

## APPLICATION FOR BENEFITS

### 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 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 the 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: Pacemaker Steel and Piping Company, Inc.

APPLICANT'S STREET ADDRESS: 2 North Floral Avenue

CITY: Binghamton

STATE: NY

ZIP: 13905

PHONE: 607-798-0671

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION:

James W. Siepiola

PHONE: 315-235-2661

TITLE: Chief Financial Officer

EMAIL: jsiepiola@pacemakersteel.com

## APPLICANT'S COUNSEL

NAME: Linda E. Romano, Esq.

FIRM: Bond, Schoeneck & King, PLLC

EMAIL: lromano@bsk.com

ADDRESS: 501 Main Street

CITY: Utica

STATE: NY

ZIP: 13501

PHONE: 315-738-1223

## APPLICANT'S ACCOUNTANT

NAME: Victor Vaccaro

FIRM: Dannible & McKee

EMAIL: vvaccaro@dmcpas.com

ADDRESS: 221 S. Warren Street

CITY: Syracuse

STATE: NY

ZIP: 13202

PHONE: 315-472-9127

**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

B: EMPLOYMENT IMPACT (BROOME COUNTY): EXISTING JOBS: 25  
NEW JOBS: 5

C: PROJECT COST: \$ 1,612,750 D: TYPE OF FINANCING:  TAX-EXEMPT  TAXABLE  STRAIGHT LEASE

E: AMOUNT OF BONDS REQUESTED: \$ N/A F: AMOUNT OF NEW MORTGAGE(S) REQUIRED FOR PROJECT: \$ 0

G: PROJECT-RELATED COSTS SUBJECT TO SALES TAX: \$ 0

H: ESTIMATED VALUE OF TAX EXEMPTIONS:

NYS SALES AND COMPENSATING USE TAX	\$ 0	MORTGAGE RECORDING TAXES	\$ 0
REAL PROPERTY TAX EXEMPTIONS	\$ unknown		
OTHER (PLEASE SPECIFY)			\$

## APPLICANT INFORMATION

EMPLOYER'S FEDERAL ID NO. 16-1614925 NAICS CODE 423500

1. INDICATE TYPE OF BUSINESS ORGANIZATION OF APPLICANT:

A.  CORPORATION INCORPORATED IN WHAT COUNTRY USA WHAT STATE Delaware  
DATE INCORPORATED 12/19/2001 TYPE OF CORPORATION S-corp  
AUTHORIZED TO DO BUSINESS IN NEW YORK:  YES  NO

B.  PARTNERSHIP TYPE OF PARTNERSHIP # OF GENERAL PARTNERS # 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:  
No

## MANAGEMENT OF APPLICANT

List all owners, directors and partners

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
See attachment		

**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:**

- an indictment, judgment, conviction, or a grant of immunity, including pending actions, for any business-related conduct constituting a crime?  YES  NO
- 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
- any final governmental determination of a violation of any public works law or regulation, or labor law regulation?  YES  NO
- a consent order with the NYS Dept. of Environmental Conservation?  YES  NO
- 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
- 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**

NBT Bank, National Association

**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?

Utilities are on site

5. Who presently is legal owner of building or site? **ESK Realty, LLC (Empire Recycling)**

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

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**  **TENANT**

9. Zoning district in which Project is located **heavy industrial**

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

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? If yes, please explain:  YES  NO

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? If yes, please explain:  YES  NO

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? If yes, please explain:  YES  NO

See attachment

B. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from relocating outside of New York state? If yes, please explain:  YES  NO

Applicant is not likely to relocate outside of New York State, but it owns facilities in Utica, New York and Manchester, New York. While we prefer to expand our Binghamton facility, we do have the opportunity to expand elsewhere.

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? If yes, please explain:  YES  NO

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? If yes, please explain:  YES  NO

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

C. Would the Project Occupant, but for the contemplated financial assistance from The Agency, locate the related jobs outside New York state? If yes, please explain:  YES  NO

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? If yes, please explain:  YES  NO

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? If yes, please explain:

YES  NO

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

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.

Empire State Development ("ESD")

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

ESD is providing a \$223,000 grant to Applicant pursuant to an Incentive Proposal dated July 13, 2015 between Applicant and ESD (Project #Z942/CFA #41920)

19. Has construction work on this project begun? 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.

YES  NO

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:

Originally, the Applicant was going to expand the N. Floral Avenue facility and spent \$50,000 in legal and engineering costs toward that end. Now that the scope of the project has shifted to the acquisition of the Broad Avenue facility, the expansion project will be postponed to a later date.

## PROJECT BENEFITS/COSTS

### 1. NAME OF PROJECT BENEFICIARY ("APPLICANT"):

Pacemaker Steel and Piping Company, Inc.

### 2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

A. Amount of Bonds Sought	\$ 0
B. Value of Sales Tax Exemption Sought	\$ 0
C. Value of Real Property Tax Exemption Sought	\$ unknown
D. Value of Mortgage Recording Tax Exemption Sought	\$ 0
E. Interest Savings IRB Issue	\$ 0

### 3. PROJECTED PROJECT INVESTMENT:

#### A. Land-Related Costs

1. Land acquisition	\$ 0
2. Site preparation	\$ 0
3. Landscaping	\$ 0
4. Utilities and infrastructure development	\$ 0
5. Access roads and parking development	\$ 0
6. Other land-related costs (describe)	\$ 0

#### B. Building-Related Costs

1. Acquisition of existing structures	\$ 800,000
2. Renovation of existing structures	\$ 0
3. New construction costs	\$ 0

#### C. Machinery and Equipment Costs

\$ 525,000

#### D. Furniture and Fixture Costs

\$ 10,000

#### E. Working Capital Costs

\$ 250,000



**F. Professional Services/Development Costs**

1. Architecture and Engineering	\$ 1,900
2. Accounting/legal	\$ 10,000
3. Development Fee	\$ 0
4. Other service-related costs (describe)	\$ 0
5. The Agency Fees	\$ 15,850

**G. Other Costs** \$ 0

**H. Summary of Expenditures**

1. Total Land-Related Costs	\$ 0
2. Total Building-Related Costs	\$ 800,000
3. Total Machinery and Equipment Costs	\$ 525,000
4. Total Furniture and Fixture Costs	\$ 10,000
5. Total Working Capital Costs	\$ 250,000
6. Total Professional Services/Development Costs	\$ 27,750
7. Total Other Costs	\$ 0

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**TOTAL PROJECT EXPENDITURES \$ 1,612,750**

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

Deposit for purchase contract \$10,000

Please list any non-financial public benefits that the project will provide:

None

## 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	0	0
YEAR 1	0	0
YEAR 2	0	0
YEAR 3	0	0

1. Please provide estimates of total annual wages and benefits of total construction jobs at the project:

YEAR	TOTAL ANNUAL WAGES AND BENEFITS
CURRENT	\$ 0
YEAR 1	\$ 270,958
YEAR 2	\$ 295,347
YEAR 3	\$ 336,559

*It is the policy of The Agency to require the Applicant to use local labor, contractors and suppliers in projects that The Agency is providing financial assistance for. Please refer to the Appendix (page 16). 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	0
Number of Part-Time Employees earning	0	0	0	0
Total Payroll For Full-Time Employees	\$ 0	0	0	0
Total Payroll For Part-Time Employees	\$ 0	0	0	0
Total Payroll For All Employees	\$ 0	0	0	0

<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	0	4	1	0
Number of Part-Time Employees earning	0	0	0	0
Total Payroll For Full-Time Employees	\$ 0	210,958	60,000	0
Total Payroll For Part-Time Employees	\$ 0	0	0	0
Total Payroll For All Employees	\$ 0	210,958	60,000	0

<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	0	4	1	0
Number of Part-Time Employees earning	0	0	0	0
Total Payroll For Full-Time Employees	\$ 0	232,347	63,000	0
Total Payroll For Part-Time Employees	\$ 0	0	0	0
Total Payroll For All Employees	\$ 0	232,347	63,000	0

## 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 reviewed from the Agency a list of the members, officers and employees, which is publically viewable at [www.theagency-ny.com](http://www.theagency-ny.com). 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 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.

Pacemaker Steel and Piping Company, Inc.

Applicant

By:

*James W. Spina*

Title:

*Chief Financial Officer*

## 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 The Agency'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 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 The 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

10<sup>th</sup> day of May, 2016.

  
(Notary Public)

**LAURA S. RUBERTO**  
Notary Public, State of New York  
Appointed in Oneida County  
Reg. No. 01RU5031396  
Commission Expires August 1, 2018

## APPENDIX – ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE

### Local Labor Policy Agreement

Project Applicants, 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 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 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 \_\_\_\_\_ (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 \_\_\_\_\_ (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

#### **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 \_\_\_\_\_ (date).

APPLICANT: \_\_\_\_\_

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Sworn to before me this

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

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

## LOCAL LABOR UTILIZATION REPORT

APPLICANT:

PROJECT ADDRESS:

CITY:

STATE:

ZIP:

PHONE:

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:

PHONE:

EMAIL:

List number of employees residing in each:

ZIP CODE	COUNTY	# OF EMPLOYEES
Example: 13891	Example: Broome	Example: 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)

# LOCAL CONSTRUCTION COMPANY FORM

APPLICANT: \_\_\_\_\_

PROJECT ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_

GENERAL CONTRACTOR/CONSTRUCTION MANAGER: \_\_\_\_\_

CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
PF&E					
Utilities					
Paving/Landscaping					

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)

**Attachment to Application for Financial Assistance  
Applicant: Pacemaker Steel and Piping Company, Inc.**

**PROFESSIONALS INVOLVED IN THE PROJECT:**

Purchaser's Structural Engineer: Keystone Associates  
Architects, Engineers and Surveyors, LLC  
58 Exchange Street  
Binghamton, New York 13901

Paul T. Woodward, Designer  
Tel: (607) 722-1100, ext. 161  
Fax: (607) 722-2515  
[pwoodward@keyscomp.com](mailto:pwoodward@keyscomp.com)

**MANAGEMENT OF APPLICANT:**

<u>Name and Home Address</u>	<u>Office Held</u>	<u>Other Principal Businesses</u>
The Romano Family Pacemaker Trust 501 Main Street Utica, New York 13501	Shareholder	The Fountainhead Group, Inc.
Richard W. Evans 16 Barley Mow Run New Hartford, New York 13413	Shareholder, Director, COO, Executive VP	
Jeffrey Ulrich 1712 Ayres Court Vestal, New York 13850	Shareholder, Vice Pres.	
James Siepiola 3957 Griffin Road Clinton, New York 13221	Shareholder, CFO	
F. Eugene Romano 501 Main Street Utica, New York 13501	Director, Chairman, President	
Linda E. Romano, Esq. 501 Main Street Utica, New York 13501	Director, Sr. Vice President, Treasurer, General Counsel	The Fountainhead Group, Inc. Ashford Management Group, Inc.
John F. Romano 23 Garden Street New York Mills, New York 13323	Director	The Fountainhead Group, Inc.

## PROJECT DATA

1. Pacemaker Steel and Piping Company, Inc. (the "Applicant") manufactures and distributes steel, aluminum, pipes, valves and fittings to fabricators, manufacturers and mechanical contractors. The operation has been and will continue to be a major support facility for both manufacturing customers and contractors, distributing approximately 25,000 different items of steel, aluminum, pipe, valves and fittings to manufacturers and contractors. A significant percentage of our sales is metal processed in-house to customer specification, to furnish pre-production parts to various manufacturers. This added value service enables our customers to purchase their requirements from one vendor, saving sourcing resources. It has served its Southern Tier customers from its facility at 2 North Floral Avenue, Binghamton, for 48 years, and is in need of additional space to expand operations.

Bngo Realty, LLC, a closely-held entity, has a contract to purchase an existing warehouse located at 172 Broad Avenue in the City of Binghamton. The building is 47,685± square feet, consisting of mostly masonry construction but some structures have metal siding; it is currently occupied by Empire Recycling Corporation. The building is mostly single-story, but there are second story offices over part of the structure. Bngo Realty, LLC will own the facility and lease it to Applicant; Applicant will perform all renovations and operate the facility.

The Applicant intends to acquire, renovate and equip the existing building. Below is a description of the equipment to be purchased, as well as some additional information pertaining to the project, as requested in the Application.

Acquiring this new facility will allow Applicant to add product offerings, added value services and expand existing product lines, which will also allow Applicant to expand its sales territory east and south to enlarge our customer base. This will greatly enhance our material processing capabilities to increase service to customers. We expect the expansion will result in Applicant hiring five new employees.

### 1) Building:

- Purchase Price.....\$800,000
- Total square footage.....47,685
- Production square footage.....20,000
- Warehouse.....12,300
- Misc. Warehouse Space.....4,597
- Service Bay.....6,000
- Garage Space.....3,100
- Office.....1,688
- Lot Size.....1.79 Acres

### 2) Equipment to be purchased:

- Plasma Burning Table.....\$300,000 (Core of expansion)
- 10 Ton Bridge Crane.....\$150,000 (Covers 20,000 sq. ft. production floor)
- 2 Forklifts.....\$ 50,000 (Heavy Capacity for large plate)
- Racks.....\$ 25,000 (Special Storage for AR plate)

Total Equipment Investment     \$525,000

3) Products & Service-expansion of sizes from currently offered:

- AR Plate (Abrasion Resisting)
- Stainless Steel Plate
- Aluminum Plate
- Carbon Steel Plate

3. Floor plan of the existing facility is attached.

6. Bngo Realty, LLC and ESK Realty, LLC are party to a purchase and sale agreement dated effective February 22, 2016. Purchaser has waived all contingencies for closing and a closing is provided for under the contract by May 31, 2016.

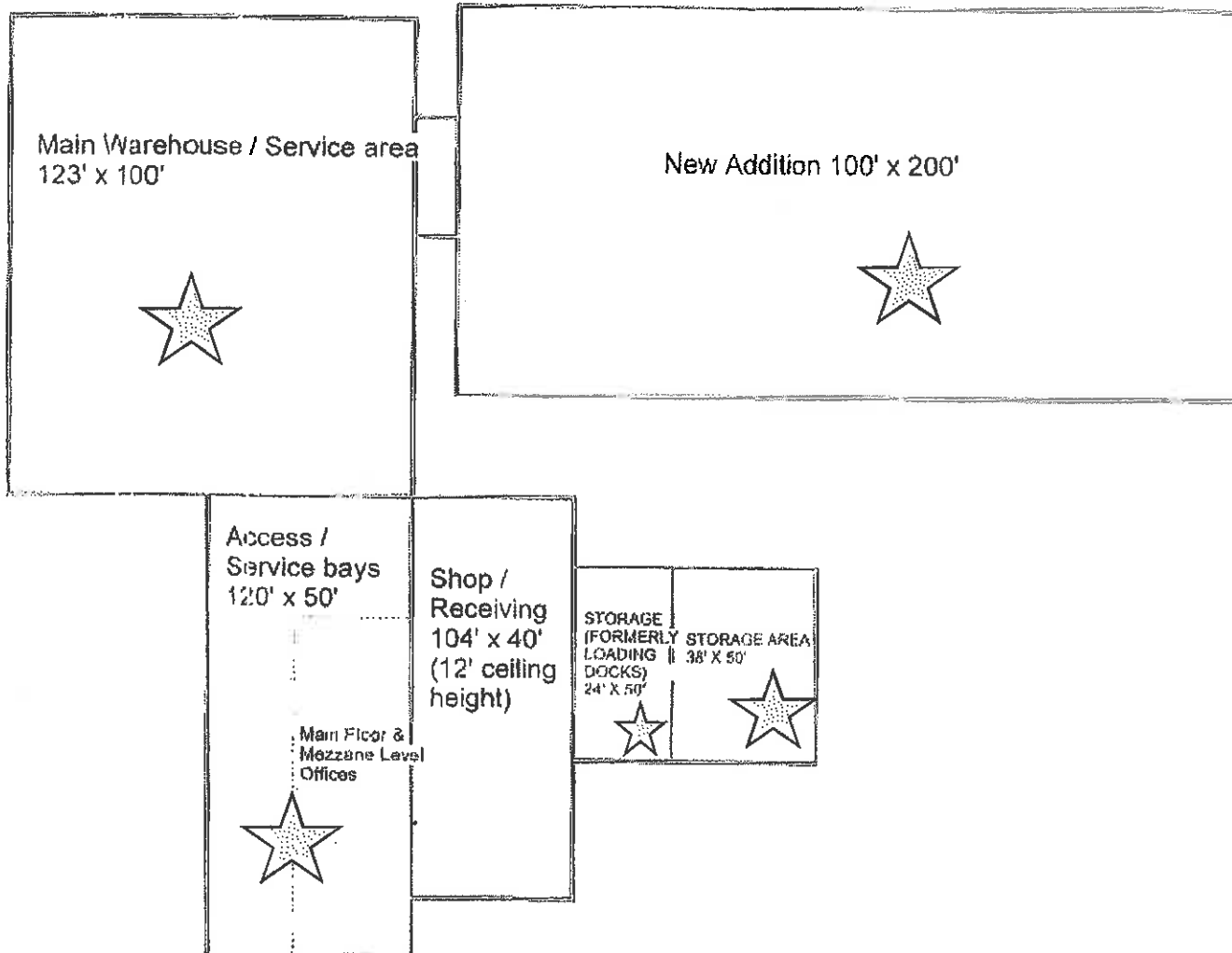
13. A. The project is necessary to preserve the competitive position of the Applicant. The business climate along with the slide in commodity pricing (metals) and inconsistent market pricing made 2015 a challenging year, which has resulted in changes in the competition mix. The large players are flexing their muscles by targeting some of our larger customers and offering extremely low prices, and tier 2 service centers similar to Applicant seem to be proactively trying to increase margins. With the increased competition it is becoming increasingly important that we are able to provide the value-added services to our metals customers, or they will go elsewhere. The relief from property taxes will provide additional cash flow for the expansion and enhancement of services, allowing Applicant to remain competitive through the changes in the steel industry.

172 BROAD AVE

FOR SALE / LEASEBACK or FOR LEASE

AVAILABLE

MOELLER  
STREET



172 - 178  
BROAD AVE

 Available spaces

For more information, please contact:

MAUREEN D. WILSON, CCIM, SIOR  
President, Real Estate Broker  
(607)754-5990 ext.323  
[mwilson@pyramidbrokerage.com](mailto:mwilson@pyramidbrokerage.com)

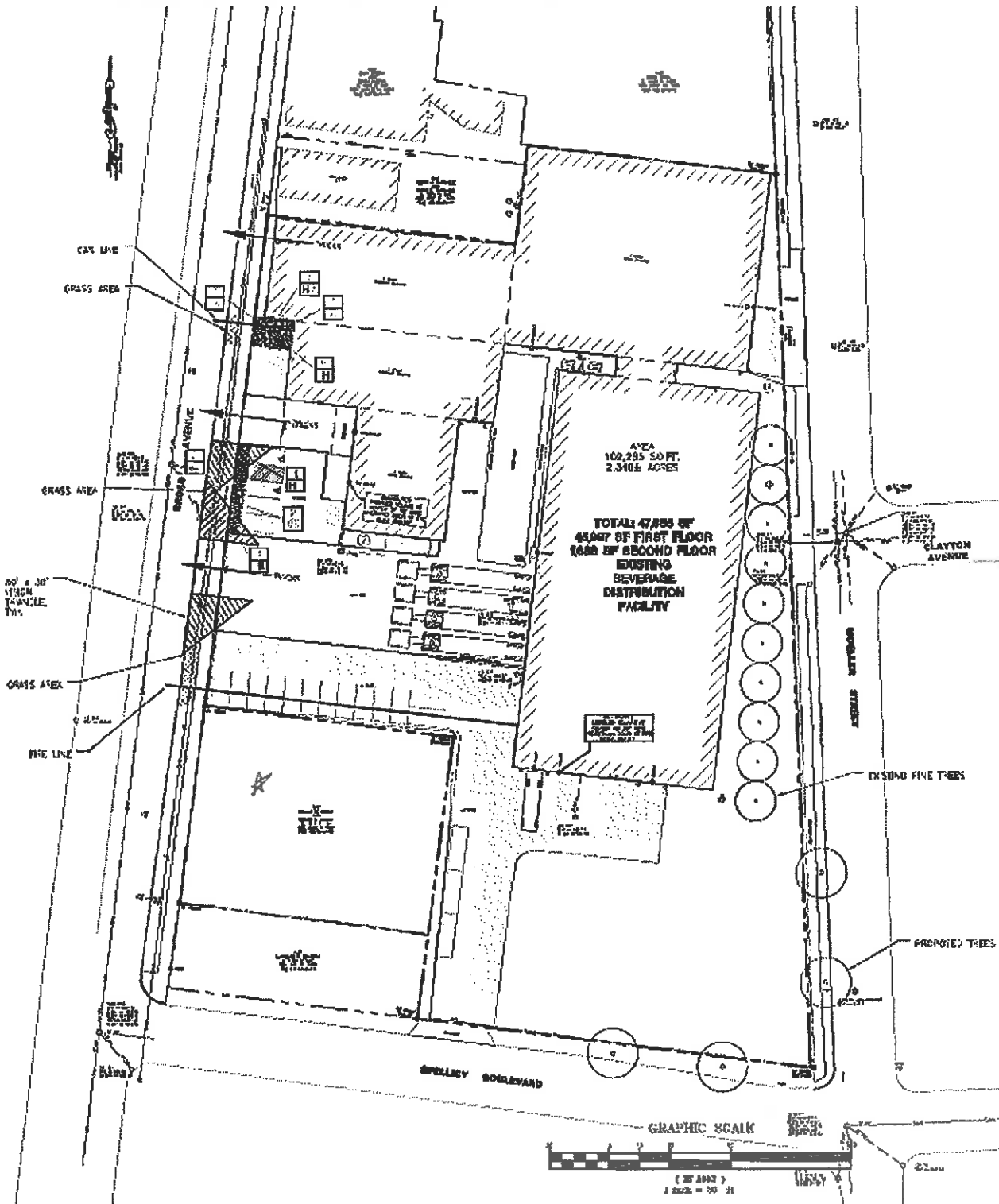
JEFFREY SABITUS  
Real Estate Salesperson  
(607)754-5990 x318  
[jsabitus@pyramidbrokerage.com](mailto:jsabitus@pyramidbrokerage.com)

PYRAMID BROKERAGE COMPANY  
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Binghamton, NY 13901  
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[pyramidbrokerage.com](http://pyramidbrokerage.com)

No warranty or representation, express or implied, is made as to the accuracy of the information contained herein, and same is submitted subject to errors omissions, change of price, rental or other conditions, withdrawal without notice and to any specific listing conditions, imposed by our principals.

172 BROAD AVE  
 FOR SALE / LEASEBACK or FOR LEASE

AVAILABLE



For more information, please contact:

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 President, Real Estate Broker  
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 Real Estate Salesperson  
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[pyramidbrokerage.com](http://pyramidbrokerage.com)

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## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Pacemaker Steel and Piping Company, Inc.			
Project Location (describe, and attach a location map): 172 Broad Avenue, Binghamton			
Brief Description of Proposed Action: Acquisition of 46,000± square foot warehouse and acquisition and installation of production equipment			
Name of Applicant or Sponsor: Pacemaker Steel and Piping Company, Inc.		Telephone: 315-235-2661	
		E-Mail: jsiepiola@pacemakersteel.com	
Address: 2 N. Floral Avenue			
City/PO: Binghamton		State: NY	Zip Code: 13905
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.79 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.79 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			
_____			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Pro-environmental Street &amp; Piping Co. Inc.</u> Date: <u>5/10/16</u></p> <p>Signature: <u>James W. Sepulveda</u></p>		