

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 Phoenix Endicott Industrial Investors LLC
Address 401 E. Kilbourn Ave.
City/State/Zip Milwaukee, WI 53202
Tax ID No. 87-1551131
Contact Name Alex Schwab
Title Northeast Regional Manager
Telephone (414) 436-8637
E-Mail ASCHWAB@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)

Phase 2:

The project consists of demolition of old mechanical equipment that is no longer in use for the roof to be prepared for a new TPO roof system.

TAX MAP ID NUMBER: 141.18-8-49.111

PROJECT TIMELINE

3/1/2023

Start Date

4/1/2023

End Date

1301 Clarke St

Project Address

Endicott, NY 13760

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. \$ 100,000
 b. LABOR b. \$ 200,000

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 \$ 300,000

- B. Sources of Funds for Project Costs

- a. Bank Financing a. \$ 300,000
 b. Public Sources b. \$ _____

Identify each state and federal grant/credit

_____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

- c. Equity \$ _____

TOTAL SOURCES \$ 300,000

- 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) | \$ <u>100,000</u> |
| Estimated value of New York State and local sales tax exemption (8% of value of eligible goods) | \$ <u>8,000</u> |
| Estimated duration of sales tax exemption (The sales tax letter shall be valid for a period of twelve (12) months.) | <u>12 months</u> |

PROJECTED EMPLOYMENT

Will this investment result in the creation of new jobs? If so, how many? 4-5

Current number of full time employees: 20

Estimated annual salary range of jobs to be created:

Annual Salary range from: 50,000 to 70,000

Estimated annual salary range of current jobs:

Annual Salary range from: 50,000 to 120,000

****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

| | | |
|-----------|------------------|----------|
| | NE Regional Mgr. | 2/8/2023 |
| Signature | Title | Date |

Sworn to before me this

8th day of February 23.



(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 2/8/2023 (Submission date).

APPLICANT: Phoenix Endicott Industrial Investors LLC

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Alex Schwab

ADDRESS: 401 E Kilbourn Ave #201


CITY: Milwaukee STATE: WI ZIP: 53202 PHONE: (414) 436-8637

EMAIL: ASCHWAB@PHOENIXCONSTRUCTION.US

PROJECT ADDRESS: 1701 N. Street in Endicott, NY


AUTHORIZED REPRESENTATIVE: Alex Schwab

TITLE: NE Regional Manager

SIGNATURE: 

Sworn to before me this

04th day of February, 2023


(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
businessmanager@ibewlocal139.org
(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

IBEW Local 241
134 Cecil A. Malone Dr.
Building Trades
Ithaca, NY 14850
businessmanager@ibewlocal241.com
(607) 272-2809

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: **Gorick Construction**

CONTACT: **Scott Fleming**

ADDRESS: **27 Track Drive** CITY: **Binghamton** STATE: **NY** ZIP: **13904**

EMAIL: **Scott@gorickconstruction.com** PHONE: **scott@gorickconstruction.com**

| ITEM | CONTRACT/SUB | ADDRESS | EMAIL | PHONE | AMOUNT |
|--------------------------|--------------|-------------------------------|------------------------------|--------------|---------|
| Site/Demo | Gorick | 27 Track Drive, Binghamton BY | Scott@gorickconstruction.com | 607-206-4285 | 300,000 |
| 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

2/8/2023

Date