

THE AGENCY

B R O O M E C O U N T Y I D A / L D C

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

GOVERNANCE COMMITTEE MEETING

July 20, 2022 – 11:00 a.m.

The Agency Conference Room, 2nd Floor

FIVE South College Drive, Suite 201

Binghamton, NY 13905

AGENDA

1. Call to Order R. Bucci
2. Accept the June 13, 2022 Governance Committee Meeting Transcript R. Bucci
3. Public Comment R. Bucci
4. Review/Discussion/Recommendation to Approve an Extension of the September 1, 2021 Sales and Use Tax Exemption Agreement with Spark JC, LLC from August 18, 2022 Through, and Including August 18, 2023, the Total of Which Shall Not Exceed \$3,093,333.00 S. Duncan
5. Review/Discussion/Recommendation to Approve an Extension of the August 24, 2021 Sales and Use Tax Exemption Agreement and the February 24, 2022 Revised Sales and Use Tax Exemption Agreement with LCP Group, Inc. from August 18, 2022 Through, and Including August 18, 2023, the Total of Which Shall Not Exceed \$98,800.00 S. Duncan
6. Review/Discussion/Recommendation to Accept an Application from 33 South Washington St LLC and Authorizing a New York State and Local Sales and Use Tax Exemption in an Amount Not to Exceed \$26,880.00, for a Term Not to Exceed Twelve (12) Months, Consistent with the Policies of The Agency in Connection with the Renovation and Revitalization of 33 - 39 South Washington Street, in the City of Binghamton, Broome County, New York S. Duncan
7. Review/Discussion/Recommendation to Accept an Application from Phoenix Endicott Industrial Investors, LLC and Authorizing a New York State and Local Sales and Use Tax Exemption in an Amount Not to Exceed \$99,202.40, for a Term Not to Exceed Twelve (12) Months, Consistent with the Policies of The Agency in Connection with the Decommissioning of a Boiler and the Purchase and Installation of a New 80 KPPH Industrial Watertube Boiler, to be Installed in Building 39, Located at 1701 North Street, in the Village of Endicott, Town of Union, County of Broome and State of New York S. Duncan

- | | | |
|-----|---|-----------|
| 8. | Review/Discussion/Recommendation to Authorize The Agency to Require Twenty-Five Percent (25%) of its Agency Fee to be Paid by Applicants Upon Approval of Sale/Leaseback Transaction or Lease/Leaseback Transaction Benefits, with the Remaining Balance of its Agency Fee to be Paid in Twenty-Five Percent (25%) Increments Every Six (6) Months, or in Full at the Time of Closing, Whichever Occurs First | S. Duncan |
| 9. | Executive Session: To Discuss the Sale of Property | S. Duncan |
| 10. | Adjournment | R. Bucci |

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Governance Committee Meeting

Held via Zoom, June 13, 2022, commencing at
12:01PM. Adjourned at 12:15PM.

[See attendees at end of transcript.]

Digitally recorded proceeding
Transcribed by: Elana Hulsey
Reporters Transcription Center
P.O. Box 903
Binghamton, NY 13902

MR. BUCCI: Okay. Good morning. We'll call the Governance Committee Meeting to order. Our first item on the agenda is to accept the May 18, 2022, Governance Committee Meeting transcript that was sent out to all of members to review. Any revisions were forwarded back to Carrie, so we will accept that for the record.

The next item on the agenda is Public Comment. If there is anyone who wishes to address the Governance Committee, we ask that you to state your name and address, and you have five minutes to make your comments. So, we'll open that portion of the meeting now. If there's anyone wishing to address us? Hearing and seeing none, we'll close the Public Comment section.

The first item on the agenda is Review/Discussion/Recommendation to Accept an Application from OCSH Binghamton Holdings, LLC and to Authorize a New York State and Local Sales and Use Tax Exemption in an Amount Not to Exceed \$37,176.00, for a Term Not to Exceed Twelve Months, Consistent with the Policies of The Agency in Connection with the Construction, Renovation, and Equipping of the Property and Building Located at 257 Washington Street in the City of Binghamton.

MS. DUNCAN: All right. Thank you. So just a few items this month, the first being an application to our Small Business Incentive Program, which is our Sales Tax Exemption Program. This is at 257 Washington Street, which I think once upon a time was an old Boys and Girls Club.

MR. BUCCI: Right. Yeah.

MS. DUNCAN: Kevin Findley, the developer, is on the call should the Board have any questions directly for him, but the project includes the conversion of existing apartments into

one-bedroom units and studio apartments, the construction of five new studio apartments on the lower level, the construction of a community room, installation of heat pumps in the renovated apartments and new studios, a modernized controlled access system, and the installation of new roofs and doors on the south side of the building and the replacement of windows that are more than six years old currently.

The total project cost for this renovation is approximately \$756,560.00. Of that, about \$465,000.00 is eligible for sales tax, 8% of that is the savings of \$37,176.00. So, the action by the Board today would approve this exemption for this project.

MR. BUCCI: Now is there already housing in here? Was this already converted to housing originally?

MS. DUNCAN: I believe there are at least— Kevin, how many apartments currently? There are some apartments in there currently, yes?

MR. FINDLEY: Yes. Can everybody hear me?

MS. DUNCAN: We can hear you.

MR. FINDLEY: Okay. Good. There's 13. The lower level, we ran out of money, so the lower level was never completed. But what we ran into is we built large units kind of targeting families. The building was designed prior to the '07 financial crisis, and since then the world has changed. Families aren't being formed, and the only calls I'm getting for is one bedrooms and studios. We don't do student housing here for the record. I don't know if that is something that's relevant to

this conversation, but we've always been focused on market-rate housing, non-students, and we've been doing okay.

My one-bedrooms, I have four one-bedroom units. They're always full. They're always rented. And that's one thing that's hurting me from an operational and an economic return let's say, is my vacancies on the large units are way too high. It's above 30%, and that's the short and long of it.

MR. BUCCI: Yeah. I think, especially in Binghamton, there's not a lot of one-bedroom or studio apartments, and I know people are looking for those.

MR. FINDLEY: There's not a lot of people chasing the market-rate. I know Marc Newman, I think he sold that. 50 Front is not student housing. I know they accept students as tenants down there. I'm trying to think, the renovation at Ansco, I believe they were-

MR. BUCCI: Market rate.

MR. FINDLEY: Market rate, but my understanding is they accept undergrads. We do accept students. It's just not undergrads. We accept post-grads, master's degrees, PhDs, but fortunately, we've been bumping into students that are here, medical school students that are doing their clinicals, and then from time to time we have doctors who are doing their residency here, so that has been a very good experience. But other than that, we have lawyers, engineers, government employees.

Let me think who else we have here in the building, some self-employed people. It's a mix. I hate the word young professionals because not all of them are that young. They're in my category.

MS. DUNCAN: Just professionals, yeah.

MR. FINDLEY: They are professionals. Let me think who else we have here.

MS. DUNCAN: Well, I think the key is, these are being built as by the room rentals, and the vacancy rate right now is very low for these kinds of amenities.

MR. BUCCI: How many units will you have when you're all done?

MR. FINDLEY: It'll be 25. Even though we're saying we're cutting up these large units into single units, they're not tiny. There's a couple smaller studios, but everything's priced based on size and other intangibles I guess that are a little bit more subjective. They're not small, but I do need to make them what the market is demanding is the short and long of it.

MR. BUCCI: Okay. Well, thank you. Any additional questions or comments at this time? Okay, I'll entertain a motion.

MR. PEDUTO: Jim, so moved.

MR. BUCCI: Is there a second?

MS. SACCO: Second.

MR. BUCCI: Second, Cheryl. All in favor?

ALL: Aye.

MR. BUCCI: No nays. Motion is carried.

The next item on the agenda is Review/Discussion/Recommendation to Authorize the Board of Directors of The Agency to Approve the Request to Close the ARC Grant and Subsequent Amendments Totaling \$1,727,472.79 Plus Net Program Income. In addition, a Revised Revolving Loan Fund Plan is recommended by the Executive Director and the staff that will follow the Access to Capital Projects Application and Operating Guidelines updated on May 16, 2022.

Resolved further that the RLF Plan shall provide guidance for the new RLF and is directed to assist local businesses and to strengthen the area's investment capital and improve economic development. Further, that the RLF Plan outlines the purpose of the RLF, new ARC reporting requirements, and flexibilities permitted by ARC during the life of the RLF. Someone want to translate all that into English? Or Latin?

MS. ABBADESSA: Yes. To refresh your memory, the STEED Revolving Loan Fund provides low-interest financing to small businesses in eight counties of the region that are unable to fully finance their projects with equity, conventional financing, or other private loan sources. So back in 1995, we received over \$1.7 million from ARC for the STEED Revolving Loan Fund. Since that time, ARC has established new operating guidelines for its programming, and in order for us to be able to adopt those new guidelines and continue using the funds, we must agree to close out our existing program. With the new guidelines, the program will continue to be essentially the same, but with a few changes. We're now able to lend to nonprofits, local government, and social enterprises, so that was really the big piece there.

The other big piece is the annual reporting on the STEED Loan Program is no longer required. This will lessen the administrative burden internally. ARC feels that if you have had a successful RLF program for over seven years - which we have - there's no need for them to continue to track the funds or require this arduous reporting. We will continue to report internally and advise the Board with the yearly reports as we presently are doing.

ARC's only requirement is that we update our guidelines to reflect these new changes, present them a Board Resolution with the language that Rich stated, so that came from the ARC. Joe called them, "What is this?" Then we just have to sign the agreements.

MR. BUCCI: This is simplified supposedly, right?

MS. ABBADESSA: And then sign the agreement to close the ARC Revolving Loan Fund award, the original one. I provided you all with the new STEED guidelines - The Agency's STEED guidelines - and the new ARC operating guidelines, so anyone have questions? It's very confusing. I understand.

MR. BUCCI: Right. Are there any additional questions? No, I don't think so. I mean, it's a positive-

MS. ABBADESSA: It is.

MR. BUCCI: That it's going to reduce the reporting requirements, which is good.

MS. DUNCAN: Yeah. And it does open up a new potential pool of applicants. I know some don't have that access to the debt financing they need. Then our ALC, our Advisory Loan

Committee, will still review those as they would any other commercial potential private sector.

MR. BUCCI: So, we got this in 1995, this grant? They haven't increased it over the years, have they? They haven't added to it.

MS. DUNCAN: No.

MR. BUCCI: They just gave it to us to keep revolving it?

MS. DUNCAN: Yeah. It's such a successful program, and just a reminder, STEED is the program that we administer, but it does provide support regionally. We go outside of Broome as well.

MR. BUCCI: Any additional questions or comments from anyone? Okay, is there a motion? Motion, Jim. Is there a second?

MS. SACCO: Second.

MR. BUCCI: Second, Cheryl. All in favor?

ALL: Aye.

MR. BUCCI: Motion is carried. That was a good synopsis by the way.

MS. ABBADESSA: I was trying.

MR. BUCCI: The next item on the agenda is Review/Discussion/Recommendation to Authorize The Agency, IDA Board of

Directors and All Committees to Use Videoconferencing Technology to Participate in Public Meetings Under Extraordinary Circumstances, as Set Forth in Exhibit A. So, Stacey, comments?

MS. DUNCAN: Yeah. So just as a follow up from our discussion last month on what would qualify as extraordinary circumstances, we did provide a very broad scope of factors that would preclude a Board member from being in person and require video conferencing. Just a few notes, we are still under the Executive Order allowing for remote meetings. That does expire tomorrow unless it is renewed, as it's been month to month essentially. We are okay for Wednesday because our meeting notification went out prior to the expiration date of tomorrow.

With this new law, or change to OML, just a reminder, moving forward we would need to have a quorum of members present. You can videoconference, however your vote - if you have a quorum - would not be counted towards that quorum. Then there are these set of extraordinary circumstances that would preclude someone from coming in person and require video. It could be things such as extreme weather, medical emergency of oneself or a family member, car trouble or other accident, personal illness, necessary medical appointments, house emergency, military obligations, jury duty, state of emergency by county executive or governor, or bereavement leave.

So, we wanted to keep those broad based because we do that things come up. Vacations are pretty much the only thing not covered. Any questions on that?

MR. PEDUTO: So, car trouble, but not a[inaudible]?

MR. BUCCI: Then you can call in.

MS. DUNCAN: Exactly. Yeah, that would be the requirements that we would recommend moving forward.

MR. BUCCI: Any discussion? Anyone? Is there a motion? Motion, Jim.

MS. SASSO: Second.

MR. BUCCI: Second, Cheryl. All in favor?

ALL: Aye.


MR. BUCCI: Motion is carried. No other new business at this time, so a motion to adjourn?

[The meeting was adjourned on a motion by Mr. Peduto, seconded by Ms. Sacco, at 12:15PM.]

[Attendees: Rich Bucci, Jim Peduto, Cheryl Sacco, Stacey Duncan, Natalie Abbadessa, Carrie Hornbeck, Brendan O'Bryan, Theresa Ryan, Amy Williamson, Emma Augostini, Joe Meagher, Kevin Findley, Mike Tanzini]

C E R T I F I C A T E

I, Elana Hulsey, certify that the foregoing transcript of the Broome County Industrial Development Agency Governance Committee on June 13, 2022, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature:  _____

Date: June 15, 2022



June 27, 2022

Stacey Duncan
Executive Director
The Agency
Five South College Drive
Suite 210
Binghamton, NY 13905

Re: Project Name: Spark JC, LLC
 Project Address: 601-635 Harry L. Drive
 Project Number: 030121008b

Dear Stacey,

Spark JC, LLC is requesting an extension to the \$3,093,333.24 New York State and local sales and use tax exemption until 08/18/2023. We have been in the planning stage the entire year since approval, so we have not had the opportunity to use the exemption benefit, thus the reason we are requesting this extension.

Thank you,

A handwritten signature in black ink, appearing to read "Dave Dimmick", written in a cursive style.

Dave Dimmick
Spark JC, LLC



June 20, 2022

Ms. Stacey Duncan
The Agency
Broome County IDA/LDC
Five South College Drive
Suite 201
Binghamton, NY 13905

RE: Sales Tax Extension

Dear Ms. Duncan:

LCP Group would like to extend our sales tax exemption until August 18, 2023. Our renovations are ongoing and will continue for at least another year. We have had labor shortages, product backorders and shipping delays due to the pandemic. Please advise if you need me to attend a future Governance and Board meeting to discuss further.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina", with a long horizontal flourish extending to the right.

Christina Pierce, CEO
LCP Group, Inc.

THE AGENCY

BROOME COUNTY IDA / LDC

SMALL BUSINESS INCENTIVE PROGRAM APPLICATION

The Small Business Incentive Program can provide eligible applicants the following: an eight percent (8%) NYS sales tax exemption on all construction materials, machinery & equipment and FF&E.

Applicants seeking assistance must complete this application and provide additional documentation if required. A **non-refundable** application fee of \$250.00 must be included with this application. Make check payable to The Agency Broome County IDA.

The Applicant requesting a sales tax exemption from the Agency/IDA must include in the application a realistic estimate of the value of the savings anticipated to be received. As per NYS 2013 Budget Law and the regulations expected to be enacted thereunder are expected to require that the Agency/IDA recapture any benefit that exceeds the amount listed in the application.

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

APPLICANT

Name 33 S. Washington St LLC
Address 33 S. Washington St
City/State/Zip Binghamton, NY 13903
Tax ID No. 84-5177567
Contact Name Brett Pritchard
Title Owner
Telephone (607) 343-9156
E-Mail bpritchard@pritcharddevelopmentcorp.com

Owners of 20% or more of Applicant Company

Name	%	Corporate Title
<u>Brett Pritchard</u>	<u>100</u>	<u>Owner</u>
<u></u>		
<u></u>		
<u></u>		

Benefit Requested

☒ Sales Tax Exemption

Description of project (check all that apply)

- ☐ New Construction
☒ Existing Facility
☐ Acquisition
☐ Expansion
☒ Renovation/Modernization
☐ Acquisition of machinery/equipment
☐ Other (specify) _____

GENERAL DESCRIPTION OF THE PROJECT

(Attached additional sheets as necessary)

Renovation and revitalization of 33 S. Washington Street 1st floor with office space and retail location. Renovation and revitalization of 39 S. Washington Street, 2nd floor with health and wellness businesses.

TAX MAP ID NUMBER: 160.65-3-1

PROJECT TIMELINE

7/20/2022

Start Date

7/20/2023

End Date

33 & #9 S. Washington Street, Binghamton, NY 13903

Project Address

Contractor(s) *please refer to required Local Labor Policy

State Environmental Quality Review (SEQR) Act Compliance

The Agency, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR). This is applicable to projects that require the state or local municipality to issue a discretionary permit, license or other type of Approval for that project.

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

☐

YES – Include a copy of any SEQR or other documents related to this project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration.

☒

NO

LOCAL LABOR POLICY

It is the goal of the The Agency to maximize the use of local labor for each project that receives benefits from The Agency. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency's Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the APPLICANT.

Building Construction or Renovation

- a. MATERIALS a. \$ 280,000.00
b. LABOR b. \$ 155,000.00

Site Work

- c. MATERIALS c. \$ 0
d. LABOR d. \$ 0
e. Non-Manufacturing Equipment e. \$ 32,000.00
f. Furniture and Fixtures f. \$ 24,000.00
g. LAND and/or BUILDING Purchase g. \$ 0
h. Soft Costs (Legal, Architect, Engineering) h. \$ 12,000.00
Other (specify) i. _____ i. \$ _____
j. _____ j. \$ _____
k. _____ k. \$ _____

TOTAL PROJECT COSTS

\$ 503,000.00

- B. Sources of Funds for Project Costs:

- a. Bank Financing a. \$ 300,000.00
b. Public Sources b. \$ 0

Identify each state and federal grant/credit

Private Funds \$ 203,000.00

\$ _____

\$ _____

\$ _____

- c. Equity \$ _____

TOTAL SOURCES

\$ 503,000.00

- C. Has the applicant made any arrangements for the financing of this project?

☐ Yes ☒ No

If so, please specify bank, underwriter, etc.

VALUE OF INCENTIVES

A. Sales Tax Exemption Benefit

Estimated value of goods that will be exempt from New York State and local sales tax (materials, non-manufacturing equipment, furniture and fixtures - **line a,c,e,f from Project Costs**) \$ 336,000.00

Estimated value of New York State and local sales tax exemption (8% of value of eligible goods) \$ 26,880.00

Estimated duration of sales tax exemption 12 Months
(The sales tax letter shall be valid for a period of twelve (12) months.)

PROJECTED EMPLOYMENT

Will this investment result in the creation of new jobs? If so, how many? 8.00

Current number of full time employees: 2.00

Estimated annual salary range of jobs to be created:

Annual Salary range from: 38,000 to 45,000

Estimated annual salary range of current jobs:

Annual Salary range from: 40,000 to 48,000

****Upon approval of this application, the business agrees to provide FTE and all construction job information, along with its NYS 45 in all years that a sales tax benefit is claimed.***

APPLICATION & ADMINISTRATIVE FEES

A. Application Fee:

A non-refundable application fee of \$250.00 shall be charged to each applicant and accompany the completed application.

\$ 250.00

B. Administrative Fee:

A non-refundable administrative fee is due and payable prior to the issuance of a Sales Tax Letter. The administrative fee is based on the size and scope of the project, and is determined on a case by case basis.

\$ 500.00

TOTAL TAX EXEMPTION FEES

\$ 750.00

This Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

The Agency reserves the right to terminate, modify, or recapture Agency benefits if :

- (i) *an applicant or its sub-agency (if any) authorized to make purchases for the benefit of the project is not entitled to the sales and use tax exemption benefits;*
- (ii) *sales and use tax exemption benefits are in excess of the amounts authorized by the Agency to be taken by the applicant or its sub-agents;*
- (iii) *sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the project;*
- (iv) *the applicant has made material, false, or misleading statements in its application for financial assistance;*
- (v) *the applicant has committed a material violation of the terms and conditions of a Project Agreement.*

(vi) *As of the date of the Application this project is in substantial compliance with all provisions of GML Article 18-A, including but not limited to, the provisions of GML Section 859-a and GML Section 862(1) (the anti-raid provision) and if the project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.*

APPLICANT COMPANY

Pentechon IDA Corp / 33 South Washington Ave
[Signature] , Title President Date 6-9-22
Signature , Title Date

Sworn to before me this

9th day of June, 2022.

Charity L Bensley
(Notary Public)

CHARITY LYNN BENSLEY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BE6405671
Qualified in Broome County
My Commission Expires 03-16-2024

LABOR POLICY

Local General Contractor, Subcontractor, Trades and Labor Policy

It is the goal of the The Agency/**IDA** to maximize the use of local labor for each project that receives benefits from the Agency/**IDA**. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency/**IDA**'s Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

Every applicant is obligated to provide written proof and data (see attached ... forms) to the Agency/**IDA** as to the physical location of all the contractors who worked on the project.

The Agency/**IDA** will review the data provided and determine, on a case-by-case basis and in a fully-transparent manner, whether the Applicant has substantially conformed to the policy.

An Applicant **will not be deficient** if the proposed project requires specifically skilled labor that is unavailable in the Local Labor Area.

An Applicant **will not be deficient** if the proposed project utilizes parts and supplies assembled elsewhere because no such assembly is available in the Local Labor Area.

An Applicant **will be held non-compliant** with the Labor Policy if it imports labor from outside the Local Labor Area when equal labor that is ready, willing, cost-competitive, etc. resides in the Local Labor Area.

The Agency/**IDA** may determine on a case-by-case basis to waive any portion of this 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 if other compelling circumstances exist.

In consideration of the extension of financial assistance by the Agency/**IDA** Pritchard Property Development (the Applicant) understands the Local Labor Policy and agrees to submit either or both a Local Labor Utilization Report or a Non Local Labor Utilization Report at the time that construction ends on the project to the Agency.

The Applicant understands an Agency/**IDA** tax-exempt certificate is valid for one year from the effective date of the project inducement. If an Applicant wishes to request an extension, a letter must be sent 30 days prior to the end date to the Executive Director, on company letterhead, explaining the necessity for the extension.

The Applicant further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency/**IDA** before a tax-exempt certificate is issued or extended.

The Applicant further understands that if the required forms are not submitted to the Agency/**IDA**, the Agency/**IDA** shall have the authority to immediately terminate any and all Financial Assistance being provided to the Project.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the Project as of 6/9/2022 (Submission date).

APPLICANT: Pritchard Property Development Inc.

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Brett Pritchard

ADDRESS: 33 S. Washington Street, Suite 201

CITY: Binghamton

STATE: NY

ZIP: 13903

PHONE: 607-343-9156

EMAIL: bpritchard@pritcharddevelopmentcorp.com

PROJECT ADDRESS: 33 & 39 S. Washington Street, Binghamton, NY 13903

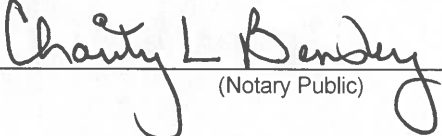
AUTHORIZED REPRESENTATIVE: Brett Prithcard

TITLE: President

SIGNATURE: 

Sworn to before me this

9th day of June, 2022.


(Notary Public)

CHARITY LYNN BENSLEY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BE6405671
Qualified in Broome County
My Commission Expires 03-16-2024

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

****Documentation of solicitation MUST be provided to the Agency.**

The Builders Exchange of the Southern Tier, Inc.
15 Belden Street
Binghamton, NY 13903
brad@bxstier.com
(607) 771-7000

Southern Tier Building Trades Council
1200 Clemens Center Parkway
Elmira, NY 14901
ibew139ba@aol.com
(607) 732-1237

Binghamton/Oneonta Building Trades Council
11 Griswold Street
Binghamton, NY 13904
raikens@iuoe158.org
(607) 723-9593

Dodge Reports
<http://construction.com/dodge/submit-project.asp>
830 Third Ave., 6th Floor
New York, NY 10022
support@construction.com

(877) 784-9556
Tompkins-Cortland Building Trades Council
622 West State Street
Ithaca, NY 14850
tbrueribew241@gmail.com
(607) 272-3122

Building Trades
Katie Fairbrother, Secretary
kfairbrother@ualocal112.org
607-723-9593

THE AGENCY

BROOME COUNTY IDA / LDC

RECEIVED
JUL 12 2022

BY:

SMALL BUSINESS INCENTIVE PROGRAM APPLICATION

The Small Business Incentive Program can provide eligible applicants the following: an eight percent (8%) NYS sales tax exemption on all construction materials, machinery & equipment and FF&E.

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The Applicant requesting a sales tax exemption from the Agency/IDA must include in the application a realistic estimate of the value of the savings anticipated to be received. As per NYS 2013 Budget Law and the regulations expected to be enacted thereunder are expected to require that the Agency/IDA recapture any benefit that exceeds the amount listed in the application.

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

APPLICANT

Name Phoenix Endicott Industrial Investors LLC
Address 401 E. Kilbourn Ave.
City/State/Zip Milwaukee, WI 53202
Tax ID No. 87-1551131
Contact Name John Peret
Title SENIOR PROJECT MANAGER
Telephone (414) 748-5646
E-Mail JPERET@PHOENIXCONSTRUCTION.US

Owners of 20% or more of Applicant Company

Name	%	Corporate Title

Benefit Requested

☒ Sales Tax Exemption

Description of project (check all that apply)

☐ New Construction

☒ Existing Facility

☐ Acquisition

☐ Expansion

☒ Renovation/Modernization

☐ Acquisition of machinery/equipment

☐ Other (specify) _____

GENERAL DESCRIPTION OF THE PROJECT

(Attached additional sheets as necessary)

This project consists of a direct purchase of a new 80 KPPH Industrial Watertube Boiler to replace a boiler that has previously failed. This new boiler will be installed in building 39, the existing utility plant for the entire campus. There will also be various contractors hired to decommission the former boiler and the install of the new boiler. This boiler will be the main boiler that will be servicing the campus of just under 4 million square feet for both comfort heating and process steam for various applications.

TAX MAP ID NUMBER: 141.18-8-49.111

PROJECT TIMELINE

7-20

Start Date

9-1

End Date

1701 N. Street in Endicott, NY

Project Address

Contractor(s) *please refer to required Local Labor Policy

State Environmental Quality Review (SEQR) Act Compliance

The Agency, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR). This is applicable to projects that require the state or local municipality to issue a discretionary permit, license or other type of Approval for that project.

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

☐ YES – Include a copy of any SEQR or other documents related to this project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration.

☒ NO

LOCAL LABOR POLICY

It is the goal of the The Agency to maximize the use of local labor for each project that receives benefits from The Agency. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency's Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the APPLICANT.

Building Construction or Renovation

a. MATERIALS a. \$ 1,240,030

b. LABOR b. \$ _____

Site Work

c. MATERIALS c. \$ _____

d. LABOR d. \$ _____

e. Non-Manufacturing Equipment e. \$ _____

f. Furniture and Fixtures f. \$ _____

g. LAND and/or BUILDING Purchase g. \$ _____

h. Soft Costs (Legal, Architect, Engineering) h. \$ _____

Other (specify) i. _____ i. \$ _____

j. _____ j. \$ _____

k. _____ k. \$ _____

TOTAL PROJECT COSTS

\$1,240,030

- B. Sources of Funds for Project Costs

a. Bank Financing a. \$ 1,240,030

b. Public Sources b. \$ _____

Identify each state and federal grant/credit

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

c. Equity \$ _____

TOTAL SOURCES

\$ _____

- C. Has the applicant made any arrangements for the financing of this project?

☒ Yes ☐ No

If so, please specify bank, underwriter, etc.

WALKER & DUNLOP COMMERCIAL PROPERTY FUNDING, LLC

VALUE OF INCENTIVES

A. Sales Tax Exemption Benefit

Estimated value of goods that will be exempt from New York State and local sales tax (materials, non-manufacturing equipment, furniture and fixtures - line a,c,e,f from Project Costs) \$ 1,240,030.00

Estimated value of New York State and local sales tax exemption (8% of value of eligible goods) \$ 99,202.40

Estimated duration of sales tax exemption 12 months
(The sales tax letter shall be valid for a period of twelve (12) months.)

PROJECTED EMPLOYMENT

Will this investment result in the creation of new jobs? If so, how many? 3.00

Current number of full time employees: 8.00

Estimated annual salary range of jobs to be created:

Annual Salary range from: 60,000 to 80,000

Estimated annual salary range of current jobs:

Annual Salary range from: 60,000 to 80,000

****Upon approval of this application, the business agrees to provide FTE and all construction job information, along with its NYS 45 in all years that a sales tax benefit is claimed.***

APPLICATION & ADMINISTRATIVE FEES

A. Application Fee:

A non-refundable application fee of \$250.00 shall be charged to each applicant and accompany the completed application.

\$ 250.00

B. Administrative Fee:

A non-refundable administrative fee is due and payable prior to the issuance of a Sales Tax Letter. The administrative fee is based on the size and scope of the project, and is determined on a case by case basis.

\$ 500.00

TOTAL TAX EXEMPTION FEES

\$ 750.00

This Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

The Agency reserves the right to terminate, modify, or recapture Agency benefits if :

- (i) an applicant or its sub-agency (if any) authorized to make purchases for the benefit of the project is not entitled to the sales and use tax exemption benefits;***
- (ii) sales and use tax exemption benefits are in excess of the amounts authorized by the Agency to be taken by the applicant or its sub-agents;***
- (iii) sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the project;***
- (iv) the applicant has made material, false, or misleading statements in its application for financial assistance;***
- (v) the applicant has committed a material violation of the terms and conditions of a Project Agreement.***

(vi) As of the date of the Application this project is in substantial compliance with all provisions of GML Article 18-A, including but not limited to, the provisions of GML Section 859-a and GML Section 862(1) (the anti-raid provision) and if the project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.

APPLICANT COMPANY

Jenny Perlet

Signature, Title, Date
COUS. MGR. 7-5-22

Sworn to before me this

5th day of July, 2022.

(Notary Public)



LABOR POLICY

Local General Contractor, Subcontractor, Trades and Labor Policy

It is the goal of the The Agency/**IDA** to maximize the use of local labor for each project that receives benefits from the Agency/**IDA**. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency/**IDA**'s Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

Every applicant is obligated to provide written proof and data (see attached ... forms) to the Agency/**IDA** as to the physical location of all the contractors who worked on the project.

The Agency/**IDA** will review the data provided and determine, on a case-by-case basis and in a fully-transparent manner, whether the Applicant has substantially conformed to the policy.

An Applicant **will not be deficient** if the proposed project requires specifically skilled labor that is unavailable in the Local Labor Area.

An Applicant **will not be deficient** if the proposed project utilizes parts and supplies assembled elsewhere because no such assembly is available in the Local Labor Area.

An Applicant **will be held non-compliant** with the Labor Policy if it imports labor from outside the Local Labor Area when equal labor that is ready, willing, cost-competitive, etc. resides in the Local Labor Area.

The Agency/**IDA** may determine on a case-by-case basis to waive any portion of this 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 if other compelling circumstances exist.

In consideration of the extension of financial assistance by the Agency/**IDA** Phoenix Endicott Industrial Investors LLC (the Applicant) understands the Local Labor Policy and agrees to submit either or both a Local Labor Utilization Report or a Non Local Labor Utilization Report at the time that construction ends on the project to the Agency.

The Applicant understands an Agency/**IDA** tax-exempt certificate is valid for one year from the effective date of the project inducement. If an Applicant wishes to request an extension, a letter must be sent 30 days prior to the end date to the Executive Director, on company letterhead, explaining the necessity for the extension.

The Applicant further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency/**IDA** before a tax-exempt certificate is issued or extended.

The Applicant further understands that if the required forms are not submitted to the Agency/**IDA**, the Agency/**IDA** shall have the authority to immediately terminate any and all Financial Assistance being provided to the Project.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the Project as of 6/22/2022 (Submission date).

APPLICANT: **Phoenix Endicott Industrial Investors LLC**

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: **John Peret**

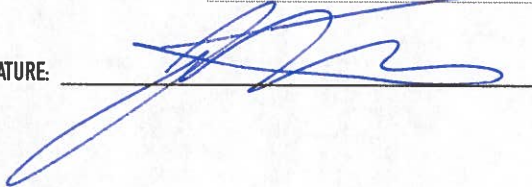
ADDRESS: **401 E Kilbourn Ave #201**

CITY: **Milwaukee** STATE: **WI** ZIP: **53202** PHONE: **414-748-5646**

EMAIL: **jperet@phoenixconstruction.us**

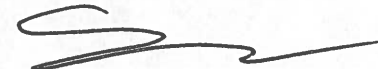
PROJECT ADDRESS: **1701 N. Street in Endicott, NY**

AUTHORIZED REPRESENTATIVE: **John Peret** TITLE: **Senior Project Manager**

SIGNATURE: 

Sworn to before me this

5th day of July, 2022.


(Notary Public)



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

****Documentation of solicitation MUST be provided to the Agency.**

The Builders Exchange of the Southern Tier, Inc.
15 Belden Street
Binghamton, NY 13903
brad@bxstier.com
(607) 771-7000

Southern Tier Building Trades Council
1200 Clemens Center Parkway
Elmira, NY 14901
ibew139ba@aol.com
(607) 732-1237

Binghamton/Oneonta Building Trades Council
11 Griswold Street
Binghamton, NY 13904
raikens@iuoe158.org
(607) 723-9593

Dodge Reports
<http://construction.com/dodge/submit-project.asp>
830 Third Ave., 6th Floor
New York, NY 10022
support@construction.com

(877) 784-9556
Tompkins-Cortland Building Trades Council
622 West State Street
Ithaca, NY 14850
tbrueribew241@gmail.com
(607) 272-3122

Building Trades
Katie Fairbrother, Secretary
kfairbrother@ualocal112.org
607-723-9593

LOCAL LABOR UTILIZATION REPORT

To be completed for all contractors residing within the Broome County IDA Local Labor Area

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					
FF & 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 CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

Company Representative

Date

NON LOCAL LABOR UTILIZATION REPORT

To be completed for all contractors not residing within the Broome County IDA Local Labor Area

APPLICANT: **Phoenix Endicott Industrial Investors LLC**PROJECT ADDRESS: **1701 N. Street in Endicott, NY** CITY: STATE: ZIP: EMAIL: PHONE: GENERAL CONTRACTOR/CONSTRUCTION MANAGER: **The Cleaver-Brooks Company, Inc**CONTACT: **Jason Jacobi**ADDRESS: **221 Law Street, Thomasville, GA, 31792** 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					
FF & 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 CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

Company Representative_____
Date