agency? ___yes ___no.

D. 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? $_____.

E. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax? ____yes ___no. If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes? $_____.

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

1. N.Y.S. Sales and Compensating Use Taxes:
2. Mortgage Recording Taxes:
3. Real Property Tax Exemptions:
4. Other (please specify):

G. Please list the affected taxing jurisdictions for the Project.

1. Village (if any):
2. Town:
3. City (if any):
4. School District:

H. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's tax-exemption policy contained in its Rules and Regulations? ___ yes ___ no. If yes, please explain.

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

VII. Agreements by Applicant

A. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.

B. 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 JTPA Entitles for new employment opportunities created as a result of the Project.

C. The applicant agrees to file, or cause to be filed, in accordance with Section 874(8) of the General Municipal Law, 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. 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. The applicant has received from the Agency a list of the members, officers and employees of the Agency.

F. 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:

(Applicant)

BY:

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NOTE: APPLICANT MUST COMPLETE THE APPROPRIATE VERIFICATION APPEARING ON PAGES 21 THROUGH 23 HEREOF BEFORE A NOTARY PUBLIC AND MUST SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 24

VERIFICATION

(If Applicant is a Corporation)

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

_____ deposes and says that he is the
(Name of chief executive 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 sole proprietor)

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

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

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

(Notary Public)

VERIFICATION

(If applicant is partnership)

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

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

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

(Notary Public)

NOTE: THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 24 IS SIGNED BY THE APPLICANT.

HOLD HARMLESS AGREEMENT

Applicant hereby releases Albany 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 (i) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the application or the project described therein or the issue of bonds requested therein are favorably acted upon by the Agency, and (ii) the Agency's financing of the Project described therein; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

BY:_____

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

(Notary Public)