

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY



REQUEST TO AMEND PREVIOUSLY SUBMITTED APPLICATION FOR FINANCIAL ASSISTANCE

Oneida County Industrial Development Agency

584 Phoenix Drive
Rome, New York 13441-1405

(315) 338-0393 telephone
(315) 338-5694 fax

Shawna M. Papale, Executive Director

Please also deliver an electronic copy of all.

All applications must be submitted at least 10 days prior to meeting.

Project Name Woods Park Drive Purchase-Renovation

Applicant Name The Indium Corporation of America

Date of Original Submission July 11, 2022

Date of AMENDED Submission July 29, 2022

Project Number

N/A

Check all categories best describing the **scope of the project**:

- Acquisition of land
- Acquisition of existing building
- Renovations to existing building
- Construction of addition to existing building
- Demolition of existing building
- Construction of a new building
- Acquisition of machinery and/or equipment
- Installation of machinery and/or equipment
- Other (specify) Improvement of space and property for future tenants

Please indicate the financial assistance requested of the Agency, and provide the estimated value of said assistance. Attach a sheet labeled "Proposed PILOT" that shows the annual utilization of the Real Property Tax Abatement by year. If there is no change in original PILOT request approved by the Agency, the PILOT section can be skipped.

<u>Agency Assistance Requested</u>	Original Value	Revised Value
<input checked="" type="checkbox"/> Payment In Lieu of Real Property Taxes (PILOT) — (Savings due to PILOT)	\$ 1,270,000	\$ 1,270,000
<input checked="" type="checkbox"/> Mortgage Tax Exemption (.75%) Amount of mortgage:	\$ 99,750 \$ 13,300,000	\$ 82,200 \$ 10,960,000
<input checked="" type="checkbox"/> Sales and Use Tax Exemption ** (8.75%) Value of goods/services to be exempted from sales tax:	\$ 131,250 \$ 1,500,000	\$ 148,750 \$ 1,700,000
Total:	\$ 1,501,000	\$ 1,500,950

Is the financial assistance requested by the Applicant consistent with the IDA's Uniform Tax Exemption Policy? Yes No

If no, please provide a written statement describing the financial assistance being requested and detailing the reasons the IDA should consider deviating from its Policy.

PILOT is a deviation from Agency's standard UTEP.

**** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents will include a covenant by the Applicant that the estimate, above, represents the maximum amount of sales and use tax benefit currently authorized by the Agency with respect to this Application. The Agency may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered. It is the responsibility of the applicant to inform the IDA within 10 days if the project amount changes.**

REVISED BUDGET REQUEST

Part IX: Estimated Project Cost and Financing

11(a) List the costs necessary for preparing the facility.

	Original	Revised	Difference (Use minus symbol where applicable)
LAND Acquisition	\$ 1,500,000	1,500,000	0
Existing Building(s) ACQUISITION	\$ 10,700,000	10,700,000	0
Existing Building(s) RENOVATION	\$ 0	633,365	633,365
NEW Building(s) CONSTRUCTION	\$		
Site preparation/parking lot construction	\$		
Machinery & Equipment that is TAXABLE	\$ 100,000	100,000	0
Machinery & Equipment that is TAX-EXEMPT	\$		
Furniture & Fixtures	\$ 1,335,000	701,635	-633,365
Installation costs	\$ 50,000	50,000	0
Architectural & Engineering	\$		
Legal Fees (applicant, IDA, bank, other counsel)	\$ 15,000	15,000	0
Financial (all costs related to project financing)*	\$		
Permits (describe below)	\$		
Other (describe below)	\$		
Subtotal	\$ 13,700,000	13,700,000	0
Agency Fee ¹	\$ 59,250	59,250	0
Total Project Cost	\$ 13,759,250	13,759,250	0

* *Bank fees, title insurance, appraisals, interest, environmental reviews, etc.*

¹ *See Attached Fee Schedule (Page 25) for Agency Fee amount to be placed on this line.*

Permit Information

No change

Other Information

INDIUM-Park Woods Drive PILOT Approved By OCIDA July 15, 2022

Year	Normal Tax Based on Assessment	PILOT Exemption (Benefit)	PIF Payment on Bonds	Balance To Taxing Jurisdictions
Pre-Pilot	2022 \$ 481,534		\$ 235,000	\$ 246,534
	<u>ESTIMATES</u>	<u>FIXED AMOUNTS</u>		<u>ESTIMATES</u>
	2023 \$ 381,231		\$ 235,000	\$ 146,231
	2024 \$ 388,856	\$ 40,000	\$ 100,000	\$ 248,856
	2025 \$ 396,633	\$ 150,000		\$ 246,633
	2026 \$ 404,565	\$ 150,000		\$ 254,565
	2027 \$ 412,657	\$ 150,000		\$ 262,657
	2028 \$ 420,910	\$ 150,000		\$ 270,910
	2029 \$ 429,328	\$ 150,000		\$ 279,328
	2030 \$ 437,915	\$ 135,000		\$ 302,915
	2031 \$ 446,673	\$ 120,000		\$ 326,673
	2032 \$ 455,606	\$ 90,000		\$ 365,606
	2033 \$ 464,718	\$ 75,000		\$ 389,718
	2034 \$ 474,013	\$ 60,000		\$ 414,013

Note - Tax
increase
of 2% per
year.

Reduction
in tax from
'22 to '23
caused by
reduction in
assessment

\$ 1,270,000

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
COST/BENEFIT ANALYSIS
Required by §859-a(3) of the
New York General Municipal Law

Indium - Woods Park Dr.

29-Jul-22

Name of Applicant: The Indium Corporation of America

Description of Project: Building and property renovations; M&E and furnishings purchase

Name of All Sublessees or Other Occupants of Facility: 301 Woods Park Drive
Town of New Hartford (Mail Clinton, NY 13323)

Principals or Parent of Applicant: Macartney Family Trust

Products or Services of Applicant to be produced or carried out at facility: Corp. H'quarters

Estimated Date of Completion of Project: NA

Type of Financing/ Structure:

<u> </u>	Tax-Exempt Financing
<u> </u>	Taxable Financing
<u> X </u>	Sale/ Leaseback
<u> </u>	Other

Type of Benefits being Sought by Applicant:

<u> </u>	Taxable Financing
<u> </u>	Tax-Exempt Bonds
<u> X </u>	Sales Tax Exemption on Eligible Expenses Until Completion
<u> X </u>	Mortgage Recording Tax Abatement
<u> X </u>	Real Property Tax Abatement

Project Costs

Land Acquisition	\$ 1,500,000
Existing Building(s) ACQUISITION	\$ 10,700,000
Existing Building(S) RENOVATION	\$ 633,365
NEW Building(s) CONSTRUCTION	\$ -
Installation Costs	\$ 50,000
Site Preparation/Parking Lot Construction	\$ -
Machinery & Equipment (other than furniture)	\$ 100,000
Furniture & Fixtures	\$ 701,635
Architectural & Engineering	\$ -
Legal Fees (applicant, IDA, bank, other counsel)	\$ 15,000
Financial (all costs related to project financing)	\$ -
Permits	\$ -
Other	\$ -
Agency Fee	\$ 59,250
TOTAL COST OF PROJECT	\$ 13,759,250

Assistance Provided by the Following:

EDGE Loan:	
MVEDD Loan:	
Grants - Please indicate source & Amount:	\$ -
Other Loans - Please indicate source & Amount:	

Company Information

		Average Salary of these Positions
Existing Jobs	97	\$ 54,000
Created Jobs FTE (over three years)	0	\$ -
Retained Jobs	97	\$ 54,000

Earnings Information for Oneida County

Average Salary of Direct Jobs for Applicant	\$ 54,000
Average of County Indirect Jobs	\$ 25,000
Average of Construction Jobs	\$ 32,000

Note: \$1,000,000 in construction expenditures generates 15 person - years of employment

Construction Person Years of Employment: 10 Based upon sum of Construction Related Expenses

Calculation of Benefits (3 Year Period)

	Total Earnings	Revenues
Direct Jobs		
Created	\$ -	\$ -
Existing	\$ 15,714,000	\$ 667,845
Indirect Jobs		
Created	\$ -	\$ -
Existing	\$ 18,187,500	\$ 772,969
Construction - only one year		
Person Years	\$ 328,015	\$ 13,941
TOTALS Calculation of Benefits (3 Yr Period)	\$ 34,229,515	\$ 1,454,754

TAXABLE GOODS & SERVICES

		Spending Rate	Expenditures	State & Local Sales Tax Revenues
Direct Jobs	Created	36%	\$ -	\$ -
	Existing	0.36	\$ 5,657,040.00	\$ 551,561
Indirect Jobs	Created	0.36	\$ -	\$ -
	Existing	0.36	\$ 6,547,500.00	\$ 638,381
Construction - only one year	Person Years	0.36	\$ 118,085	\$ 11,513
<u>TOTAL TAXABLE GOODS & SERVICES</u>			\$ 12,322,625	\$ 1,201,456

Local (3 year) real property tax benefit (assuming 60% of jobs existing and created own a residence) with an average assessment of \$80,000 and the remainder of jobs existing created pay real property taxes through rent based on an average assessment per apartment of \$50,000.

Tax Rate for School District where facility is located:	33.1154
Tax Rate for Municipality where facility is located:	3.274438
Tax Rate for County:	7.978718
Total Rate:	44.368556
Real Property Taxes Paid: \$	292,655

Municipality
New Hartford
New Hartford
Oneida

COSTS: IDA BENEFITS

Real Property Taxes Abatement	\$ 1,270,000
Mortgage Tax Abated (.75%)	\$ 82,200
Estimated Sales Tax Abated During Construction Period (8.75%)	\$ 148,750
Total:	\$ 1,500,950

Revised by IDA Board Action 7-15-22

NOTE: If there is a tax-exempt financing of all or a portion of the project cost, there is a neutral cost/benefit because of lower interest rates by reason of exclusion of interest from gross income of bondholders for purposes of Federal and State income taxes. Taxable financing carries the same cost/benefit for State Income Tax purposes. Such cost/benefits cannot be quantified.

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that the attached materials be submitted as an amendment to the Applicant's original Application for Financial Assistance for review to the Oneida County Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the modifications to the Application can be granted solely by this Agency's Board of Directors. The Agency reserves the right to request Applicant complete a full Application for Financial Assistance if, after reviewing the attached materials, the Agency determines one is required to properly evaluate the Applicant's request. 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

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

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.:

GREGORY P. EVANS, being first duly sworn, deposes and says:

1. That I am the C.E.O. (Corporate Office) of INDIUM CORPORATION (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.


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 3rd day of August, 2022

Anne M. Hauf
(Notary Public)

ANNE M. HAUF
Notary Public, State of New York
Reg. # 01HA4852888
Appointed in Oneida County
My Commission Expires Feb. 18, 2026

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: _____

Name: _____

Title: _____

Date: _____

