

CITY OF MIDDLETOWN  
INDUSTRIAL  
DEVELOPMENT AGENCY

APPLICATION

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APPLICANT  
NAME \_\_\_\_\_

DATE \_\_\_\_\_

16 James Street; 3<sup>rd</sup> Floor  
Middletown, NY 10940

845-346-4170

[www.middletown-ny.com/government/industrial-development-agency.html](http://www.middletown-ny.com/government/industrial-development-agency.html)

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INSTRUCTIONS

1. The Agency will not approve any applications 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 this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not accept this application as complete until the Agency receives (i) a completed environmental assessment form concerning the Project; (ii) the Applicant has met with Agency representatives and has received the Agency’s review and completed Project Summary and Financial Assistance Cost Benefit Analysis (See, last 2 pages of this Application); and payment of all required fees and escrows, as applicable.
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 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, if any such bonds are issued. 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 a part of the project and included as a part of the resultant bond issue.
9. The Agency has established a combined application fee of \$2,000.00 to cover the anticipated costs of the Agency and counsel in processing this application. A check or money order for \$500.00 made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.** Upon IDA Board acceptance of the application an additional \$1500.00 administration fee is due and will be assessed annually on January 1<sup>st</sup> of each year.

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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.

This application should be submitted to the City of Middletown Industrial Development Agency; 16 James Street; 3<sup>rd</sup> Floor; Middletown, NY 10940 Attn: Administrative Director

PLEASE NOTE: APPLICANTS SEEKING FINANCIAL ASSISTANCE IN THE FORM OF SALES AND USE TAX EXEMPTIONS AFTER MARCH 28, 2013 SHALL BE SUBJECT TO THE ENHANCED REPORTING, COMPLIANCE AND RECAPTURE REQUIREMENTS SET FORTH WITHIN SECTION 875 OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK (“GML”). IN ADDITION, APPLICANTS SEEKING ANY FINANCIAL ASSISTANCE ON OR AFTER JUNE 1, 2016 SHALL BE SUBJECT TO THE PROVISIONS CONTAINED WITHIN GML Section 859-a (4)-(6). APPLICANTS SHOULD CONSULT WITH COUNSEL AND ACCOUNTANT PROFESSIONALS TO UNDERSTAND THESE NEW REQUIREMENTS.

## City of Middletown Industrial Development Agency

### Fee Schedule

**Application Fee:** \$500 non-refundable, due with submitted application and an

**IDA Annual Administration Fee:** \$1500.00 is due at closing and each January 1 thereafter as long as the agreements shall remain in effect.

**Closing Fee includes:**

IDA Fee:

One percent of the first \$2,000,000 of the project cost as identified in the application, plus one-half percent (.05%) of the amount above \$2,000,000, due at closing. (Total project cost includes land acquisition costs). \*

IDA Transaction Counsel Fee:

One-third (1/3) of the IDA fee (minimum of \$30,000 – may be reduced for smaller projects on a case by case basis – plus out of pocket expenditures).

Local Labor Policy Monitoring:

The IDA may use a third-party firm or firms to monitor compliance with the Local Labor Policy (attached hereto). All costs incurred by the IDA in connection with such monitoring shall be the responsibility of the Company.

**NOTE:** The IDA reserves the right to seek additional IDA and Transaction Counsel fees for exceptionally complex/large transactions, other than the application fee, which is due with the return of this application, all other fees are due and payable at the closing]

**Please make all checks payable to:**

City of Middletown IDA

*\* In the event that an applicant does not seek or does not qualify for the IDA's PILOT Program, the fee will be straight one-half percent (0.5%) of the project cost as identified in the application.*

## **City of Middletown Industrial Development Agency**

### **Labor Policy**

Adopted February 28, 2017

The City of Middletown Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Middletown, NY. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in the City of Middletown. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs, though limited in time duration, are vital to the overall employment opportunities and economic growth in the City of Middletown. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices (hereinafter “construction workers”), including those who have returned from military service, during the construction phase of projects. In this way, the IDA can generate significant benefits to advance the City’s general prosperity. It is, therefore, the policy of the IDA that firms benefiting from its programs shall employ workers from Orange County and preferably from the City of Middletown and the “local labor” market during all project phases, including the construction phase.

For the purpose of this policy, the “local labor” market for construction workers shall be defined as those individuals living in Orange, Ulster, Sullivan, Dutchess, Putnam, Rockland and Westchester Counties. Applicants receiving IDA benefits shall ensure the contractor/developer hire at least 85% from the “local labor” market for their approved projects. The 85% shall be by contractor and in total at the time of completion of the project. The contractor/developer is mandated to keep daily log sheets of all field workers, commencing on the date of application. Any work performed after application shall be included in the determination of overall compliance with the 85% hiring requirements of this policy. A third-party auditing firm may be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

However, the IDA recognizes that the use of local labor may not be possible for the following reasons and the applicant may request an exemption on a particular contract or trade scope for the following reasons:

1. Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers;
2. Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work;
3. Cost Differentials:

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a. For projects whose project cost exceeds \$15M, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the sub contract or contract of a particular trade or work scope by at least 20%. Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the 20% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Hudson Valley Building and Construction Trades Council and other local Contractor Associations;

b. For projects whose project cost is less than \$15M, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the sub contract or contract of a particular trade or work scope by 10% or more. Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the 10% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Hudson Valley Building and Construction Trades Council and other local Contractor Associations;

4. No labor is available for the project; and

5. The contractor requires key or core persons such as supervisors, foreman or "construction workers" having special skills that are not available in the "local labor" market.

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party monitor and received in advance of work commencing. The request will be reviewed by the 3rd party monitor and forwarded to the IDA, or by the IDA directly, at which time the IDA's Audit Committee shall have the authority to approve or disapprove the exemption. The 3rd party monitor, if there is one shall report each authorized exemption to the Board of Directors at its monthly meeting.

In addition, applicants receiving IDA benefits and contractors on the project shall make every reasonable effort to utilize vendors, material suppliers, subcontractors and professional services from the City of Middletown and the surrounding counties. Applicants and contractors shall be required to keep records of those local vendors, material suppliers, contractors and professional services whom they have solicited and with whom they have contracted with or awarded. This shall be stored in a binder on site and shall be easily available for review by an authorized representative of the IDA, such as the IDA's 3rd party monitor. It shall include any documents for solicitation and contracts. It is the goal of the City of Middletown and the IDA to promote the use of local veterans on projects receiving IDA benefits. By partnering with local contractors, local contractor groups, local trade unions and contractors awarded work on IDA projects, there are opportunities for veterans to gain both short term and long term careers in the construction industry.

Once approved for IDA benefits, all applicants will be required to provide to IDA staff the

following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project;

2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions;

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3. The names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification from all contractors' employees performing work on the site; and

4. A Construction Completion Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of the project. All City of Middletown IDA projects are subject to local monitoring by the IDA and any 3rd party monitor. The applicant and/or the Construction Manager or General Contractor acting as agent for the applicant on the project, shall keep a log book on site detailing the number of workers, hours worked and counties and states in which they reside. Proof of residency or copy of drivers' license shall be included in the log book, along with evidence of necessary OSHA certifications. Reports will be on forms provided by the IDA or weekly payroll reports which contain the same information as required on the IDA issued form. The applicant and contractors are subject to periodic inspection or monitoring by the IDA or 3rd party monitor.

If used, the 3rd party monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the Audit Committee and/or IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, IDA staff shall notify the applicant and contractor in writing of non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or its 3rd party monitor shall notify the applicant that the project is in violation of the City of Middletown IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.

If the IDA uses a third-party firm or firms to monitor and audit compliance with this local labor policy, that cost shall be paid for by the Company in advance of the audits and held in a non-interest bearing escrow account until audits are complete.

The applicant of an IDA approved project shall be required to maintain a 4' X 8' bulletin board on the project site containing the following information:

1. Contact information of the applicant;
2. Summary of the IDA benefits received;
3. Contractors names and contact information on IDA provided form;
4. Copies of proof of exemption from labor policy;
5. Copies of any warnings or violations of policy;
6. Copy of the Executed Labor Policy.

The bulletin board shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible at least 10 feet from said board.

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The applicant has read this Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same. The Applicant understands and agrees that it is responsible for all third-party auditing and monitoring costs.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Signature of CM, GC or SC

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Print Name of above signer

\_\_\_\_\_  
Print Name of above signer

\_\_\_\_\_  
Email/phone of Applicant

\_\_\_\_\_  
Email/phone of CM/GC/SC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Section I: Applicant Information**

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

**A) Applicant Information-company receiving benefit:**

Applicant Name: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Website: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Federal ID#: \_\_\_\_\_ NAICS: \_\_\_\_\_  
State and Year or Incorporation/Organization: \_\_\_\_\_  
List of stockholders, members, or partners of Applicant: \_\_\_\_\_  
\_\_\_\_\_

Will a real estate holding company be utilized to own the Project property/facility?  Yes or  No

What is the name of the real estate holding company: \_\_\_\_\_  
Federal ID#: \_\_\_\_\_  
State and Year or Incorporation/Organization: \_\_\_\_\_  
List of stockholders, members, or partners of Real Estate Holding Company: \_\_\_\_\_  
\_\_\_\_\_

**B) Individual Completing Application:**

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

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

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**D) Company Counsel:**

Name of Attorney: \_\_\_\_\_

Firm Name: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

- 1. Exemption from Sales Tax  Yes or  No
- 2. Exemption from Mortgage Tax  Yes or  No
- 3. Exemption from Real Property Tax  Yes or  No
- 4. Tax Exempt Financing \*  Yes or  No

\* (typically for not-for-profits & small qualified manufacturers)

**F) Business Organization (check appropriate category):**

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

Other (please specify) \_\_\_\_\_

Year established: \_\_\_\_\_

Year of incorporation, if a corporation: \_\_\_\_\_

State in which organization is established: \_\_\_\_\_

If a foreign organization or organized under the laws of a state other than New York, is the Applicant authorized to do business in the State of New York?

Yes \_\_\_\_\_ No \_\_\_\_\_ if so, what state? \_\_\_\_\_

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

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

**H) Applicant Business Description:**

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

\_\_\_\_\_

\_\_\_\_\_

Estimated % of sales within the City of Middletown, NY: \_\_\_\_\_

Estimated % of sales outside Middletown, NY, but within New York State: \_\_\_\_\_ and  
within Orange County \_\_\_\_\_

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

Estimated % of sales outside the U.S. \_\_\_\_\_

(\*Percentage to equal 100%)

**I) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in County/City/Town Village. Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation including estimated percentage of local purchases.**

\_\_\_\_\_

\_\_\_\_\_

**Section II: Project Description & Details**

**A) Project Location:**

Municipality or Municipalities of current operations: \_\_\_\_\_

Will the Proposed Project be located within the City of Middletown?

Yes or  No

Provide the Property Address of the proposed Project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax map Number (section/block/lot) \_\_\_\_\_

Will the completion of the Project 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?

Yes or  No

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

Yes or  No

If Yes, you will need to complete Section II (Q) and Section IV of this Application.

What are the current real estate taxes on the proposed Project Site [Include state, county, city and school taxes]? \_\_\_\_\_

If amount of current taxes is not available, provide assessed value for each:

Land: \$ \_\_\_\_\_ Buildings(s): \$ \_\_\_\_\_

*\*\* If available please include a copy of current tax bill.*

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

\_\_\_\_\_

City/County: \_\_\_\_\_ School District: \_\_\_\_\_

Are utilities on site? Water\_\_ Gas\_\_ Electric\_\_ Sanitary/Storm Sewer\_\_

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

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

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

Describe the present use of the proposed Project site: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?

Yes or  No

If the Project could be undertaken without Financial Assistance provided by the Agency, then provide a statement in the space provided below indicating why the Project should be undertaken by the Agency: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and the City of Middletown?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**C) Will Project include leasing any equipment**  Yes or  No

If Yes, please describe: \_\_\_\_\_

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**D) Site Characteristics:**

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

Describe the present zoning/land use: \_\_\_\_\_

Describe required zoning/land use, if different: \_\_\_\_\_

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

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

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

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

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

**G) Provide any additional information or details:** \_\_\_\_\_

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

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

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

Retail Sales:  Yes or  No

Services:  Yes or  No

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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 sale 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.

Industrial	<input type="checkbox"/>	<input type="checkbox"/>	Back Office	<input type="checkbox"/>
Manufacturing	<input type="checkbox"/>		Training	<input type="checkbox"/>
Warehousing	<input type="checkbox"/>		Offices	<input type="checkbox"/>
Acquisition of Existing Facility		<input type="checkbox"/>	Retail	<input type="checkbox"/>
Housing		<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Equipment Purchase		<input type="checkbox"/>	Facility for Aging	<input type="checkbox"/>
Multi-Tenant		<input type="checkbox"/>	Civic Facility (not for profit)	<input type="checkbox"/>
Commercial		<input type="checkbox"/>	Research	<input type="checkbox"/>
Data Processing		<input type="checkbox"/>	Other_____	<input type="checkbox"/>

**D) Project Information:**

Estimated costs in connection with Project:

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

TOTAL Capital Costs: \$ \_\_\_\_\_

Project refinancing; estimated amount  
 (for refinancing of existing debt only) \$ \_\_\_\_\_

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Sources of Funds for Project Costs:

Bank Financing: \$ \_\_\_\_\_

Equity (excluding equity that is attributed to grants/tax credits) \$ \_\_\_\_\_

Tax Exempt Bond Issuance (if applicable) \$ \_\_\_\_\_

Taxable Bond Issuance (if applicable) \$ \_\_\_\_\_

Public Sources (Include sum total of all state and federal grants and tax credits) \$ \_\_\_\_\_

Identify each state and federal grant/credit:

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Total Sources of Funds for Project Costs: \$ \_\_\_\_\_

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

If Yes, describe particulars: \_\_\_\_\_  
\_\_\_\_\_

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

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

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

Construction Cost Breakdown:

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

Cost for materials: \$ \_\_\_\_\_  
% sourced in County/City/Town/Village: \_\_\_\_\_%  
% sourced in State \_\_\_\_\_% (including County/City/Town/Village)

Cost for labor: \$ \_\_\_\_\_

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**Sales and Use Tax:** Gross amount of costs for goods and services that are subject to State and local Sales and Use tax - said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ \_\_\_\_\_

Estimated State and local Sales and Use Tax Benefit (product of \_\_\_\_% multiplied by the figure, above):

\$ \_\_\_\_\_

*\*\* Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

**Real Property Tax Benefit:**

Identify and describe if the Project will utilize a real property tax exemption benefit OTHER THAN the Agency's PILOT benefit: \_\_\_\_\_

**IDA PILOT Benefit:** Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit years and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted in Section V of the Application.

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

**J) For the proposed facility, please indicate the square footage for each of the uses outlined below:**

\*If company is paying for furniture, fixtures and equipment for tenants, please include in cost breakdown

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing			
Warehouse			
Research & Development			
Commercial			
Retail (see section K)			
Office			
Specify Other			

**K) What is your project timetable (Provide dates):**

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

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

**L) Have site plans been submitted to the City of Middletown Planning Board, along with an application for a special use permit, if required?**

Yes or  No

*\*\* If yes, please provide the Agency with a copy of the related State Environmental Quality Review Act (“SEQR”) Environmental Assessment Form that may have been required to be submitted along with the site plan application and special use permit application to the City of Middletown Planning Board.*

Please provide the Agency with the status with respect to any required Planning Board approval: \_\_\_\_\_

Has the Project received site plan approval and special use permit approval, if required, from the City of Middletown Planning Board?  Yes or  No.

If Yes, please provide the Agency with a copy of the Planning Board resolution approving the application, along with the related SEQR determination.

**M) Is the project necessary to expand project employment:**  Yes or  No

**N) Is project necessary to retain existing employment:**  Yes or  No

**O) Employment Plan (Specific to the proposed project location):**

	Current # of jobs at proposed project location or to be relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED upon TWO Years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created upon TWO Years after Project Completion **
Full time (FTE)				
Part Time (PTE)				
Total ***				

\*\* For purposes of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. The Labor Market Area includes the City of Middletown as well as the following areas: \_\_\_\_\_

\*\*\* By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the two-year time period following Project completion. Agency staff converts PTE jobs into FTE jobs by dividing the number of PTE jobs by two (2).

Salary and Fringe Benefits for Jobs to be Retained and Created:

Category of Jobs to be Retained and Created	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Management		
Professional		
Administrative		
Production		
Independent Contractor		
Other		

Employment at other locations in City of Middletown: (provide address and number of employees at each location):

	Address	Address	Address
Full time			
Part Time			
Total			

**P) Will any of the facilities described above be closed or subject to reduced activity?**

Yes or  No

*\*\* If any of the facilities described above are located within the State of New York, and you answered Yes to the question, above, you must complete Section IV of this Application.*

*\*\* Please note that the Agency may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.*

**Q) Is the project reasonably necessary to prevent the project occupant from moving out of New York State?**

Yes or  No.

If yes, please explain and identify out-of-state locations investigated, type of assistance offered and provide supporting documentation if available: \_\_\_\_\_

\_\_\_\_\_

**R) What competitive factors led you to inquire about sites outside of New York State? \_\_\_\_\_**

\_\_\_\_\_

\_\_\_\_\_

**S) Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?  Yes or  No.**

If yes, please identify which agencies and what other Local, State and/or Federal assistance and the assistance sought and dollar amount that is anticipated to be received: \_\_\_\_\_

\_\_\_\_\_

**Section III Retail Questionnaire**

**To ensure compliance with Section 862 of the New York General Municipal Law, the Agency 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.**

**Please answer the following:**

- A)** 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 making sales of goods or services to customers who personally visit the project site?

Yes or  No. If the answer is yes, please continue. If no, proceed to section V

For purposes of Question A, 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 sale 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.

- B)** 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% do not complete the remainder of the retail determination and proceed to section V.**

**If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:**

- 1.** Will the project be operated by a not-for-profit corporation  Yes or  No.

- 2.** Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region (list specific County or ED region) in which the project will be located?

Yes or  No

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

- 3.** 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 municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes or  No

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

City of Middletown Industrial Development Agency Application

4. 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 or  No.

If yes, explain \_\_\_\_\_

5. Is the project located in a Highly Distressed Area?  Yes or  No

**Section IV Inter-Municipal Move Determination**

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results 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, Agency Financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant’s competitive position in its respective industry.

NOTES: If you answer “yes” to the questions below, and fail to provide a detailed response then the Agency will be barred from providing any financial assistance.

THE AGENCY IS REQUIRED TO NOTIFY THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY FROM WHICH YOUR FACILITY IS BEING RELOCATED OR ABANDONED. THIS NOTIFICATION WILL BE SENT PRIOR TO THE AGENCY’S CONDUCT OF REQUIRED PUBLIC HEARINGS(S).

CERTIFICATION: Based upon the answers provided within, below, the Company hereby certifies to the Agency that the undertaking of the proposed project and provision of financial assistance to the Company by the Agency will not violate GML Section 862(1).

**Will the Project 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?**

Yes or  No

**Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state?**

Yes or  No

If Yes to either question, explain how, notwithstanding the aforementioned closing or activity reduction, the Agency’s Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant’s competitive position in its respective industry: \_\_\_

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**Does the Project involve relocation or consolidation of a project occupant from another municipality?**

**Within New York State**  Yes or  No

**Within County/City/Town/Village**  Yes or  No

If Yes to either question, please, explain: \_\_\_\_\_

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**Section V: Estimate of Real Property Tax Abatement Benefits\* and Percentage of Project Costs financed from Public Sector sources**

**\* SECTION V OF THIS APPLICATION WILL BE: (I) COMPLETED BY IDA STAFF BASED UPON INFORMATION CONTAINED WITHIN THE APPLICATION, AND (II) PROVIDED TO THE APPLICANT FOR ULTIMATE INCLUSION AS PART OF THIS COMPLETED APPLICATION.**

**Costs =**  
**Financial Assistance**

**Benefits=**  
**Economic Development**

*Estimated Sales Tax Exemption	\$ _____	New jobs created	
		Permanent_____	
		Temporary_____	
		Construction_____	
Estimated Mortgage Tax Exemption	\$ _____	Expected annual payroll	\$ _____
Estimated Property Tax abatement	\$ _____	Expected Gross Receipts	\$ _____
		Additional Revenues to School Districts	_____
		_____	
		_____	
		Additional Revenues to Municipalities	_____
		_____	
		_____	
Estimated Interest Savings IRB Issue	\$ _____	Other Benefits	_____
		Private funds invested	_____
		Likelihood of accomplishing proposed project within three (3) years	
		<input type="checkbox"/> Likely or <input type="checkbox"/> Unlikely	

*\*Estimated Value of Goods and Services to be exempt from sales and use tax as a result of the Agency's involvement in the Project. PLEASE NOTE: These amounts will be verified and there is a potential for a recapture of sales tax exemptions. Any such recapture provisions will be contained in the project documents.*

\$ \_\_\_\_\_ to be used on the NYS ST-60)

**PILOT Estimate Table Worksheet**

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (City of Middletown)/1000	School Tax Rate/1000

\*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
TOTAL							

\*\*\* Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

**Percentage of Project Costs financed from Public Sector Table Worksheet:**

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)

Calculate %

(Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: \_\_\_\_\_%

**Section VI Representations, Certifications and Indemnification**

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

**VI. 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 Section 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, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

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City of Middletown Industrial Development Agency Application

The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency 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.

\_\_\_\_\_  
(Applicant)

By: \_\_\_\_\_  
Name:  
Title:

This Application should be submitted with a \$\_\_\_\_\_ application fee to: \_\_\_\_\_ INDUSTRIAL DEVELOPMENT AGENCY, \_\_\_\_\_

**The Agency will collect a fee of \_\_\_\_\_ at the time of closing.**

**CERTIFICATE LANGUAGE**

\_\_\_\_\_ (Name of chief executive officer of company submitting application) deposes and says that (s)he is the \_\_\_\_\_ (title) of \_\_\_\_\_ (company name), the corporation named in the attached application; that (s)he has read the foregoing application and knows the contents thereof and 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 \_\_\_\_\_ (company name) is because said company is a corporation. The grounds of deponent's belief relative to all matters in 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 said corporation 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 City of Middletown Industrial Development Agency (hereinafter referred to as the "Agency") acting on behalf of Applicant in connection with this application and all matters relating to the issuance of bonds or the provision of financial assistance to which this application relates. If, for any reason whatsoever, Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels, or neglects the application, or, in the case of a bond transaction, if Applicant is unable to find buyers willing to purchase the total bond issue, then upon presentation of an invoice, Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application up to that date and time, including fees to bond or transaction counsel for the Agency and fees of general counsel for the Agency. Upon the successful conclusion and sale of the bond issue or other transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, which amount is payable at closing. The Applicant understands that the Agency's bond counsel's fees, general counsel's fees and administrative fee are considered issuance expenses and, therefore, can only be paid for or reimbursed out of the proceeds of any resultant tax-exempt bond issue up to an aggregate amount not exceeding 2% of the face amount of such tax-exempt issue and any amounts in excess thereof must be paid from fund of the Applicant.

Applicant hereby releases the Agency and the members, officers, servants, agents and employees 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 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 Agency, (B) the Agency's acquisition, construction and/or installation 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.

\_\_\_\_\_  
(Applicant)

By: \_\_\_\_\_  
Name:  
Title:

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**HOLD HARMLESS AGREEMENT**

Applicant hereby releases the City of Middletown Industrial Development Agency (hereinafter referred to as "Agency") and the members, officers, servants, agents and employees thereof 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 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 Agency, (B) the Agency's acquisition, construction and/or installation 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.

\_\_\_\_\_  
(Applicant)

By: \_\_\_\_\_  
Name:  
Title:

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public