

**TOWN OF COLONIE LOCAL DEVELOPMENT CORPORATION
APPLICATION FOR FINANCING OR OTHER ASSISTANCE**

Joseph LaCivita
Executive Director
Telephone: 518-783-2741
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347 Old Niskayuna Road
Public Operations Center
Latham, NY 12110

DATE: _____

APPLICANT: _____ (the "Applicant")

ADDRESS: _____

FEDERAL ID #: _____

CONTACT PERSON: _____ TITLE: _____

TELEPHONE NO.: _____ FAX NO. : _____

EMAIL ADDRESS: _____

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: _____

FIRM: _____

ADDRESS: _____

TELEPHONE NO.: _____ FAX NO.: _____

EMAIL ADDRESS: _____

PLEASE READ THE INSTRUCTIONS ON PAGE 2 OF THIS APPLICATION
BEFORE FILLING OUT THE REST OF THIS FORM

INSTRUCTIONS

1. The answers to the questions contained in this application are necessary to determine the Company's eligibility for financing and other assistance from the Town of Colonie Local Development Corporation (the "Corporation"). These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer, member, partner or other employee of your firm who is thoroughly familiar with the business and affairs of the Company and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Corporation.
2. The Corporation will not approve any application unless, in the judgment of the Corporation, said application contains sufficient information upon which to base a decision whether to approve or tentatively approve the project contemplated therein.
3. Please respond to all items either by filling in blanks by attachment (by marking space "See Attachment Number 1," etc.) or by using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application.
4. If an estimate is given as the answer to a question, put ("est") after the figure or answer which is estimated.
5. When completed, return two (2) copies of this application to the Corporation at the address indicated on the first page of this application.
6. The Corporation will not give final approval to this application until the Corporation receives a completed environmental assessment form concerning the project that is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Corporation (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 competitive issues which if disclosed to the public or otherwise widely disseminated would cause substantial injury to the Company's competitive position, the Applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The Applicant shall pay or cause to be paid to the Corporation all actual costs and expenses (including legal fees) incurred by the Corporation in connection with this application and the project contemplated herein. The costs incurred by the Corporation, including the Corporation's counsel may be considered as a part of the project.
9. The Corporation has established an administrative fee to be paid by the Company, said fee being intended to cover the indirect expenses incurred by the Corporation in administering the project including compiling reports relating to the project. The administrative fee is 1% of the total project cost. The fee shall be payable upon the issuance of the bonds; if the bonds are not issued within six months of the date of adoption of a bond resolution, the Company shall pay all fees and expenses of the Corporation incurred to date, including attorneys' fees.
10. The Corporation has established a non-refundable application fee of \$250.00 to cover the anticipated costs of the Corporation in processing this application. A check or money order made payable to the Corporation must accompany each application. THIS APPLICATION WILL NOT BE ACCEPTED BY THE CORPORATION UNLESS ACCOMPANIED BY THE APPLICATION FEE.
11. **ALL ESTIMATES OF FINANCING AND OTHER ASSISTANCE AND ALL OTHER INFORMATION WILL BE RELIED UPON BY THE CORPORATION. ANY REQUEST FOR CHANGES TO THIS APPLICATION MUST BE MADE IN WRITING AND MAY IMPACT THE GRANT OF FINANCING AND OTHER ASSISTANCE TO THE PROJECT.**

PART I. PROPOSED PROJECT OWNER (“COMPANY”)

1) Company Name: _____
Address: _____
Federal ID No.: _____
If the Company differs from the Applicant, give details of relationship: _____

2) Business Organization of the Company

Type of business organization: _____
State incorporated in: _____

3) Company Ownership

a) Is the Company publicly held? ____ Yes ____ No

i) If yes, list exchanges where stock of the Company is traded: _____

ii) If no, list all stockholders, partners, members or managers having an interest in the ownership or profits of the Company:

Name	Address/Telephone/Email	Percentage of Holding
_____	_____	_____
_____	_____	_____
_____	_____	_____

iii) Has any person listed in Section 3(a)(ii) above ever been convicted of a criminal offense (other than a minor traffic violation)? ____ Yes ____ No

iv) Has any person listed in Section 3(a)(ii) above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? ____ Yes ____ No

v) If yes to (iii) or (iv), please furnish detail in a separate attachment.

4) Company Management

a) List all officers, directors, members, managers, partners and general counsel:

Name	Address/Telephone/Email	Office Held	Principal Business Affiliations
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b) Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ____ Yes ____ No

c) Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? ____ Yes ____ No

d) Is the Company or management of the Company now a plaintiff or a defendant in any criminal litigation? ____ Yes ____ No

e) If yes to (b), (c) or (d) above, please furnish detail in a separate attachment.

5) Company Affiliates and Service Providers

- a) Please list the name of and relationship to any subsidiary or direct or indirect affiliate of the Company: _____

- b) Company's Principal Bank : _____
- c) Commercial real estate broker the Company is utilizing for this project: _____
- d) Please list a few locally based suppliers you use during the course of business operation. These could be raw material, packaging, supplies, equipment vendors, etc.: _____

6) Company's Prior Benefits

- a) Please list any prior industrial development agency and/or local development corporation assistance or any other municipal incentives including, but not limited to, New York State or Local Economic Development Assistance Programs in which the Company (or any Company affiliate) has been involved: _____

- b) Please list any New York State or utility economic development benefits for this project for which the Company has applied: _____
- c) Has the Company or any related person applied to another LDC or IDA in regard to this Project?
 ____ Yes ____ No
 If yes, please provide details of any action taken with respect to and the current status of such application: _____

PART III. PROJECT COST

1) State the costs reasonably necessary for the acquisition of the project site and the construction of the proposed project:

<u>Description of Cost</u>	<u>Amount</u>
Purchase of land	\$ _____
Purchase of existing buildings	\$ _____
Renovations/additions to existing buildings	\$ _____
New building construction	\$ _____
Machinery & equipment cost	\$ _____
Utilities, roads and appurtenant costs	\$ _____
Architects & engineering fees	\$ _____
Legal fees	\$ _____
Construction loan fees & interest	\$ _____
Other (specify).....	\$ _____
TOTAL PROJECT COST	\$ _____

PART III. COST/BENEFIT ANALYSIS

ALL ESTIMATES OF FINANCING AND OTHER ASSISTANCE AND ALL OTHER INFORMATION WILL BE RELIED UPON BY THE CORPORATION. ANY REQUEST FOR CHANGES TO THIS APPLICATION MUST BE MADE IN WRITING AND MAY IMPACT THE GRANT OF FINANCING AND OTHER ASSISTANCE TO THE PROJECT.

1) Estimated value of each type of financing and other assistance sought (indicate N/A if not being requested):

Amount of tax-exempt bonds requested to be issued	\$ _____
Amount of taxable bonds requested to be issued	\$ _____
Maturity requested	_____ years
Mortgage amount	\$ _____
Mortgage recording tax exemption	\$ _____

2) Is there a mortgage or other financing for this project? ____ Yes ____ No
Name of Lender: _____
Approximate amount of financing: _____

3) Amount the Company has invested and plans to invest in the project: _____

4) Percentage of the project to be financed from public sector sources: _____

5) Percentage of the project to be financed from private sector sources: _____

6) Benefits of the project

Existing jobs	_____
Jobs created	_____
Jobs retained	_____
Estimated payroll	_____
Sales tax generated	_____
Property tax/special district tax	_____
Increase in assessed value	_____
Other (please specify)	_____

Projected timeframe for the creation of new jobs: _____

7) Discuss how the project will benefit the Town of Colonie and its residents. _____

PART V. DATA REGARDING PROPOSED PROJECT

1) Summary: (Please provide a brief narrative description of the project including why the Company is undertaking the project and why the Company is requesting the assistance of the Corporation.) _____

2) Type of Project:
_____ Manufacturing _____ Warehouse/Distribution _____ Commercial
_____ Non-Profit _____ Other: _____

3) Location of Proposed Project

Street Address: _____
Tax Map No.: _____
City: _____ Town: _____
Village: _____ School District: _____
Fire District: _____ County: _____

Please attach a map or sketch of the project site.

4) Project Site

a) Approximate size (in acres or square feet): _____
b) Number and approximate size (in square feet) of each existing building: _____
c) Present legal owner: _____
d) Business operation currently at project site: _____
e) Is project site currently vacant or underutilized and if so, for how many years? _____
f) If the Company (or Sublessee) owns the project site, please indicate the purchase price: _____
g) If the Company is not the owner of the project site, is there an option signed with owner to purchase?
_____ If yes, indicate date option signed with owner: _____ Date option expires: _____
Purchase Price: _____ Proposed Closing Date: _____

h) Is the project located within a federally-designated flood zone? _____

5) Project Site Plans

a) Does part of the project consist of construction of a new building or buildings? ____ Yes ____ No
If yes, indicate number and size of new buildings _____
b) Does part of the project consist of additional and/or renovations to the existing buildings? ____ Yes
____ No
If yes, indicate nature of expansion and/or renovation _____
c) Will you be leasing the entire project site or a portion of it? _____
Proposed lease term in years: _____
If a portion, provide the square footage of proposed rented space: _____

Please provide a copy of lease if available.

6) Zoning

- a) Zoning District in which project site is located: _____
- b) Are there any variances or special permits affecting the site? ____ Yes ____ No
If yes, list below and attach copies of all such variances or special permits: _____

- c) Will the project meet current zoning requirements? ____ Yes ____ No
If no, please provide the details/status of any change of zoning request: _____

7) Project Equipment

- a) Does a part of the project consist of the acquisition or installation of machinery, equipment or other personal property (the "Equipment")? ____ Yes ____ No
If yes, describe the Equipment: _____
- b) Will any of the Equipment have been previously used? ____ Yes ____ No
If yes, please provide detail: _____

8) Project Use

- a) What are the principal products to be produced and/or principal activities to be conducted at the project? _____

- b) Is there a likelihood that the Company, but for the contemplated financing or other assistance from the Corporation, would be unable to undertake the project? ____ Yes ____ No

Please explain why the Corporation should undertake the project: _____

- c) Are there facilities within the State of New York that will close or be subject to reduced activity as a result of the project? _____

If yes, please indicate whether the project is reasonably necessary for the Company to maintain its competitive position in its industry or to prevent the Company from moving out of New York State: _____

- d) Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? ____ Yes ____ No

If yes, please explain: _____

9) Project Construction Status

- a) Please discuss the approximate extent of construction and/or acquisition which has commenced and the extent of completion. Indicate whether such specific steps have been completed as site clearance and preparation; completion of foundations; installation of footings; etc.: _____

- b) What is the scheduled completion date of the project? _____
- c) Building/Contractor Name and Address: _____
- d) Architect and/or Engineer Address: _____

PART V. LESSEE OR SUBLESSEE

- 1) Please give the following information with respect to each Sublessee to whom the Company intends to lease or sublease more than 10% (by area or fair market rental value) of the project:
 - a) Lessee/Sublessee name: _____
 - b) Present address: _____
 - c) Relationship to the Company: _____
 - d) Percentage of project to be leased or subleased: _____
 - e) Date of lease or sublease to Sublessee: _____
 - f) Use of project intended: _____

PART VI. EMPLOYMENT IMPACT

Indicate the number of full time equivalent (“FTE”) jobs presently at the Company and the number of FTE jobs that will be employed at the project at the end of the first and second years after the project has been completed, by category, including full time equivalent independent contractors or employees of independent contractors that work at the project location. Do not include construction workers. Indicate the salary and fringe benefit averages or ranges for each category of jobs.

	Present	Year 1	Year 2
Number of Professional/ Managerial/ Technical Jobs			
Estimated Average Salary or Salary Range for Professional/ Managerial/ Technical Jobs			
Estimated Average Benefits or Benefits Range for Professional/ Managerial/ Technical Jobs			
Number of Skilled Jobs			
Estimated Average Salary or Salary Range for Skilled Jobs			
Estimated Average Benefits or Benefits Range for Skilled Jobs			
Number of Unskilled or Semi-Skilled Jobs			
Estimated Average Salary or Salary Range for Unskilled or Semi-Skilled Jobs			

Estimated Average Benefits or Benefits Range for Unskilled or Semi-Skilled Jobs			
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Professional/ Managerial/ Technical Jobs includes jobs which involve skill or competence of extraordinary degree and may include supervisory responsibilities (*Examples:* architect, engineer, accountant, scientist, medical doctor, financial manager, programmer).

Skilled Jobs includes jobs that require specific skill sets, education, training and experience and are generally characterized by high education or expertise levels (*Examples:* electrician, computer operator, administrative assistant, carpenter, sales representative).

Unskilled or Semi-Skilled Jobs includes jobs that require little or no prior acquired skills and involve the performance of simple duties that require the exercise of little or no independent judgment (*Examples:* general cleaner, truck driver, typist, gardener, parking lot attendant, line operator, messenger, information desk clerk, crop harvester, retail salesperson, security guard, telephone solicitor, file clerk).

Please describe or list each job title or position that will be created and/or retained and whether such position is a professional/managerial/technical job, skilled job or unskilled or semi-skilled job: _____

Please detail how many residents of the Economic Development Region as defined by the State Department of Economic Development or the Labor Market Area (defined by the Corporation to consist of Albany County, Schenectady County, Rensselaer County, and Saratoga County) will fill such jobs: _____

Estimate of number of construction jobs to be created and timeframe(s) for such jobs _____

PART VII. COMPANY AFFIRMATIONS

The Company understands and agrees as follows:

- a) Truth of Statements. Submission of any knowingly false or knowingly misleading information may lead to the Corporation not providing any future financing or other assistance and the immediate termination of other assistance provided to this Project.
- b) Annual Employment Reports. If the project receives any financing or other assistance from the Corporation, the Company will file, or cause to be filed, with the Corporation, on an annual basis, a certified statement and documentation (i) enumerating the full time equivalent jobs retained and the full time equivalent jobs created as a result of the financing or other assistance, by category, including full time equivalent independent contractors or employees of independent contractors that work at the project location and (ii) indicating the salary and fringe benefit averages or ranges for categories of jobs retained and jobs created that was provided in this application is still accurate and if it is not still accurate, providing a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created.
- c) Absence of Conflicts of Interest. The Company has received from the Corporation a list of the members, officers and employees of the Corporation. No member, officers or employee of the Corporation has an interest, whether direct or indirect, in any transaction contemplated by this application, except as hereinafter described:

- d) Payment of Fees and Expenses. The Company shall pay all reasonable legal fees and expenses paid or incurred by the Corporation arising out of or connected with the Corporation's undertaking or attempting to undertake the Project or the Corporation's granting or attempting to grant any financing or other assistance with respect to the Project, regardless of whether any such granting is consummated.
- e) Compliance. The Company is in substantial compliance with all applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

IN WITNESS WHEREOF, the Applicant has duly executed this application this _____ day of _____, 20__.

Applicant: _____

By: _____

Name:

Title:

APPLICANT MUST COMPLETE THE VERIFICATION AND HOLD HARMLESS AGREEMENT
APPEARING BELOW BEFORE A NOTARY PUBLIC.

VERIFICATION AND HOLD HARMLESS AGREEMENT

STATE OF NEW YORK)
COUNTY OF _____)

_____, deposes and says that s/he is the
(Name of Individual)

_____ of _____
(Title) *(Applicant Name)*

that s/he has read the foregoing application and knows the contents thereof and that the same is true, accurate and complete to the best of her/his knowledge, as subscribed and affirmed under the penalties of perjury. The grounds of deponent's beliefs relative to all matters in the said application which are not stated upon his own personal knowledge are investigations which the deponent has caused to be made concerning the subject matter of this application as well as, if applicable; information acquired by deponent in the course of her/his duties for the applicant and from the books, and papers of the applicant.

Deponent on behalf of applicant hereby releases the Town of Colonie Local Development Corporation and the members, officers, servants, agents and employees thereof (herein collectively referred to as the "Corporation") from, agrees that the Corporation shall not be liable for and agrees to indemnify, defend and hold the Corporation harmless from and against any and all liability arising from or expense incurred by (i) the Corporation's examination and processing of; and action pursuant to or upon, the attached Application, regardless of whether the Application or the project described therein are favorably acted upon by the Corporation and (ii) the Corporation's granting of financing or other assistance to the Applicant; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Corporation, its agents or assigns all actual costs incurred by the Corporation in the processing of the Application, including attorneys' fees, if any.

(Applicant Representative's Signature)

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

Notary Public