

8/20/14



## Application for Benefits

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**Broome County Industrial  
Development Agency**



Binghamton, NY USA | 607.584.9000 | [www.bcida.com](http://www.bcida.com)

## Instructions

1. The Agency will not consider any application unless, in the judgment of the Agency, said application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the Project).
3. If an estimate is given as the answer to 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 three (3) copies of this application to the Agency at the address indicated on the application.
6. The Agency will not give final approval to the application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are certain elements of the Project which are in the nature of trade secrets of 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 such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The Agency has established a non-refundable application fee of One Thousand (\$1,000) Dollars to cover the anticipated costs of the Agency in processing this application. A check or money order payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
9. The Agency has established a project fee for each project in which the Agency participates. **THIS PROJECT FEE of 1% of total Project costs IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY.** The applicant will also be expected to pay to the Agency all actual costs incurred in connection with the application including all costs incurred by general counsel and bond counsel.
10. The Agency will charge annually an administrative fee of 5 basis points computed on the cost of the Project to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.
11. Chapter 59 of the Laws of 2013 (Part J), effective March 28, 2013 (the "2013 Budget Law"), established new record keeping, reporting, and recapture requirements for industrial development agencies that receive sales tax exemptions. The new law requires the following: 1) to keep records of the amount of sales tax benefits provided to each Project and make those records available to the State upon request; 2) that within 30 days after providing financial assistance to a Project, the Agency must report the amount of sales tax benefits intended to be provided to a Project; and 3) a requirement that the Agency post on the Internet and make available without charge copies of its resolutions and Project agreements.
12. The 2013 Budget Law also requires that the Agency recapture State sales tax benefits where: 1) the Project is not entitled to receive those benefits; 2) the exemptions exceed the amount authorized or claimed for unauthorized property or services; or 3) the Project operator failed to use property or services in a manner required by its agreement with the Agency.
13. The Applicant requesting a sales tax exemption from the Agency must include in the application a realistic estimate of the value of the savings anticipated to be received by the applicant. **EACH APPLICANT IS HEREBY ADVISED TO PROVIDE REALISTIC SALES TAX ESTIMATES IN THE APPLICATION**, as the 2013 Budget Law and the regulations expected to be enacted thereunder are expected to require that the Agency recapture any benefit that exceeds the amount listed in the application.
14. Project Applicants as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage tax exemption, real property tax abatement, and/or bond proceeds) from the Agency will be required to utilize qualified local labor and/or contractors as defined in Appendix A of the application, for all projects involving the construction, expansion, equipping, demolition and or/ remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

## Application for Financial Assistance

### APPLICANT

Name: ADEC Solutions USA, Inc.

Applicant's Street Address: 10 Monument Street

City: Deposit State: NY Zip Code: 13754 Phone: 607-467-4800

Name of person(s) authorized to speak for applicant with respect to this application:

George Vastardis or Marisel Arbolenta

Phone: 607-467-4600

Title: BPO Director or Comptroller respectively Email: george.vastardis@adec-group.com; m.arbolenta@adec-solutions.com

### APPLICANT'S COUNSEL

Name: Cheryl I. Sacco, Esq.

Firm: Coughlin & Gerhart LLP

Address: 99 Corporate Drive

City: Binghamton State: NY Zip Code: 13902 Phone: 607-723-9511

Email: csacco@cglawoffices.com

### APPLICANT'S ACCOUNTANT

Name: James R. Smith

Firm: Johnson Lauder & Savidge LLC

Address: 2 Court St.

City: Binghamton State: NY Zip Code: 13901 Phone: 607-732-8216 ext. 304

Email: jsmith@jls CPA.com

**Please outline on a separate sheet of paper any other professionals involved in the project (i.e., Design Professional, General Contractor).**

### PROJECT SUMMARY

A. Type of Project:  Manufacturing  Warehouse/Distribution  Commercial  
 Not-for-Profit  Other-Specify Business Process Outsourcing

B. Employment Impact: Existing Jobs: Zero  
(Broome County) New Jobs: 78 by Yr 1

C. Project Cost: \$ 920,000.00

D. Type of Financing:  Tax-Exempt  Taxable  Straight Lease

E. Amount of Bonds Requested: \$ 0

F. Amount of New Mortgage(s) required for project: \$ 710,000.00

G. Project-Related Costs Subject to Sales Tax: \$ 200,000.00

H. Estimated Value of Tax Exemptions:

NYS Sales and Compensating Use Tax	\$ 8,000.00
Mortgage Recording Taxes	\$ 7,100.00
Real Property Tax Exemptions	\$ TBD
Other (please specify)	\$ 3,650.00(transfer tax)

**APPLICANT INFORMATION**

Employer's Federal ID No. 16-1564978 NAICS Code 514210

**1. Indicate type of business organization of Applicant:**

- a.  Corporation Incorporated in what country USA; What State NY  
 Date Incorporated 2000 Type of Corporation: C Corp.  
 Authorized to do business in New York:  Yes  No
- b.  Partnership Type of Partnership \_\_\_\_\_  
 Number of General Partners \_\_\_\_\_ Number of Limited Partners \_\_\_\_\_
- c.  Sole Proprietorship
- d.  Limited Liability Applicant Date Created \_\_\_\_\_

2. Is the Applicant a subsidiary or direct or indirect affiliate of any other organization(s)? If so, name of related organization(s) and relationship: ADEC Solutions Ltd. Bermuda (Holding Company)

**MANAGEMENT OF APPLICANT**

List all owners, directors and partners

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Jose Renato T. Badalles Bldg. 17 La Fuerza Cmpd. Alabang-Zapote Rd. Almanza Las Pinas City Philippines	Shareholder and President	

Within the past five years has the Applicant, any affiliate, any predecessor company or entity, owner, director, officer, partner or any contractor affiliated with the proposed project been the subject of:

1. an indictment, judgment, conviction, or a grant of immunity, including pending actions, for any business-related conduct constituting a crime?  Yes  No
2. a government suspension or debarment, rejection of any bid or disapproval of any proposed contract, including pending actions, or for lack of responsibility?  Yes  No
3. any final governmental determination of a violation of any public works law or regulation, or labor law regulation?  Yes  No
4. a consent order with the NYS Dept. of Environmental Conservation?  Yes  No
5. an unsatisfied judgment, Injunction or lien for any business-related conduct obtained by any federal, state or local government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed?  Yes  No
6. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated in a bankruptcy?  Yes  No

If the answer to any question 1 through 6 above is yes, please furnish details on a separate attachment.

Is the Applicant publicly held?  Yes  No List Exchanges where stock is traded and list all stockholders having a 5% or more interest in the Applicant.

NAME	ADDRESS	PERCENTAGE OF HOLDING

APPLICANT'S PRINCIPAL BANK(S) OF ACCOUNT: Peoples Security Bank and Trust Company and PlainsCapital Bank

**PROJECT DATA**

1. Attach a complete narrative description of Project including location, proposed product lines and market projections, square feet by usage, type of construction, machinery for products, machinery for building, office and parking.
2. Attach a photo of the site or existing facility to be improved.
3. Attach copies of preliminary plans or sketches of proposed construction or floor plan of existing facility.
4. Are utilities on site or must they be brought in? If so, which ones?

Majority are on site. Dark Fiber to be brought on site within 18 months by BCIDA.

5. Who presently is legal owner of building or site? BCIDA

6. Is there a purchase option in force or other legal or common control in the project?  Yes  No  
If so, furnish details in a separate attachment.

Is there an existing or proposed lease for all or a portion of the project?  Yes  No

7. If Applicant will not occupy 100% of the building in a real estate related transaction, provide information on tenant(s) on a separate sheet including: name, present address, employer fed. ID no., percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

8. Is owner or tenant(s) responsible for payment of real property taxes? Owner Yes Tenant \_\_\_\_\_

9. Zoning district in which Project is located: Economic Development District Zone

10. Are there any variances or special permits required?  Yes  No If yes, please explain:

**Special permit from the Town Board is needed.**

11. Will the completion of the Project result in the removal of a plant or facility of the Applicant or another proposed occupant of the project from one area of the State of New York to another area of the State?  Yes  No  
If yes, please explain:

[Empty box for explanation]

12. Will the completion of the Project result in the abandonment/disposal of one or more plants or facilities of the Applicant located in New York State?  Yes  No If yes, please explain:

[Empty box for explanation]

13. If the answer to question 11 or 12 is yes, indicate whether any of the following apply to the Project:

a. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant?  Yes  No If yes, explain:

The location will be a redundancy site for an existing facility and for new and existing clients and will create new jobs that will be placed in that facility

b. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from relocating outside of New York State?  Yes  No If yes, explain:

[Empty box for explanation]

14. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities?  Yes  No If yes, please provide detail:

[Empty box for detail]

15. If the answer to question 14 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? \_\_\_\_\_%

16. If the answer to question 14 is yes, and the answer to question 15 is more than 33.33%, indicate whether any of the following apply to the Project:

a. Will the Project be operated by a not-for-profit corporation?  Yes  No If yes, please explain:

b. Will the Project likely attract a significant number of visitors from outside the economic development region in which the Project will be located?  Yes  No If yes, please explain:

**May include some client site visits, but that will be numbered.**

c. Would the Project Occupant, but for the contemplated financial assistance from the Agency, locate the related jobs outside New York State?  Yes  No If yes, please explain:

d. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services?  Yes  No If yes, please explain:

e. Will the Project be located in one of the following: 1) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or 2) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most recent census data, has a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance; and 3) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates?  Yes  No If yes, please explain:

f. If the answers to any of subdivisions c. through e. of question 16 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?  Yes  No If yes, please explain:

17. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any federal, city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? State Historic Preservation? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals.

Conklin Town Board special permit, Conklin Building and Occupancy Permits, GML 239 review by Broome County

18. Describe the nature of the involvement of the federal, state or local agencies described above:

**See number 17.**

19. Has construction work on this project begun?  Yes  No If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation, completion of foundations, installation of footings, etc.

20. Please indicate amount of funds expended on this Project by the Applicant in the past three (3) years and the purposes of such expenditures:

**Applicant does not current own the property.**

### Project Benefits/Costs

1. Name of Project Beneficiary ("Applicant"): ADEC Solutions USA, Inc.

2. Estimated Amount of Project Benefits Sought:

- |   |             |
|---|-------------|
| A. Amount of Bonds Sought                           | \$ 0        |
| B. Value of Sales Tax Exemption Sought              | \$ 8,000.00 |
| C. Value of Real Property Tax Exemption Sought      | \$ TBD      |
| D. Value of Mortgage Recording Tax Exemption Sought | \$ 7,100.00 |
| E. Interest Savings IRB Issue                       | \$          |

3. Projected Project Investment:

- |   |                 |
|---|-----------------|
| <b>A. Land-Related Costs</b>                      |                 |
| 1. Land acquisition                               | \$ 710,000.00   |
| 2. Site preparation                               | \$              |
| 3. Landscaping                                    | \$ 2,500.00     |
| 4. Utilities and infrastructure development       | \$              |
| 5. Access roads and parking development           | \$              |
| 6. Other land-related costs (describe)            | \$              |
| <b>B. Building-Related Costs</b>                  |                 |
| 1. Acquisition of existing structures             | \$              |
| 2. Renovation of existing structures              | \$              |
| 3. New construction costs                         | ✓ \$ 57,375.00  |
| <b>C. Machinery and Equipment Costs</b>           | ✓ \$ 110,000.00 |
| <b>D. Furniture and Fixture Costs</b>             | ✓ \$ 30,625.00  |
| <b>E. Working Capital Costs</b>                   | \$              |
| <b>F. Professional Services/Development Costs</b> |                 |
| 1. Architecture and Engineering                   | ✓ \$ 5,000.00   |
| 2. Accounting/legal                               | ✓ \$ 4,000.00   |
| 3. Development Fee                                | \$              |
| 4. Other service-related costs (describe)         | \$              |
| 5. BCIDA Fees                                     | ✓ \$ 1,000.00   |
| <b>G. Other Costs</b>                             | \$              |



**H. Summary of Expenditures**

1. Total Land-Related Costs	\$ 712,500.00
2. Total Building-Related Costs	\$ 57,375.00
3. Total Machinery and Equipment Costs	\$ 110,000.00
4. Total Furniture and Fixture Costs	\$ 30,625.00
5. Total Working Capital Costs	\$ _____
6. Total Professional Services/Development Costs	\$ 10,000.00
7. Total Other Costs	\$ _____

**TOTAL PROJECT EXPENDITURES**

\$ 820,500.00

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Have any of the above expenditures already been made by the applicant?  Yes  No  
If yes, please provide details:

\_\_\_\_\_

PLEASE LIST ANY NON-FINANCIAL PUBLIC BENEFITS THAT THE PROJECT WILL PROVIDE:

\_\_\_\_\_

Project includes the occupancy of a currently vacant manufacturing building with the creation of over 150 permanent jobs in a (2) two year period

## Projected Construction Employment Impact

1. Please provide estimates of total construction jobs at the Project:

Year	Construction Jobs (Annual wages and benefits \$40,000 and under)	Construction Jobs (Annual wages and benefits over \$40,000)
Current	N/A	
Year 1		
Year 2		
Year 3		

2. Please provide estimates of total annual wages and benefits of total construction jobs at the Project:

Year	Total Annual Wages and Benefits
Current	\$
Year 1	\$
Year 2	\$
Year 3	\$

*It is the policy of the BCIDA to require the Applicant to use local labor, contractors and suppliers in projects that the Agency is providing financial assistance for. Please refer to Appendix. Local labor, contractors and suppliers shall be defined as individuals and companies residing in Counties within a 50 mile radius of the Project site.*

### Projected Permanent Employment Impact

<b>CURRENT EMPLOYMENT FIGURES - YEAR ONE</b>	<b>Under \$30,000</b>	<b>\$30,000– \$50,000</b>	<b>\$50,000 \$75,000</b>	<b>Over \$75,000</b>
Number of Full-Time Employees (FTE) earning	0	0	0	1
Number of Part-Time Employees (FTE) earning				

TOTAL PAYROLL FOR FULL-TIME EMPLOYEES	\$
TOTAL PAYROLL FOR PART-TIME EMPLOYEES	\$
TOTAL PAYROLL FOR ALL EMPLOYEES	\$

<b>PROJECTED EMPLOYMENT FIGURES - YEAR ONE</b>	<b>Under \$30,000</b>	<b>\$30,000– \$50,000</b>	<b>\$50,000 \$75,000</b>	<b>Over \$75,000</b>
Number of Full-Time Employees (FTE) earning	75	2		1
Number of Part-Time Employees (FTE) earning				

TOTAL PAYROLL FOR FULL-TIME EMPLOYEES	\$ 1,750,000.00
TOTAL PAYROLL FOR PART-TIME EMPLOYEES	\$
TOTAL PAYROLL FOR ALL EMPLOYEES	\$ 1,750,000.00

<b>PROJECTED EMPLOYMENT FIGURES - YEAR TWO</b>	<b>Under \$30,000</b>	<b>\$30,000– \$50,000</b>	<b>\$50,000 \$75,000</b>	<b>Over \$75,000</b>
Number of Full-Time Employees (FTE) earning	125	7		1
Number of Part-Time Employees (FTE) earning				

TOTAL PAYROLL FOR FULL-TIME EMPLOYEES	\$ 2,595,000.00
TOTAL PAYROLL FOR PART-TIME EMPLOYEES	\$
TOTAL PAYROLL FOR ALL EMPLOYEES	\$ 2,595,000.00

## Representations By The Applicant

The Applicant understands and agrees with the Agency as follows:

1. **Job Listings:** 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 "DOC") and with the administrative entity (collectively with the DOC, 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.
2. **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.
3. **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.
4. **Employment:** 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. The Chief Executive Office shall submit to the Agency prior to February 1 of each year, a written certification setting forth:
  - Number of full-time employees at the Project location in the preceding calendar year;
  - Number of part-time employees at the Project location in the preceding calendar year;
  - Gross payroll of all employees at the Project location in the preceding calendar year.
5. **Recapture Policy:** The Agency reserves the right to include in the transaction documents the recapturing of the total value of real property/sales tax exemptions approved for a Project if any of the following conditions arise:
  - a. The Project Facility as defined in the PILOT/Lease Agreement is sold or closed and the Applicant leaves or departs Broome County.
  - b. There is a significant change in the use of the Project Facility and/or business activities of the Applicant.
  - c. There is a significant reduction in the number of full/part-time jobs at the Project Facility in comparison to what was estimated in the Applicant's Project Application that are not reflective of the Applicant's normal business cycle or national economic conditions.
  - d. The Applicant fails to fully comply with all periodic and/or annual reporting requirements of the Agency, State or Federal government.
  - e. The Applicant failed to achieve any minimal new job creation figures specified by and within the timeframes specified by the Agency.
6. **Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

**7. Apparent Conflicts:** Has the Applicant provided any personal gifts, loans or campaign contributions to any local or State political party or elected individual in the preceding 12 months?  Yes  No If yes, please describe:

**8. Fees:** This Application must be submitted with a non-refundable \$1,000 application fee to the Broome County Industrial Development Agency.

The Agency has established a general Agency fee in the amount of 1% of the total cost of the project.

The Agency will charge annually an administrative fee of 5 basis points computed on the total cost of the project to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.



Applicant

By:

Marisel L. Arbolente

Title:

Comptroller

## Document Lists

*(A copy of this list should be provided to Applicant's legal counsel)*

Please ensure that the following items are delivered with the application:

1. A \$1,000 Application Fee.  Yes  No ?
2. An EAF (Environmental Assessment Form).  Yes  No ?
3. Have financing arrangements been made?  Yes  No

Prior to the closing of this transaction, Applicant shall deliver the following documentation (where applicable to the Project) to BCIDA's legal counsel:

1. Insurance Certificates
  - Certificate of Worker's Compensation Insurance (BCIDA named as additional insured).  Yes  No
  - Certificate of General Liability Insurance (BCIDA named as additional insured). Limits not less than \$1,000,000 per occurrence/accident and a blanket excess liability not less than \$3,000,000.  Yes  No
  - Certificate of insurance against loss/damage by fire, lightning or other casualties with a uniform standard extended coverage endorsement in an amount not less than the full replacement value of the Facility (BCIDA named as additional insured).  Yes  No
2. Certificate of Incorporation/Articles of Organization together with all amendments or restatements thereto.  Yes  No
3. By-Laws/Operating Agreement together with any amendments thereto.  Yes  No
4. Good Standing Certificate(s) issued by the State of Incorporation/Organization of the Applicant and NYS.  Yes  No
5. Resolutions of the Board of Directors/Members of the Applicant approving the Project.  Yes  No
6. List of all Material Pending Litigation of the Applicant.  Yes  No
7. List of all Underground Storage Tanks containing Hazardous Materials at the Project.  Yes  No
8. List of all Required Environmental Permits for the Project.  Yes  No
9. Legal Description of the Project Premises.  Yes  No ?
10. Name and title of person signing on behalf of the Applicant.  Yes  No
11. Copy of the proposed Mortgage (if any).  Yes  No
12. Applicant's Federal Tax ID Number (EIN).  Yes  No ?
13. Tax Map Number of Parcel(s) comprising the Project.  Yes  No
14. Copy of the Certificate of Occupancy (as soon as available).  Yes  No

## Certification

The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentations made in this Application constitute an act of fraud, resulting in revocation of BCIDA Benefits.

The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which own a minimum of 20% of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term on any agreements made in connection with the Application.

Applicant hereby releases Broome County Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (i) 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 Issue of bonds requested therein are favorably acted upon by the Agency; and (ii) the Agency's financing of the Project described therein, including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

BY: \_\_\_\_\_

(Applicant)

Sworn to before me this

30<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
(Notary Public)

NATALIE ABBADESSA Notary Public, State of New York Registration #01AB6221930 Qualified In Broome County Commission Expires May 10, 2018
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**APPENDIX**  
**Attachment to Application for Financial Assistance**

**LOCAL LABOR POLICY AGREEMENT**

Project Applicant's, as a condition to receiving Financial Assistance (including sales tax exemption, mortgage recording tax exemption, real property tax abatement, and/or bond proceeds) from the Broome County Industrial Development Agency (the "Agency") will be required to use local general contractors, subcontractors, and labor for 100% of the construction of new, expanded, or renovated facilities. Local general/subcontractor/labor is defined as a contractor operating a permanent office or an individual that resides within a County that is within a 50 mile radius of the project site.

This requirement may be met by using one or a combination of two methods.

**90% Local Labor Requirement:** At least 90% of all Project employees of the general contractor, subcontractor, or subcontractor to the subcontractor (collectively, the "Workers") must reside within Counties that are within a 50 mile radius of the Project site. Companies do not have to be local companies as defined herein, but must employ local Workers within the Local Labor Area to qualify under the 90% local labor criteria. (See attached Local Labor Utilization Report.)

**Local Company Requirement:** 100% of the construction of new, expanded, or renovated facilities must be completed by local contractors as defined herein. The Project's construction or project manager need not be a local company. (See attached Local Contractors Form.)

The Broome County Industrial Development Agency may determine on a case-by-case basis to waive the local labor policy for a project or a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services, documented lack of Workers meeting the Local Labor Requirement or other compelling circumstances exist.

In consideration of the extension of Financial Assistance by the Agency ADEC SOLUTIONS USA, INC (the Applicant) understands the Local Labor Policy and agrees to submit either or both a Local Labor Utilization Report or a Local Contractor Form at the time of the Application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the ADEC SOLUTIONS USA, INC (the Project). The Applicant understands an Agency tax-exempt certificate is valid for 90 days effective the date of the Project inducement and extended for 90 day periods thereafter upon request by the Applicant. The Applicant further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency before a tax-exempt certificate is issued or extended. The Applicant further understands that if the required forms are not submitted to the Agency, then the Agency shall have the authority to immediately terminate any and all Financial Assistance being provided to the Project.

The following organizations must be solicited for the purpose of meeting the requirements of this Agreement:

Associated Building Contractors of the Triple Cities  
15 Belden Street  
Binghamton, NY 13903

Greater Binghamton Chamber of Commerce  
49 Court Street  
Binghamton, NY 13901

Binghamton/Oneonta Building Trades Council  
11 Griswold Street  
Binghamton, NY 13904

Southern Tier Building Trades Council  
1200 Clemens Center Parkway  
Elmira, NY 14901



X

Tompkins-Cortland Building Trades Council  
622 West State Street  
Ithaca, NY 14850

Dodge Reports

<http://construction.com/dodge/submit-project.asp>

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the Project as of 6/30/15 (date).

Applicant: ADEC Solutions USA Inc.

Representative for Contract Bids/Awards: George Vastardis

Address: 56 Broome Corporate Parkway

City: Cornell State: NY Zip Code: \_\_\_\_\_

Email: g.vastardis@adecsolutions-usa.com


Project Address: 56 Broome Corporate Parkway

Authorized Representative: George Vastardis Title: BPO Director

Signature: 

Sworn to before me this

30<sup>th</sup> day of June, 2015.

  
(Notary Public)

NATALIE ABBADESSA  
Notary Public, State of New York  
Registration #01AB6221930  
Qualified In Broome County  
Commission Expires May 10, 2018

## Local Labor Utilization Report

Applicant: ADEC Solutions USA, INC.  
 Project Address: 56 Broome County Parkway  
 City: Conklin State: NY Zip Code: \_\_\_\_\_ Phone: (607)  
 Email: \_\_\_\_\_

**COMPLETE FOR ALL CONSTRUCTION CONTRACTORS WHO ARE NOT CONSIDERED LOCAL  
 AND ARE WORKING OR WHO HAVE WORKED ON THIS SITE**

Vendor Name: \_\_\_\_\_  
 Vendor Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

List number of employees residing in each:

ZIP CODE	COUNTY	# OF EMPLOYEES
Example: 13901	Broome	10

CHECK IF CONSTRUCTION IS COMPLETE   
 CHECK IF THIS IS YOUR FINAL REPORT

**I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE EMPLOYEES THAT ARE EMPLOYED BY MY COMPANY  
 WHO ARE WORKING AND WHO RESIDE IN THE COUNTIES WITHIN A 50 MILE RADIUS OF THE PROJECT SITE.**

\_\_\_\_\_  
 Company Representative