



Ladies and Gentlemen:

Enclosed please find the application of the Dutchess County Industrial Development DCIDA (the "DCIDA"). Please be advised that there is a \$250.00 application fee to be paid by the client and to be enclosed with the completed application in order to enable the DCIDA to proceed with the benefit package.

You will receive an Engagement Letter which constitutes an explanation of legal fees and costs related to our counsels' work with respect to your project. This Engagement Letter will require an escrow account of \$5,000.00 and our counsel will invoice you monthly on an hourly rate basis for services rendered and deduct it from the escrow account. Should you terminate the agreement or abandon the project, any unused funds will be returned to you. If you have any questions concerning this matter, please contact me.

I advise you that the DCIDA itself does not lend money. Instead, the DCIDA issues bonds for the benefit of the project applicant. The project applicant must find a purchaser of the bonds and agree as to terms and conditions of repayment, interest rate, interim advances during construction, what securities are to be pledged, etc., just as the project applicant and a lender would in any other secured transaction. On filing an application, the project applicant should be fairly secure in knowing where to obtain the requisite moneys.

No work should be commenced or construction contracts entered into or materials ordered or land purchased if any of these expenses are to be included in the bond issue prior to the DCIDA passing an Inducement Resolution and Agreement with the project applicant after an application is filed. To do so may jeopardize the inclusion of the expense of such item in the bond issue.

In completing the application, please note certain material is requested that is required by statute in order to authorize the issuance of the bonds, to wit: the increased employment and your history as to location and why you are expanding or locating in Dutchess County. The bonds are issued as an inducement in industrial, commercial and warehousing facilities that presently do not exist in Dutchess County, or, if they exist, there is an expansion program contemplated. The bond proceeds cannot be used in any way for refinancing existing mortgages.

Prior to the issuance of IDA benefits (PILOT and/or bonds), the project applicant is required to make an agreement in lieu of taxes with all local taxing authorities and furnish the DCIDA with a certified copy of all of the agreements in lieu of taxes. An issue will not close without this document in place. The processing fees of the DCIDA is one percent (1%) of the first \$2.5 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$2.5 million.



The project applicant additionally will be required to pay DCIDA Counsel fees, Bond Counsel fees and other direct expenses of the DC IDA, including, but not limited to, accounting and engineering expenses. The project applicant agrees that such legal fees and other direct expenses of the DC IDA such as publication costs and stenographer's fees are payable separately from the application and processing fees. The above fees will be payable in full on the sale of the bonds. Failure and neglect to proceed to close will result in pro rata tender of billings.

Upon receiving the application in my office, I will convene a meeting of the DCIDA to meet with the principals personally to discuss the application, as now required by DCIDA policy.

Please note that the DCIDA is under no obligation to act favorably on this application, and the project applicant agrees to release the DCIDA, its members, its staff, its successors and assigns from any claim against the DCIDA that may arise from the DCIDA's processing the application or by the DCIDA's either granting or denying the application.

Because the DCIDA is an exempt organization under the Internal Revenue Code of 1986, as amended, I advise you further that certain benefits will accrue during construction, such as the nonpayment of sales taxes on goods purchased for either initial construction or start-up equipment. Furthermore, upon the filing of documents, no mortgage tax will be necessary between the DCIDA and a trustee or bank collecting the moneys during the financing for the repayment of bonds. In accordance with New York State regulations, you are advised that we are obligated to include a "Recapture of Benefit Provision" in our application which details DCIDA procedure to be utilized to recapture benefits given to projects in certain instances.

If I can be of further assistance, please feel free to contact our office.

Very truly yours,

Sarah Lee  
Executive Director

Enclosures

PLEASE TAKE NOTICE — The DC IDA in certain respects is subject to the Freedom of Information Law or Sunshine Laws of the State of New York. If there are any confidential matters or negotiations for real property taking place that would be adversely affected by revelation of the particulars to the public or media, it is suggested that this matter be discussed with the DCIDA Counsel or personnel directly and not set forth in the initial application unless required by Bond Counsel for the preparation of the Inducement Resolution. Any financial disclosures of the project applicant requested should be marked confidential to ensure their attention as confidential documents. Although the DCIDA does not pass on the project applicant's financial ability to pay, which is the bond purchaser's prerogative, the DCIDA does want to know that the project applicant is a viable business enterprise.



To help companies locate here, make needed capital expansion or grow existing and new jobs.

3 Neptune Road  
Poughkeepsie, NY 12601  
Phone: 845.463.5400 Fax: 845.463.0100  
Email: [info@thinkdutchess.com](mailto:info@thinkdutchess.com)  
[www.thinkdutchess.com](http://www.thinkdutchess.com)

APPLICATION FOR FINANCIAL ASSISTANCE





**DCIDA Board and Staff  
OFFICERS**

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**Chairman**

Charles Daniels III

**Vice Chairman**

Timothy E. Dean

**Secretary/Treasurer**

Mark Doyle

**Executive Director**

Sarah Lee

**Chief Financial Officer**

Marilyn Yerks

**Compliance Officer/  
Records Access Officer**

Sarah Lee

**BOARD OF DIRECTORS**

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Charles Daniels III

Timothy E. Dean

Mark Doyle

Angela E. Flesland

Stacey Langenthal

Edward Summers

Alfred D. Torreggiani

**Counsel**

Donald Cappillino

**COUNTY GOVERNMENT**

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**County Executive**

Marcus J. Molinaro

Dutchess County Office Building 22 Market Street,  
Sixth Floor

Poughkeepsie, NY 12601

Tel.# (845) 486-2000(B) Fax # (845) 486-2021

Email: [mmolinaro@dutchessny.gov](mailto:mmolinaro@dutchessny.gov)

This e-mail address is being protected from  
spambots.

**Dutchess County Legislature**

A. Gregg Pulver, Chairman

Dutchess County Office Building 22 Market Street,  
Sixth Floor

Poughkeepsie, NY 12601

Tel # (914) 474-0908 (B) Fax # (845) 486-2113

Email: [gpulver@dutchessny.gov](mailto:gpulver@dutchessny.gov)



## MISSION STATEMENT

The Dutchess County Industrial Development Agency [DCIDA] was created to further economic development in Dutchess County through the issuance of bonds to facilitate the building of capital projects with the resultant construction jobs and permanent follow on employment.



## INSTRUCTIONS

### I. Application Submission and Application Fees

All applications will be subject to approval of the Dutchess County Industrial Development DCIDA (“DCIDA”) and no financial Assistance can be provided, including a sales tax exemption on purchases made prior to DCIDA approval, until the application has been approved.

The DCIDA will not approve any applications unless, in the judgment of the DCIDA, the application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action. The DCIDA may find it necessary to request additional information, should additional information be required the DCIDA will not consider the application complete until all additional information is received.

The DCIDA will not give final approval to this application until the DCIDA receives a completed environmental assessment form concerning the Project.

All projects receiving a benefit greater than \$100,000 are required to have a public hearing inclusive of a 10 day notice before any approval can be granted by the DCIDA.

The DCIDA has established an application fee of \$250.00 to cover the anticipated costs of processing the application. A check or money order made payable to the Dutchess County Industrial Development DCIDA (DC IDA) must accompany each application. The Application WILL NOT be accepted by the DCIDA unless accompanied by the application fee.

When completed, return the application to the Dutchess County IDA, 3 Neptune Road, Poughkeepsie, NY 12601.

The applicant will be required to pay to the DCIDA the 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 DCIDA’s bond issued to finance the project). The Applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the DCIDA. The costs incurred may be considered as part of the bond issue.

The DCIDA has established an administrative fee for each project it engages. Unless the DCIDA agrees in writing to the contrary, the project fee is required to be paid by the applicant at or prior to the granting of any financial assistance by the DCIDA.



## II. Application Components and Exhibits

The sections below are included in the Application. These make up the required information and documents that must be completed and submitted to the DCIDA in order for your Application to be considered. Failure to provide information may impact your project being considered in a timely manner.

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”)

If an estimate is given as an answer to a question, put “est.” after the figure or answer, which is estimated.

If more space is needed to answer any question, please attach a separate sheet.

Section 1- Applicant Information

Section 2 – Project Description and Details

Section 3 – Retail Determination

Section 4 – Inter-Municipal Move Determination

Section 5 – Single or Multi-Tenant Determination

Section 6 – Representations, Certifications and Indemnification Forms

Section 7 – Local Labor Certification Form

Attachment 1 – Environmental Assessment Form (EAF)– An Environmental Assessment must be completed for every project. Attached is the Short Environmental Assessment Form. However in some instances a Long Form EAF may need to be completed.

Attachment 2 – DCIDA Standard Fee Schedule and other Fees



### **III. Insurance**

Once a project is approved by the DCIDA, insurance will be required. Details of the required insurance will be provided in the DCIDA contracts, in the meantime please note that insurance is to be provided after Board approval but prior to utilization of your IDA benefits. Insurance shall be maintained during the term of any applicable Agent Agreement or Lease Agreement by and between the DCIDA and Project Applicant. Proof of Insurance will be required and requested on an annual basis.

### **IV. Local Workforce Policy**

Construction jobs though limited in time duration, are vital to the overall employment opportunities in Dutchess County.

For projects \$10,000,000 and above, the DCIDA believes that Project Applicants, as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement and/or bond proceeds) from the DCIDA, will be required to utilize qualified Workforce for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

The Local Area is defined as individuals residing in the following County /Cities /Towns /Villages as well as the following Counties (collectively, the "Local Area"): Dutchess County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County. At least 80% of all project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the "Workers") working on the Project Site must reside within the Local Workforce Area. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Workforce Area to qualify under the 80% local Workforce criteria.

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the DCIDA to request a waiver of the Local Utilization Requirement (the "Local Workforce Utilization Waiver Request") waivers may be granted in the following situations (a) Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers (b) Specialized construction for which qualified Local Workforce Area workers are not available (c) Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations (d) Documented lack of workers meeting the Local Workforce Area requirement. The DCIDA shall evaluate the Local Workforce Utilization Waiver Request and





make its determination related thereto based upon the supporting documentation received with such waiver request.

## **V. Recapture of Financial Assistance**

In order to better ensure the integrity of the projects that receive Financial Assistance from the DCIDA, has determined that is in the public interest: (a) to ensure the continuity of such project and the jobs created by such projects; (b) ensure the use of local workforce during project construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (c) to ensure that the investment amount as proposed by the Applicant and approved by the DCIDA is made (d) to ensure that the state and local taxes and use tax exemption benefits are utilized in the amount as so authorized by the DCIDA (e) to ensure the state and local sales and use tax exemptions benefits are only utilized by the company/ applicant and its duly appointed agents; (f) to ensure that the state and local sales and use tax are only utilized on the specific project as described in the Application and (g) to ensure that the Company complies with the certain material terms and conditions as determined by the DCIDA. At such time as the Applicant fails to meet the terms of the Agreement including failing to retain and create jobs as represented in the Application a recapture of any or all state and local sales and use tax exemption benefits, mortgage recording tax exemption benefits and real property abatement benefits may be required to be paid by the Applicant.

Details on the DCIDA Policy can be found on the DCIDA Website  
(<https://thinkdutchess.com/ida/dcida-public-documents-and-policies/>)

- Maintaining Performance Based incentives for projects granted assistance including a PILOT
- Projects granted assistance without a PILOT.

## **VI. Submission and Acceptance of the Application for Financial Assistance**

Please note that the DCIDA is under no obligation to act favorably on this application, and the project applicant agrees to release the DCIDA, its members, its staff, its successors and assigns from any claim against the DCIDA that may arise from the DCIDA's processing the application or by the DCIDA's either granting or denying the application.

Please note that Article 6 of the Public Officers Law declares that all records in the possession of the DCIDA (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 Public Officers Law.



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

**A. Applicant Information** (company receiving benefit)

Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_  
Website: \_\_\_\_\_  
Federal Employer ID Number: \_\_\_\_\_  
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?  
What is the name of the Real Estate Holding Company: \_\_\_\_\_  
Federal Employer ID Number: \_\_\_\_\_  
State and Year or Incorporation/Organization: \_\_\_\_\_  
List of stockholders, members, or partners of Applicant:

**B. Individual Completing Application**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**C. Company Contact** (if different from individual completing application)

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_



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

**D. Company Counsel:**

Name of Attorney: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

**E. Request for Assistance:**

Please check which type of assistance you are applying for (select all that apply):

- 1. Bond Issuance
- 2. Straight Lease
  - a. Payment in Lieu of Taxes
  - b. Sales Tax Exemptions
  - c. Mortgage Tax Exemption

Is this part of a Multi-Phase Project?

**F. Form of Business Organization:**

- |                           |                            |
|---------------------------|----------------------------|
| For-profit corporation    | Not-for-profit corporation |
| General partnership       | Limited partnership        |
| Limited liability company | Sole proprietorship        |

1. If you have a corporation or limited liability company, please provide date and state of incorporation:      Date: \_\_\_\_\_      State: \_\_\_\_\_

2. If a foreign corporation or foreign limited liability company, please provide date qualified to do business in New York: \_\_\_\_\_

**G. Please list Principal Owners/Officers/Directors**

(Principal owners that hold more than 15% equity ownership:

If Applicant has a significant relationship with an affiliate company(ies), please list the name and address of such affiliate(s)



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

**H. Applicant Business Description:**

Brief description of company, operations, products and services. Description is critical in determining eligibility. Attach additional pages if needed.

**I. Brief Description of Company History (formation, growth, transitions, location):**

Estimated % of sales within County  
Estimated % of sales outside County but  
within New York State  
Estimated % of sales outside NYS but  
within U.S.  
Estimated % of sales outside the US

Total Sales 100%

**J. Is or was the Company assisted by the DCIDA?**

**K. Has the company received any state or federal subsidies or program assistance in the last 10 years?**

**L. Have you contacted or been contacted by other Economic Development Agencies?**

If yes, please identify which agencies and what other assistance or assistance sought and the dollar amount that is anticipated to receive.



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

**M. If the company is a party to any significant pending or recently concluded litigation (including bankruptcy), please describe:**

**N. Is Company in compliance with local, state and federal taxes, workers' protection, and environmental laws?**

**O. Please attach a copy of most recent company annual audit.**

**P. Please attach sales and income projections or a project pro forma for next 3 to 5 years.**



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

**SECTION II: PROJECT DESCRIPTION & DETAILS**

**A. Industry**

Please check off the Project's Industry Sector:

- |                             |                                  |
|-----------------------------|----------------------------------|
| Natural Resources / Mining  | Information Technology           |
| Construction                | Financial Services               |
| Utilities                   | Professional / Business Services |
| Manufacturing               | Education or Healthcare Services |
| Wholesale / Retail          | Leisure and Hospitality          |
| Transportation /Warehousing | Government                       |
| Other (Please write):       |                                  |

North American Industrial Classifications Number (NAICS):

**B. Project Location**

Project Address: \_\_\_\_\_

Section Block Lot (SBL) Number for Property which proposed Project will be located: \_\_\_\_\_

Property Tax Jurisdiction

Municipal: \_\_\_\_\_  
 School District: \_\_\_\_\_

Project Property Value:

Current Assessed Value: \_\_\_\_\_  
 Current Property Taxes: \_\_\_\_\_

Are the Real Property Taxes current?

If no, please explain:

Utilities: Indicate which, if any, utilities are on site

- |       |                      |
|-------|----------------------|
| Water | Electric             |
| Gas   | Sanitary/Storm Water |



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

Does the Applicant or any related entity hold fee title to the Project Site?

If no, Present legal owner of site: \_\_\_\_\_

Does the Applicant or related entity have an option /contract to purchase the Project site?

Yes

No

Describe the present use of the proposed Project Site

The facility consists of a building/space which will be (check as applicable)

Acquired

Constructed

Renovated

Expanded

In the space below briefly describe the proposed project and its purpose (new build, renovations, and equipment purchases). Identify specific uses occurring with the project. Describe any and all tenants and any/all end users. (Attach detailed information if necessary).

Describe why the DCIDA's financial assistance is necessary and if the applicant is unable to obtain DCIDA financial assistance, what will be the impact on the Applicant and Dutchess County and/or municipality? Would the applicant proceed with the project without DCIDA assistance? (Attached additional sheets if necessary).

Please confirm by checking the box below if there is a likelihood that the Project would be not undertaken but for the Financial Assistance provided by the DCIDA.

Yes

No



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

If the Project could be undertaken without Financial Assistance provided by the DCIDA, then provide a statement below indicating why the Project should be undertaken by the DCIDA.

To the extent the project serves a local market area, is there a recognized and demonstrable need for the products or services the project will provide in the project's market area?

Is the project compatible with and will significantly assist and enhance all development plans for its area established formally or informally by local, county, state and federal authorities?

Is the project of a speculative nature?

Will the Project include leasing any equipment?                      Yes                      No

**C. Zoning of Project Site:**

Current  
Proposed

Are any variances needed? If so, please list:

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





*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

The approximate acreage of the land to be purchased or leased:

The approximate square footage of the existing building to be purchased or space to be expanded/renovated is:

The approximate square footage of the planned *new* construction is:

Please note that the DCIDA cannot provide any financial assistance until the environmental review required under the State Environmental Quality Review Act ("SEQRA") has been completed. Please complete the annexed Short Form Environmental Assessment Form. Based upon the information provided in that form and elsewhere in this application, the DCIDA may require further information regarding potential environmental impacts.

If this project is likely to have a significant adverse impact on the environment (a "Type I" action), then the action is probably required to be reviewed by one or more other state or local agencies, such as a local zoning or land use authority. In that event, the DCIDA generally will not act as "lead DCIDA," and any action by the DCIDA must await completion of the SEQRA review by the other DCIDA. If that is not the case, i.e., if the proposed action is a "Type II" or "unlisted" action under SEQRA, the DCIDA may act independently for SEQRA purposes.

Any known environmental contamination or remediation issues?                      Yes                      No  
If yes, please list:

Has another entity been designated lead agent under the State Environmental Quality Review Act?  
If yes, please explain

The DCIDA will not provide any financial assistance to the Project until the environmental findings required under SEQRA have been made.



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

**D. Investment (Uses and Sources)**

Uses (Facility Costs) Please give an accurate estimate of the costs of all of the following items. Applicants are encouraged to discuss the project with DCIDA in order to estimate costs.

- 1. Real Estate (Acquisition cost of land and /or existing structures) \$
- 2. New Building Construction \$
- 3. New Building Addition \$
- 4. Infrastructure Work \$
- 5. Reconstruction/Renovation \$
- 6. Equipment (Taxable) (Spending that will be subject to sales tax – i.e. machinery and equipment) \$
- 7. Other Tax Exempt (non-construction spending that will not be subject to sales tax) \$
- 8. Professional Services (Architect, Legal Fees<sup>1</sup>, Engineering fees) \$
- 9. Other Taxable \$
- 10. Other (please specify) \$
- Total Project Cost \$

Uses (Financing, Legal, Miscellaneous)	Estimated Fees
IDA Administrative Fees (See page 1)	\$
IDA Counsel	\$
Applicant Counsel	\$
Transaction Counsel	\$
Bond Counsel	\$
Underwriter Counsel	\$
Trustee Counsel	\$
Other Costs of Bond Issue (i.e. printing)	\$
If this is a bond transaction, will you be refunding bonds? And if so state amount here	\$

*DCIDA costs such as public hearings and legal notice fees are the responsibility of the Applicant from the time an application is submitted.*



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

**E. SOURCES**

Amount of equity \$  
 Amount of other conventional financing \$  
 Amount financed by bond issue \$  
 Public Sources (Include sum total of all state and federal grants and tax credits)\* \$  
 Total Sources of Funds for Project Cost \$

\*Identify each state and federal grant/credit  
 \$  
 \$  
 \$

**F. Community Benefits**

Financial Assistance Provided

1. Estimated Sales Tax Exemption^  
 \$ X .08125 = \$  
 Amount of Project Cost Subject to Tax X Sales Tax Rate = Total

2. Estimated Mortgage Recording Tax Exemption  
 \$ X .0105 = \$  
 Projected Amount of Mortgage Mortgage Recording Tax Total

\*As of September 2016, DC IDA cannot exempt the MTA portion of the mortgage recording tax

3. Estimated Property Tax Abatement

Will the Project utilize the DCIDA's Uniform Tax Exemption Formula?

Yes No

If no, describe the real property tax exemption formula (attach additional sheets if necessary)

New York State corporate taxes paid in prior year \$

Estimated tax abatement resulting from this project \$  
 (Consult with DCIDA for assistance with this calculation)



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

*^Note that the DCIDA may utilize the estimate above as well as the proposed total Project Cost as contained within this application to determine the Financial Assistance that will be offered.*

## G. Project Construction Schedule

What is the proposed date for commencement of acquisition or construction of the Project?

Please indicate the actual or expected dates of :  
Construction completion:  
Occupancy:

Will the company be occupying 100% of the completed facility?  Yes  No

If no, will there be tenants in the remaining space?  Yes  No

•Detailed questions will be asked in Section 5 – Single or Multi-Tenant Determination

Describe any contracts or agreements (options to purchase, purchase contracts, construction contracts, and equipment orders) which have been entered into with respect to the facility. Please note that the DCIDA may not provide benefits to any purchases made prior to the execution of a Letter of Authorization for Sales Tax Exemption.

## H. Community Benefits – Employment

### A. Benefits = Economic Development Impacts (For Project Location Only)

*By statute, the DCIDA must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. The DCIDA will use job projections upon the two (2) year time period following Project completion.*

*a. Employment should be quantified by "FTE", which shall mean: (a) a full-time, permanent, private-sector employee on the project's payroll, who has worked (or is projected to work) at the project facility for a minimum of thirty-five hours per week for not less than four consecutive weeks and who is (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties;*

*b. or (b) two part-time, permanent, private-sector employees on the Applicant's payroll, who have worked (or are projected to work) at the project facility for a combined minimum of thirty-five hours per week for not less than four consecutive weeks and who are (or will be) entitled to receive the usual and customary fringe benefits extended by the Applicant to other employees with comparable rank and duties.*



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

Job Category	Current # of FTE's	Number of FTE's Retained	Average Salary or Range of Salary	Number of FTE's to be created upon 2 years	Average Salary or Range of Salary
Owner/Executive					
Professional					
Management					
Administrative					
Production					
Other					
Total					

Are employees currently covered by a collective bargaining agreement?      Yes      No  
 If yes, Name and Local?

Are employees provided retirement benefits?      Yes      No

Are employees provided health benefits?      Yes      No

Use of Local Workforce  
 (Questions below are applicable for the construction period for the project.)

The Dutchess County IDA supports the use of "local workforce" for projects receiving benefits from the DCIDA. Answers to the following questions will assist the DCIDA in evaluating the application. The Labor Workforce Area includes residents in the County/Cities/Towns/Villages as well as the following Counties: Dutchess County, Columbia County, Orange County, Putnam County, Sullivan County and Ulster County.

If a "labor workforce plan" has been developed please include that plan as an addendum to this application.

How will the project developer seek out and use the local workforce.



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

What specific approaches are to be used in your efforts to identify local workforce candidates if additional project workers are necessary?

Projects \$10,000,000 and above are subject to DCIDA's Local Workforce Policy

### Section 3: Retail Determination

DCIDA assistance to retail projects (including hotels and restaurants) is subject to certain statutory restrictions.

To ensure compliance with Section 862 of the New York General Municipal Law, the DCIDA requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

- Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below please complete this section.

Retail Sales	Yes	No	Services	Yes	No
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For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sales of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law or (ii) sales of a service to customers who personally visit the Project.

- Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in makes sales of good or services to customers who personally visit the project site?

Yes	No	<i>If yes, please continue. If no, proceed to the next section</i>
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- What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? \_\_\_\_\_% *If the answer is less than 33% than proceed to the next section.*

If the answer to question 2 is Yes and the answer to question 3 is greater than 33% indicate which of the following questions following apply to the project:



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

Is the project location or facility likely to attract a significant number of visitors from outside Dutchess County?

Yes                      No

If yes, please provide a third party market analysis or other documentation supporting your response.

Is the predominant purpose of the project to make available goods and services which would not, but for the project, be reasonably accessible to the residents of the municipality within which the proposed would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes                      No

If yes, please provide a third party market analysis or other documentation supporting your response.

Will the project preserve permanent, private sector jobs or increase the overall number of permanent private sector jobs in New York State?

Yes                      No                      If yes, please explain

Is the project located in a Highly Distressed Area?

Yes                      No

#### **Section 4 – Inter-Municipal Move Determination**

Will the project result in the removal of a plant or facility of the Applicant from one area of the State of New York to another area of the State of New York:

Yes                      No

Will the project result in the removal of a plant or facility of another proposed occupant of the Project from one area of the State of New York to another area of the State of New York?

Yes                      No

Will the Project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes                      No



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

If the answer to either of the foregoing questions in this subpart is positive, please explain in detail, on as many separate sheets as necessary, the reasons for the relocation, abandonment or closure, including, without limitation, (i) any considerations regarding the applicant's (or other occupant's) ability to remain competitive in its industry, and (ii) any consideration which has been given to relocating to any location outside the State of New York.

Please note that the DCIDA may ask you to provide additional information regarding the foregoing, including documentary support

### Section V: Single Or Multi-Tenant Determination

Permissible projects are defined in the NYS General Municipal Law and the IDA may not be able to grant financial assistance to all tenants of a multi-tenant project. To assist in that determination please complete the following section.

Please note if the tenant qualifies as a permissible project, the Project Applicant will be responsible for collecting the required reporting information from the tenant(s).

Please explain what market conditions support the construction of this multi-tenant facility:

Have any tenant leases been entered into for this project?

Yes                      No

If yes, please list below and provide square footage to be leased to tenant and NAICS code for tenant and nature of business. (Attach additional sheets if necessary)

Tenant Name	Current Location (city, state, zip)	# of sq. ft. leased	% of total to be occupied by project	NAICS and business description (type of business products, etc.)
-------------	--	------------------------	--	---





*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

## Section 6 – Representations, Certifications and Indemnification Forms

### **New York State** Applicant Requirements For Industrial Development Agencies

The Applicant has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the DCIDA and as follows:

#### **1. Absence of Conflicts of Interest**

The Applicant has received from the DCIDA a list of the members, officers and employees of the DCIDA. No member, officers or employees of the DCIDA has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

#### **2. Job Listing**

In accordance with Section 858-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed within the New York State Department of Labor, Division of Employment and Workforce Solutions (the DOL) and with the American Job Center of the service delivery area created by the federal Workforce Innovation and Opportunity Act (WIOA) in which the Project is located.

#### **3. 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 DCIDA, except as otherwise provided by collective bargaining agreements, Where applicable, the Applicant will first consider persons eligible to participate in WIOA programs who shall be referred by the American Job Center for new employment opportunities created as a result of the Project.



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

#### **4. Annual Employment Reports**

The Applicant understands and agrees that, if the Project receives any Financial Assistance from the DCIDA, the Applicant agrees to file, or cause to be filed, with the DCIDA, on an annual basis, reports regarding the number of people employed at the project site, salary levels and such other information as part of the DCIDA's Employment Report.

#### **5. Fees**

This obligation includes an obligation to submit DCIDA Fee Payment to the DCIDA in accordance with the DCIDA Fee policy effective as of the date of this Application.

#### **6. Freedom of Information Law (FOIL)**

The Applicant acknowledges that the DCIDA is subject to New York State's Freedom of Information Law (FOIL). Applicants understand that all project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.

#### **7. Recapture Policy**

The applicant acknowledges that is has been provided with a copy of the *DCIDA's Policy on Maintaining Performance Based Incentives*. The Applicant agrees that it fully understands the Policy on Maintaining Performance Based Incentives is applicable to the Project that is the subject of this application and the DCIDA may implement the Policy if and when it is required to do so.

#### **Financial Reporting Requirements**

Chapter 692 of the Laws of 1989 requires additional financial reporting requirements from all IDA's in New York State.

#### **8. Sales Tax**

Section 874(8) of the New York general Municipal Law requires all entities appointed as agents of the DCIDA for sales tax purposes to file an annual form, as prescribed by the New York State Department of Taxation, describing the value of sales tax exemptions claimed by the Applicant and all its subagents, consultants, or subcontractors. Copies of all filings shall be provided to the DCIDA.

The Applicant hereby agrees to complete "ST-60, IDA Appointment of Project Operator or Agent for Sales Tax Purposes" for itself and each agent, subagent, contractor, subcontractor, contractors or subcontractors of such agents and subagents and to such other parties as the Applicant chooses who provide materials, equipment, supplies or services and deliver said form to the DCIDA within fifteen (15) days of appointment such that the DCIDA can execute and deliver said form to the State Department of Taxation and Finance within thirty (30)



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

9. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§862 Restrictions on funds of the DCIDA. (1) No funds of the DCIDA shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the DCIDA shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

10. 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

11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18A of the New York General Municipal Law, including, but not limited to, the provisions of Section 859a and Section 862(1) of the New York General Municipal Law.

**12. Bonds**

**a. All bonds issued, outstanding or retired during the year must indicate the following:**

Month and year issued; Interest rate at year end; outstanding beginning of year; issued during year; principal payments during year; outstanding at end of year; and final maturity date. This information will be requested from you in January of each year.

**b. All new bonds issued need the following supplemental information:**

Name of the project; tax exemptions separated by State and local sales tax, County and school taxes; Mortgages recording; Payments in lieu of taxes; New tax revenue if no exemption is granted; number of jobs created and other economic benefits. This information is required each year and will be requested from you in September of each year.



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the DCIDA will rely on the representations made herein when acting on this Application and hereby represent 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. 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 DCIDA's involvement in the Project.

Signature:

Print Name:

Title:

Date:



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

### **HOLD HARMLESS AGREEMENT**

Applicant hereby releases the Dutchess County Industrial Development DCIDA and its members, officers, servants, agents and employees thereof (the "DCIDA") from, agrees that the DCIDA shall not be liable for and agrees to indemnify, defend and hold the DCIDA harmless from and against any and all liability arising from or expense incurred by (A) the DCIDA'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 DCIDA, (B) the DCIDA's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the DCIDA with respect to the Project; including and 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 DCIDA or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the DCIDA, its agents or assigns, all costs incurred by the DCIDA in the processing of the Application, including attorneys' fees, if any. The DCIDA reserves the right at any time, as a condition to further consideration of this application, to require reimbursement of any such costs incurred, or to require a deposit against such costs and to apply such deposit to the DCIDA's costs as incurred.

Signature  
Print Name  
Title  
Date



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

To Be Completed for Bond Financing only

1. State Bond Issuance Fees: N.Y. Public Authorities Law §2976(2) levies upon the DCIDA the following (which amount must be paid to the DCIDA by the applicant):

Principal Amount of Bonds	Percentage Fees
\$1,000,000 or less	.168
\$1,000,000 to \$ 5,000,000	.336
\$5,000,001 to \$ 10,000,000	.504
\$10,000,001 to 20,000,000	.672
More than \$20,000,000	.084

2. Total Funds Required \_\_\_\_\_ Estimated Term \_\_\_\_\_

3. Indicate the date by which the proceeds of the DCIDA's bonds, if issued will be needed

Date Required \_\_\_\_\_



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

### 3) Certification

To Be Completed for Bond Financing only

\_\_\_\_\_deposes and says that he/she is the \_\_\_\_\_  
 (Name of Officer of Company submitting application) (Title)

\_\_\_\_\_  
 (Company Name)

The corporation named in the attached application; that he/she has read the forgoing application and knows the contents thereof; that the same is true to his/her knowledge.

Deponent further says that the reason this verification is being made by the deponent and not by

\_\_\_\_\_ is because the said Company is a Corporation.  
 (Company Name)

The grounds of deponent's belief relative to all matters in the said application which are not stated upon his/her 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/her duties as an officer of and from the books and papers of said corporation.

As an officer of said corporation (hereinafter referred to as the "applicant"), deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the Dutchess County Industrial Development DCIDA (hereinafter referred to as the "DCIDA") acting on behalf of the applicant during the attendant negotiations and leading to the issue of bonds. If, for any reason whatsoever, the applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified time to take reasonable, proper, or request action, or withdraws, abandons, cancels, or neglects the application, or if the DCIDA or applicant are unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, applicant shall pay to the DCIDA, its' agents, or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees of bond counsel for the DCIDA and fees of general counsel for the DCIDA.\* Upon successful conclusion and sale of the required bond issue, the applicant shall pay to the DCIDA an administrative fee set by the DCIDA.

\_\_\_\_\_  
 (Chief Officer of Company submitting)

\_\_\_\_\_  
 (Print Name)

\_\_\_\_\_  
 (Title)

\_\_\_\_\_  
 (Date)

NOTARY: Sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\*Applicant is responsible for payment of any State Bond Issuance Fees.

Notary Public (Please Affix Stamp)



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

## Section 7 - Local Workforce Utilization Policy and Certification

Construction jobs, though limited in time duration, are vital to the overall employment opportunities in Dutchess County. The Dutchess County Industrial Development Agency (the "Agency") believes that Project Applicants (the "Company"), as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement and/or bond proceeds) from the Agency, will be required to utilize qualified Workforce, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

### ***For Projects \$10,000,000 and Above***

#### Local Area Defined

For projects equal to or greater than \$10,000,000 the Local Area is defined as individuals residing in the following County/Cities/Towns/Villages as well as the following Counties (collectively, the "Local Area"): Dutchess County, Orange County, Putnam County, Rockland County, Sullivan County, Ulster County and Westchester County.

#### Local Workforce Requirement

At least 80% of all project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the "Workers") working on the Project Site must reside within the Local Workforce Area. Companies do not have to be local companies as defined herein, but must employ local Workers residing within the Local Workforce Area to qualify under the 80% local Workforce criteria.

#### Local Workforce Reporting Requirement

The Local Workforce criteria will be verified based on employment, payroll and related records.

In addition, the Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy records of the Company and to perform spot checks of all Workers at the Project Site to verify compliance with the Local Workforce requirement throughout the construction period.

provided to the Company and the Executive Director shall bring the information to the Board of Directors which may, in its discretion, take action to revoke IDA benefits.

In the event a subsequent violation of the policy has occurred, then written notice delivered by Certified Mail of said Local Workforce Requirement violation (the "Notice of Violation") shall be provided to the Company and the Executive Director shall bring the information to the Board of Directors which may, in its discretion, take action to revoke IDA benefits.





*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

### **Waiver Request**

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the Local Utilization Requirement (the "Local Workforce Utilization Waiver Request") based on the following circumstances:

- Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers
- Specialized construction for which qualified Local Workforce Area workers are not available;
- Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. Every effort should be made by the contractor or applicant to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations
- Documented lack of workers meeting the Local Workforce Area requirement

The Agency shall evaluate the Local Workforce Utilization Waiver Request and make its determination related thereto based upon the supporting documentation received with such waiver request.

The foregoing terms have been read, reviewed and understood by the Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialmen. Furthermore, the undersigned realizes and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether already received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

Name of Company:

Name:

Title:



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

**Instructions for Completing Attachment 1: Environmental Assessment Form (EAF)**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres		
b. Total acreage to be physically disturbed?		_____ acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				





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

<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		



*Please answer all questions. Use "None" or "Not Applicable" or "N/A" where necessary*

## Attachment 1 – Agency Standard Fee Schedule and other fees

### **DCIDA Standard Fees**

Application Fee: \$250 (non-refundable)

Administrative Fee: One percent (1%) of the first \$2.5 million of the estimated project cost and one-quarter of one percent (.25%) for the estimated project in excess of \$2.5 million

Annual Compliance Fee: \$500

The project applicant additionally will be required to pay DCIDA Counsel fees, Bond Counsel fees and other direct expenses of the DC IDA, including, but not limited to, accounting and engineering expenses. The project applicant agrees that such legal fees and other direct expenses of the DC IDA such as publication costs and stenographer's fees are payable separately from the application and processing fees.

The above fees will be payable in full on the sale of the bonds. Failure and neglect to proceed to close will result in pro rata tender of billings.