



Office of Community + Economic Development

INDUSTRIAL DEVELOPMENT AGENCY

31 South Main Street

Fairport, New York 14450

www.fairportoced.org

Industrial Development Agency Application for Financial Assistance

Contact: Martha M. Malone
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Phone: 585-421-3240
Office Hours: 8 – 4 M-F

I. APPLICANT

A. Company Name _____

Address _____

City/State/Zip _____

B. Company Officer Completing this Application

Name _____

Title _____

Telephone _____

Email _____

C. Type of Business

- Sole Proprietorship
- Partnership
- Privately Held Corporation
- Public Corporation

D. Principal Officers

Name

Corporate Title

E. Principal Stockholders (Owners of 15% or more of company)

F. Bank References

G. Major Trade References

H. Has the Applicant (or any related Company) been involved in any prior financing, whether by this Agency, or by any financial institution, in the County in which this project is located?

Yes (If yes, please describe by attachment)

No

I. Applicant's Legal Counsel

Firm _____

Address _____

Telephone _____

Attorney's Name _____

Email _____

II. PROJECT INFORMATION

A. Project Name _____

B. Location of Proposed Project

C. Municipal Jurisdictions

Town _____

Village _____

City _____

School District _____

D. Are other facilities or related companies located within the State?

Yes No

Address _____

If there are other facilities within the State, will any of these close or be subject to reduced activity? Yes No

E. Has the Applicant actively sought sites and/or facilities in another state? No Yes (If yes, please describe by attachment)

F. Proposed User(s)/Tenant(s) of the Facility:

Company Name _____

Address _____

Contact _____

% of Facility to be occupied by User/Tenant _____

G. Attach copies of preliminary plans or sketches of project along with photo of site, existing facility, etc.

H. Utilities on Site

✕ Municipal Water _____

✕ Municipal Sewer _____

✕ Electricity _____

✕ Gas _____

I. Legal owner of the site _____

J. Is there an existing or proposed lease for the project? Yes No

K. Is there a purchase option or other legal or common control in the project? Yes No

L. Will project meet zoning requirement at proposed location?

Yes No

M. Description of Project

New construction

Addition to existing facility

Renovation and modernization of existing facility

Acquisition of existing facility

Acquisition and modernization of existing facility

Purchase of new machinery and equipment

N. If project involves the purchase of an existing plant, please indicate on an attached sheet whether a business currently operates in the existing premises, its primary production line, its need for alternate location, its plans for remaining in business.

O. Attach a general narrative

description of the project, emphasizing

✕ Company experience/organizational capacity to implement project

✕ Goals of the project

✕ Existing product lines

✕ Proposed product lines

✕ Typical customers

✕ Factors in marketplace requiring added production space

✕ Size of old facility and site

✕ Size of proposed facility and site

✕ Type of construction

✕ Equipment to be acquired

✕ Total project cost, proposed use of requested funds, company equity

Please include map of proposed site

III. PROJECT CONSTRUCTION SCHEDULE

A. What is the proposed commencement date of construction or acquisition of the project?

B. Please outline the timetable for the project, indicating when the project will be in full use. _____

C. At what times and in what amounts will funds be required?

IV. EMPLOYMENT INFORMATION

A. If company is currently in existence, please give current employment:

Full Time _____ # Part Time _____

Seasonal _____ Total # Employees _____

B. Estimate employment after project completion

	Year One	Year Two	Salary Ranges
Full time	_____	_____	_____
Part time	_____	_____	_____
Seasonal	_____	_____	_____
Totals	_____	_____	_____

C. Annual payroll currently

\$ _____

First year after completion

\$ _____

Second year after completion

\$ _____

D. Increase in dollar amount of sales after project

\$ _____

V. PROJECT COSTS

Please estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and or equipping of the project

Item	Amount
Land	\$ _____
Buildings	\$ _____
Machinery and Equipment	\$ _____
Architect/Engineering Fees	\$ _____
Site Work	\$ _____
Cost of Financing (Legal, Financial)	\$ _____
Construction Loan Fees/Interest	\$ _____
Other (please specify)	\$ _____
Total Project Cost	\$ _____

What portion of the project's cost is to be financed from funds of the company rather than from the proposed bond issue? _____

If the company expects the bond issue to exceed \$1,000,000 what is the dollar value of capital expenditures that the company, or any related company or person has expended within the last three years in the municipality in which the proposed project is to be located, or expects to expend in that municipality three years after the bond issue? \$ _____

Has the company made any arrangements for the marketing or purchase of the bonds? Yes No
If yes, please explain

VI. PROJECT FINANCING

- Real Property Tax Abatement, Term Requested: _____
- NYS Sales/Use Tax Exemption, Exempt Purchases \$ _____
- Mortgage Recording Tax, Mortgage Amount \$ _____
- Bond Issuance, Principal Bond Amount \$ _____
- Terms of Bond: _____
- Commercial Lender, Secured Amount \$ _____
- Company Equity, Pledged Amount \$ _____

Do any of the tax exemptions being sought deviate from the Agency's Uniform Tax Exemption Policy (see Appendix B)?
 Yes No

If Yes, please explain how the request differs and why.

VII. ENVIRONMENTAL ASSESSMENT

New York State law requires that an Environmental Assessment Form (EAF) be completed and submitted along with this application. The EAF is enclosed for your convenience. Attach EAF that was submitted to municipality, and SEQR finding.

VIII. FINANCIAL INFORMATION/CERTIFICATION

Please attach only those statement and reports that apply:

A. Financial Statements for the last two years (*Federal and/or State Tax Returns, P+L, Balance Sheet, Net Assets Summary, Cash Flow Statements*)

B. Company’s Annual Reports (Form 10-K) for the two most recent fiscal years

C. Quarterly reports (Form 10-Q) and current reports (Form 8-K) since the most recent Annual Report

In addition, please attach the financial information described above in Items A, B, and C of any expected Guarantor of the proposed Bond issue if different than the company.

The information contained in this Application for Financial Assistance, including employment information is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of benefits.

The Agency will use this information to determine eligibility for financial assistance. A credit report may be obtained as part of the Agency’s review. By signing this application, the company consents to the Agency performing its due diligence; to contact trade and bank references; to obtain a credit report; and to search state or federal records to verify the information in the application is correct.

Information in this application will not be made public prior to the passage of an official action resolution by the Agency. After Agency action, this information may be subject to disclosure under the New York Freedom of Information Act.

Signature of Applicant Authorized to Complete the Application:

X _____

Date _____

Signature of User/Tenant Company

X _____

Date _____

APPENDIX A
AGENCY FEES

- I. Administrative Fee – Paid at Closing
 - a. For tax-exempt IRB bond issues, the fee shall be one percent (1%) of the project amount. For projects that utilize a payment-in-lieu-of-taxes (PILOT) agreement, an additional one-quarter percent ($\frac{1}{4}$ %) will be added.
 - b. For sale/leaseback transactions and taxable bond issues, the fee shall be one-half percent ($\frac{1}{2}$ %) of the project amount. For projects that utilize a payment-in-lieu of taxes (PILOT) agreement, an additional one-quarter percent ($\frac{1}{4}$ %) will be added.
 - c. For modifications, the fee shall be determined on a case-by-case basis.

- II. Agency Counsel fee will be determined on a case-by-case basis.

- III. Designated Bond Counsel fee is based on the complexity and amount of the transaction.

Name of Applicant _____

Applicant Signature _____

Title _____

Date _____

APPENDIX B

INDUSTRIAL DEVELOPMENT AGENCY UNIFORM TAX EXEMPTION POLICY

Pursuant to the authority vested in it by Article 18-A of the General Municipal Law of the State of New York, the Village of Fairport Industrial Development Agency (the "Agency") may provide financial assistance to qualified applicants for qualified projects benefiting the Village of Fairport (the "Village"), in the form of issuance of its tax-exempt or taxable bonds or by participation in straight lease transactions. The Agency has adopted this Uniform Tax Exemption Policy to provide guidelines for granting real property, sales and use, and mortgage recording tax exemptions (the "Policy").

In accordance with the requirements of Chapters 356 and 357 of the Laws of 1993 (The New York IDA Reform Act), and specifically Section 874 (4) (1) and (b) of the General Municipal Law (the "Law"), the Agency by Resolution of the Board of Directors (the "Board") adopted on January 28, 1994, has established the following uniform policy with respect to financial assistance.

Pursuant to the 2015 Reform Legislation for Industrial Development Agencies (the "Reform Act"), this Policy includes standardized procedures for project evaluation criteria, recapture and annual project re-evaluation.

1. Applicability

This policy will apply to all projects receiving financial assistance on or after January 1, 1994. The terms "project" and "financial assistance" will be strictly interpreted as the Law defines them.

The Law is not retroactive with respect to PILOT payments or tax exemptions for projects, which received financial assistance prior to January 1, 1994. Therefore, the IDA retains the right to continue, amend, modify, assign or otherwise alter previous agreements, written or unwritten, with respect to tax exemptions or PILOT payments for projects of record prior to January 1, 1994.

2. Eligible/Qualified Projects and Applicants

Project criteria on applications for financial assistance that would require projects to be brought before the Board is as follows:

- a. The project must be eligible to receive IDA assistance under General Municipal Law.
- b. The project pledges to create and/or retain quality, good paying jobs in the Village of Fairport.
- c. The project will create a significant increase to the existing tax base upon completion and/or make a significant capital investment.
- d. The project will contribute towards creating a livable community by providing a valuable product or service that is underserved in the community.
- e. The project has a minimum ratio of \$1 to \$1 based on the Agency's cost/benefit analysis.
- f. The project is included in one of the Agency's strategic focus areas:
 - Waterfront development
 - Downtown revitalization
 - Infill and adaptive reuse
 - Remediation and shovel-ready sites
 - Tourism

3. Real Property Tax

The uniform exemption from real property taxes is for a period of ten (10) years at a percentage equal to one hundred percent (100%) of the real property taxes, which would otherwise be due for the first year of operation of the project, declining in an amount of ten percent (10%) per year after such commencement until the exemption equals zero.

a. Payment in Lieu of Taxes Agreement:

The Applicant must sign an agreement to make payments in lieu of taxes ("PILOT Agreement"). All payments in lieu of taxes shall be distributed pro-rata with the affected taxing jurisdictions.

b. Real property Appraisal:

The value of a project for payment in lieu of taxes purposes is based on a valuation performed by the assessor of the Town of Perinton; therefore a real property appraisal is generally not required. However, the Agency may require the submission of a real property appraisal if:

- The assessor of any particular affected taxing jurisdiction requires one; or
- If the valuation of the project for payment in lieu of taxes purposes is based on a value determined by the Applicant or by someone acting on behalf of the Applicant, rather than by an assessor for a taxing jurisdiction or by the Authority.

If the Authority requires the submission of a real property appraisal, such appraisal shall be prepared by an independent MAI certified appraiser, acceptable to the Agency.

4. Sales and Use Tax

The exemption from sales and use tax relates to construction, renovation or equipping of a project, to the fullest extent permitted by New York State law, during the period of construction, renovations or equipping, or until the earlier of:

- The completion date of project; or
- Three (3) years measured from commencement of construction, renovation or equipping of the project.

The Applicant must comply with the reporting requirements established by Sections 2326 and 2326-a of the New York Public Authorities Law and Section 875 of the New York General Municipal Law.

5. Mortgage Recording Tax

The exemption from the mortgage recording tax is available for all projects, to the fullest extent permitted by New York State law, in which the mortgage on the project is granted as security for the Authority's obligations or a mortgage to secure conventional financing in a straight lease transaction.

6. Deviations

Deviation from the Policy will be considered on a case-by-case basis where a project is expected to have a significant impact on the Village. Any deviation from the Policy requires written notification from the Agency to each of the affected taxing jurisdictions. The Agency may consider any or all of the following factors in making such determination, no single one of which shall be determinative:

- a. The nature of the project (e.g. manufacturing, commercial, tourism).
- b. The nature of the property before the project begins (e.g. vacant land, vacant buildings).
- c. The economic condition of the area at the time of the application.
- d. The extent to which a project will create or retain permanent, private sector jobs.
- e. The estimated value of tax exemptions to be provided.
- f. The impact of the project and the proposed tax exemptions on the affected tax jurisdictions.
- g. The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity.
- h. The amount of private sector investment generated or likely to be generated by the proposed project.
- i. The likelihood of accomplishing the proposed project in a timely fashion.
- j. The effect of the project upon the environment.
- k. The extent to which the proposed project will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services.
- l. The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located.
- m. The extent to which the proposed project will provide a benefit (economic, or otherwise) not otherwise available within the Village.
- n. Demonstrated public support for the proposed project.

If after consideration of the above-stated factors the Agency determines that a deviation from the Policy is warranted, it shall adopt a resolution stating:

- a. That with respect to the specified project, the Agency determines that a deviation from the Policy is warranted; and
- b. The reasons, for which the Authority determines the deviation, is warranted.

Upon passage of such resolution the affected local taxing jurisdictions shall be notified of the proposed deviation and the reasons therefore.

7. Recapture

The PILOT Agreement shall set forth grounds upon which the value of tax exemptions must be repaid to the Agency. Events that may trigger a recapture include, but are not limited to, the following:

- a. Liquidation of operations (absent showing of extreme hardship);
- b. Relocation of Applicant's operations from the project site to another site;
- c. Transfer of a substantial number of jobs out of the Village;
- d. Sublease of the project site in violation of the project agreements; or
- e. Sale or disposition of the project property.

The Agency's Policy for the amount to be repaid is set as a percentage of benefits received, depending on the years after closing in which the event occurs as follows:

<u>Years</u>	<u>% of Benefits Recaptured</u>
1-6	100%
7	80%
8	60%
9	40%
10	20%

The Agency may deviate from the Policy's recapture based upon the factors described above.

If the Applicant fails to meet and/or continuously maintain the goals established through the term of the PILOT Agreement, the Agency may terminate the PILOT Agreement or impose penalties and/or sanctions, at its discretion, not to exceed those set forth in the PILOT Agreement. Any monetary penalties or sanctions shall be deemed independent obligations of the Applicant, which shall survive termination of the PILOT Agreement.

8. Re-Evaluation

Projects that receive financial assistance from the Agency are subject to an annual review. The Agency will provide annual progress reports to the Board, which will provide the basis for determining if a project is on track. The board may opt to discontinue, suspend or modify the incentives. At the Board's discretion, a 6-month grace period may be granted to give the company the opportunity to correct its course.

Data gathered annually to assess a project's progress includes:

- a. Number/categories of jobs retained/created
- b. Salary ranges of retained/created jobs
- c. Company payroll
- d. Sales tax generation (for retail/tourism projects only)