

TOWN OF ROTTERDAM 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 financing and other assistance from Town of Rotterdam 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: TOWN OF ROTTERDAM INDUSTRIAL DEVELOPMENT AGENCY
1100 Sunrise Boulevard
Rotterdam, New York 12306
Attention: Chairman

This application by applicant respectfully states:

APPLICANT: _____

APPLICANT'S STREET ADDRESS: _____

CITY: _____ STATE: _____ PHONE NO.: _____

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

IF APPLICANT'S 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 ON PAGE 2 BEFORE FILLING OUT THIS APPLICATION.

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 two (2) 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 (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Hundred Dollars (\$100.00) 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.**
10. The Agency has established a project fee 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.**

FOR AGENCY USE ONLY

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

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

A. Identify the Company:

1. Company Name: _____
Present Address: _____
Zip Code: _____
Employer's 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.

C. Principal Owners of Company:

1. Is the Company publicly held? Yes ____ No ____ . If yes, please list exchanges stock traded: _____

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: _____

II. DATA REGARDING PROPOSED PROJECT.

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

B. Location of the Project:

1. Street Address: _____
2. City of _____
3. Town of _____
4. Village of _____
5. County of _____

C. Description of the Project Site:

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 ____
 - a. If yes, indicate the number of buildings on the site: _____
Also, please briefly identify each existing building and indicate the approximate size (in square feet) of each such building: _____

 - b. Are the existing buildings in operation? Yes ____ No _____. If yes, describe present use of buildings: _____

 - c. Are the existing buildings abandoned? Yes ____ No _____. About to be abandoned? Yes ____ No _____. If yes, describe: _____

 - d. Attach photograph of existing buildings.
3. Utilities serving the Project site:
Water - Municipal: _____
Other (describe): _____
Sewer - Municipal: _____
Other (describe): _____
Electric - Utility: _____
Other (describe): _____
Heat - Utility: _____
Other (describe): _____

4. Present legal owner of the Project site: _____

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, indicate the number and size of new buildings: _____

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 the buildings to be built, the size of the buildings, and the nature of the buildings. _____

2. Does part of the Project consists of additional 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 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. 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: _____

4. If the answer to question 3 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? _____%
5. If the answer to question 3 is yes, and the answer to question 4 is more than 33.33%, indicate whether any of the following apply to the Project:
- a. Will the Project be operated by not-for-profit corporation? Yes ___ No ___
If yes, please explain: _____

- 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 ___. If yes, please explain: _____

- 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 ___. If yes, please explain: _____

- d. 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: _____

e. Will the Project be located in one of the following: (i) the City of New York; (ii) an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law; or (iii) a census tract or block numbering area (or census tract or block numbering area contiguous there) which, according to the most recent census data, has (x) 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 (y) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes ___ No ___. If yes, please explain: _____

6. If the answers to any of subdivisions c. through e. of question 5 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 explain: _____

7. 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: _____

8. 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 explain: _____

9. If the answer to either question 7 or question 8 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: _____

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: _____

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: _____

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 your 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: _____

H. Agent Status (for sales tax purposes) (See also question B.3 in Part VI below):

1. If the Agency approved the Project, there are two methods that may be used to undertake the Project. The applicant can undertake 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. Does the applicant wish to be designated as "agent" of the Agency for purposes of undertaking the Project? Yes ____ No ____ .

2. If the answer to question 1 is yes, does the applicant desire such "agent" status prior to the closing date of the financing? Yes ___ No ___.

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

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

1. Sublessee Name: _____
Present Address: _____
City: _____ State: _____ Zip: _____
Employer's ID No.: _____
Sublessee is: ___ Corporation ___ Partnership ___ Sole Proprietorship
Relationship to Company: _____
Percentage of Project to be leased or subleased: _____
Use of Project intended by Sublessee: _____
Date of lease or sublease to Sublessee: _____
Term of lease or sublease to Sublessee: _____
Will any portion of the space lease by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes ___ No ___. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such 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: _____
Will any portion of the space lease by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes ___ No ___. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such 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: _____
 Will any portion of the space lease by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes ___ No ___. If yes, please provide on a separate attachment (a) details and (b) the answers to questions II(F)(4) through (6) with respect to such

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

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

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

B. Have any of the above expenditures already been made by the applicant? Yes ___ No ___ .
If yes, indicate particulars: _____

VI. FINANCIAL ASSISTANCE EXPECTED FROM THE AGENCY.

A. Financing

1. Is the applicant requesting that the Agency issue bonds to assist in financing the Project? Yes ___ No ___. If yes, indicate: _____
 - a. Amount of loan requested: \$_____; and
 - b. Maturity requested: _____ Years.

2. If the answer to question 1 is yes, is the interest on such bonds intended to be exempt from federal income taxation? Yes ___ No ___.

3. If the answer to question 2 is yes, will any portion of the Project be used for any of the following purposes:
- a. retail food and beverage services: Yes ___ No ___
 - b. automobile sales or service: Yes ___ No ___.
 - c. recreation or entertainment: Yes ___ No ___
 - d. golf course: Yes ___ No ___
 - e. country club: Yes ___ No ___
 - f. massage parlor: Yes ___ No ___
 - g. tennis club: Yes ___ No ___
 - h. skating facility (including roller skating, skateboard and ice skating):
Yes ___ No ___.
 - i. racquet sports facility (including handball and racquetball court): Yes ___
No ___
 - j. hot tub facility: Yes ___ No ___
 - k. suntan facility: Yes ___ No ___.
 - l. racetrack: Yes ___ No ___
4. If the answers to any of the above questions contained in question 3 is yes, please furnish details on a separate attachment.

B. Tax Benefits.

1. Is the applicant requesting any real property tax exemption in connection with the Project that would not be available to a project that did not involve the Agency? Yes ___ No ___. If yes, is the real property tax exemption being sought consistent with the Agency's Uniform Tax Exemption Policy? Yes ___ No ___.
2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes ___ No ___. If yes, what is the approximate amount of financing to be secured by mortgages? \$ _____
3. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating use Tax? Yes ___ No ___. If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes? \$ _____
4. What is the estimated value of each type of tax-exemption being sought in connection with the Project? Please detail the type of tax-exemption and value of each exemption.

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

5. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's Uniform Tax-Exemption Policy? Yes ___ No ___. If no, please explain how the request of the applicant differs from the Agency's Uniform Tax-Exemption Policy? _____

VII. 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 Sections 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 applicant, except as hereinafter described:

(Applicant)

By: _____

NOTE: APPLICANT MUST COMPLETE THE APPROPRIATE VERIFICATION APPEARING ON PAGES 17 THROUGH 19 HEREOF BEFORE A NOTARY PUBLIC AND MUST SIGN AND ACKNOWLEDGE THE HOLD HARMLESS AGREEMENT APPEARING ON PAGE 20.

HOLD HARMLESS AGREEMENT

Applicant hereby releases Town of Rotterdam 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 Applicant, regardless of whether or not the Application or Project described therein or the issue of bonds requested therein are favorably acted upon by the Agency, (b) the Agency's financing 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 find buyers willing to purchase the total bond issue requested, 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 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 _____, _____.

Notary Public