

HORSHT, LLC - Amended Jobs Pages to March 11, 2022 Application

Part VII: Employment Information

"FTE" shall mean a full time employee that has a minimum of thirty-five (35) scheduled hours per week, or any combination of two or more part-time employees that work a minimum of fifteen (15) scheduled hours per week, when combined together, constitute the equivalent of a minimum of thirty-five (35) scheduled hours per week, and whose workplace location is the project facility. For this purpose an employee shall include a leased employee regularly retained by the company.

11(a) Estimate how many construction jobs will be created or retained as a result of this project.

0

11(b) Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

Yes No **If Yes**, explain below.

This project will enable FIS and TLC to increase their employee base numbers, as there will be more space for equipment and machinery, as well as for employees to run that equipment. It will also provide additional space for finished product, which will also require additional employees to assist in the warehouse and shipping areas.

11(c) Have you experienced any employment changes (+ or -) in the last three (3) years?

Yes No **If Yes**, explain below.

The COVID pandemic caused a decrease in the number of employees. FIS and TLC have been continuously hiring to regain some of those employee numbers. With increasing demands for production, FIS and TLC have been hiring for those positions, and are in need of additional employees to run new equipment and machinery.

11(d) Job Information related to project ***

Estimate below how many jobs will be created and retained as a result of this project, if OCIDA assistance is granted. **PLEASE MAKE SURE TOTAL PART-TIME EMPLOYEES ARE TURNED INTO FULL-TIME EQUIVALENTS (FTE) for Line B. - See Pg. 17.**

Number of Jobs BEFORE Project	336	Location 1	Location 2	Location 3	Location 4	Location 5	
Address in NYS		161 Clear Road, Oriskany, NY 13424	175 Clear Road, Oriskany, NY 13424	132 Base Road, Oriskany, NY 13424	MSI, 6247 State Route 233, Rome, NY 13440	Horsht, FGR, and FIS Blue	Total
Full-Time Company	208	included	85	27			
Full-Time Independent Contractors	0		0	0		Remaining employees	
Full-Time Leased	0		0	0		are Horsht, FGR, and FIS Blue	
A. Total Full-Time BEFORE	208		85	27			
Part-Time Company	0		0	0			
Part-Time Independent Contractors	0		0	0			
Part-Time Leased	0		0	0			
B. Total FTE Part-Timers BEFORE	0		0	0			
C. Total FTE BEFORE*	208		85	27	16		336

*For Total FTE BEFORE add full-time employees (line A) plus part-time employees that have been converted to FTE (line B).

HORSHT, LLC - Amended Jobs Pages to March 11, 2022 Application

	Location 1	Location 2	Location 3	Location 4	Location 5	Total
Number of Jobs AFTER Project (within 3 years of project completion)						
Full-time Company	218	included	90	27	16	
Full-Time Independent Contractors	0		0	0		
Full-Time Leased	0		0	0		
A. Total Full-Time AFTER	218		90	27		
Part-Time Company	0		0	0		
Part-Time Independent Contractors	0		0	0		
Part-Time Leased	0		0	0		
B. Total FTE Part-Timers AFTER	218		90	27		
C. Total FTE AFTER *	218		90	27	16	351

**For Total FTE AFTER add full-time employees (line A) plus part-time employees that have been converted to FTE (line B).*

	Location 1	Location 2	Location 3	Location 4	Location 5	Total
Estimate the number of residents from the Labor Market Area** in which the Project is located that will fill the jobs created within three years of project completion						
A. Full-Time	10	included	5	0	0	
B. FTE Part-Timers	0		0	0	0	
C. Total AFTER	10		5			15

** Labor Market Area includes Oneida, Lewis, Herkimer, and Madison Counties

Provide Any Notes To Job Information Below

FIS MFG Warehouse will add 1 Warehouse Worker.

FIS Sheet Metal Addition will add 1 Supervisor, 1 AMADA Press Operator, 1 AMADA Brake Operator, 1 PEM Station Operator, 1 PEM Station Operator, 1 Parts Cleaning Operator, 1 Powder Coat Operator, 1 Welder, 1 Parts Handler.

TLC will add a minimum of three (3) extrusion operators and two (2) shipping/warehouse employees.

HORSHT, LLC - Amended Jobs Pages to March 11, 2022 Application

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that this Application be submitted for review to the Oneida County Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the Application can be granted solely by this Agency's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

1. **Annual Sales Tax Filings.** 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 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.
2. **Annual Employment, Tax Exemption & Bond Status Reports.** 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 as well as tax exemption benefits received with the action of the Agency. For Applicants not responding to the Agency's request for reports by the stated due date, a \$500 late fee will be charged to the Applicant for each 30-day period the report is late beyond the due date, up until the time the report is submitted. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Annual Employment, Tax Exemption & Bond Status Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
3. **Absence of Conflict of Interest.** The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
4. **Hold Harmless.** Applicant hereby releases the Agency and its members, officers, servants, agents and employees 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 (A) 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 tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; 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 reach final

HORSHT, LLC - Amended Jobs Pages to March 11, 2022 Application

agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.
7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material

HORSHT, LLC - Amended Jobs Pages to March 11, 2022 Application

fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK)
COUNTY OF ONEIDA) ss.:

Frank Giotto, being first duly sworn, deposes and says:

1. That I am the CEO (Corporate Office) of Horsht, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

Frank Giotto
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 28th day of April, 2022.

Mark I. Cushman
(Notary Public)

MARK I. CUSHMAN
Notary Public #01CU6418134
State of New York
Qualified in Herkimer County
My Commission Expires 6-01-25

If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By: Alison Stanulevich

Name: Alison Stanulevich

Title: VP Corporate Compliance / Corp Counsel

Date: April 28, 2022