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# APPLICATION FOR FINANCIAL ASSISTANCE

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## 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

*A non-refundable application fee of \$500.00 must be submitted at the time of application along with a \$1000 commitment fee that will be submitted at the time of application; the \$1000 commitment fee will be applied at closing.*

*Please submit the original application, SEQR form and Cost/ Benefit and two (2) copies along with an electronic copy of the application, SEQR form and Cost/ Benefit with the applicable fee.*

***All applications must be submitted 10 days prior to meeting.***

Economic Development Growth Enterprises Corporation

Name of Applicant

Number (to be provided by the agency)

## **Note to Applicant:**

The information requested by this application is necessary to determine the eligibility of your project for Agency benefits. Please answer **all** questions, inserting “none” or “not applicable” where appropriate. If you are providing an estimate, please indicate by inserting “est” after the figure. Attach additional sheets if more space is needed for a response than is provided.

Return the original application and two copies with a check in the amount of \$1500.00 made payable to: **Oneida County Industrial Development Agency (OCIDA)**, 584 Phoenix Drive, Rome, New York 13441-1405, Attn.: Shawna M. Papale, Executive Director. \$1000 will be applied at closing against the IDA legal fees. In addition, an electronic version of the application (signed), SEQR form (signed), and Cost/benefit to [spapale@mvedge.org](mailto:spapale@mvedge.org).

Upon the submission of this application to the IDA, this applicant becomes a public document. Be advised that any action brought before the OCIDA is public information. All agenda’s for the OCIDA are issued prior to full agency meetings and posted in public domain. If there is information that the applicant feels is proprietary please identify as such and that information will be treated confidentially to the extent permitted by law.

By signing and submitting this Application, the Applicant acknowledges that it received a copy of the Uniform Tax Exemption Policy and the Oneida County IDA Penalty for Failure to Meet Employment Levels as adopted by the Agency and Agency Memorandums pertaining to the benefits of projects financed through the Agency.

A project financed through the Agency involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project. You will receive an engagement letter from the OCIDA legal counsel. You will be asked to sign the engagement letter acknowledging you understand the legal fees you will be responsible for them and also acknowledge what the process is. Should you not close and legal services have been rendered by the OCIDA legal counsel, your company will be responsible for those costs.

If your project requires a public hearing, a representative of the applicant is required to be present. A date will be coordinated by the OCIDA legal counsel.

If you have questions how to calculate your companies IDA application fee please consult with the Memorandum to Companies Sale – Leaseback Transactions or please contact the IDA Executive Director.

**Part I: Applicant Information**

**Note:** In responding to the following questions, please keep in mind that the Applicant will be party to all of the documents and is the individual or entity which will receive the actual financial assistance from the Agency.

**Applicant**

- 1(a) Applicant's Legal Name: Economic Development Growth Enterprises Corporation
- 1(b) Principal Address: 584 Phoenix Drive  
Rome, New York 13441
- 1(c) Telephone/Facsimile Numbers: (315) 338-0393  
(315) 338-5694
- 1(d) Email Address: [sjdimeo@mvedge.org](mailto:sjdimeo@mvedge.org)
- 1(e) Federal Identification Number: 16-0874637
- 1(f) Contact Person: Steven J. DiMeo, President
- 1(g) Is the Applicant a
- Corporation:  
If yes, Public  Private  Not-for-Profit  
If public, on which exchange is it listed?  
\_\_\_\_\_
  - Subchapter S
  - Sole Proprietorship
  - General Partnership
  - Limited Partnership
  - Limited Liability Corporation/Partnership
  - DISC
  - Other(specify) \_\_\_\_\_
- 1(h) State of Organization (if applicable) New York

**Applicant's Stockholders, Directors and Officers (or Partners)**

2(a) Provide the following information with respect to parties with 15% or more in equity holdings:

<u>Name</u>	<u>Address</u>	<u>Percentage of Ownership</u>
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Applicant is a New York not-for-profit corporation and is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. No person or entity has any equity holding in Applicant.

2(b) Is the Applicant, or any of the individuals listed in 2(a) above, related directly or indirectly to any other entity by more than 50% common ownership? If so, indicate name of such entity and the relationship.

Applicant is the sole shareholder of 394 Hangar Road Corporation, a New York business corporation. In addition, Applicant is the sole member of 5900 Success Drive Realty, LLC, a New York limited liability company. Thus, Applicant is the parent company to both 394 Hangar Road Corporation and 5900 Success Drive Realty, LLC.

2(c) Is the Applicant affiliated with any other entity, directly or indirectly, other than as listed in the response to 2(a) above? If yes, please indicate name and relationship of such other entity and the address thereof:

Applicant is not affiliated through more than 50% common ownership with any entity other than those listed in response to Question 2(b) above. However, Applicant has entered into separate contracts with each of the following entities pursuant to which it provides staff services (but not management services) to such entities:

1. Oneida County Industrial Development Agency;
2. Rome Industrial Development Corporation;
3. Utica Industrial Development Corporation;
4. Griffiss Local Development Corporation;
5. 394 Hangar Road Corporation;
6. 5900 Success Drive Realty, LLC;
7. Griffiss Institute Inc.; and
8. Cardinal Griffiss Realty, LLC.

Applicant also provides services (which do not include management services) to the County of Oneida pursuant to a contract.

Applicant is one of the two members of Griffiss Institute Inc., a New York not-for-profit corporation (with the other member being Griffiss Local Development Corporation). Applicant also owns a 0.01% membership interest in Cardinal Griffiss Realty, LLC (with the other 99.99% of such membership interests being owned by Griffiss Local Development Corporation).

By virtue of the foregoing, none of the aforesaid contracts makes Applicant a direct or indirect affiliate of such entities.

### **Applicant's Counsel and Accountant**

Name/Title: Joseph E. Saunders, Esq.

Firm: Saunders Kahler, L.L.P.

Address: 185 Genesee Street, Suite 1400

Utica, New York 13501

Telephone/Fax: (315) 733-0419

(315) 724-8522

### **3(b) Applicant's Accountant**

Name/Title: Roy J. Clark

Firm: D'Arcangelo & Co., LLP

Address: 200 East Garden Street, P.O. Box 4300

Rome, New York 13442

Telephone/Fax: (315) 336-9220

(315) 735-5210

### **Business Description**

- 4(a) Describe the nature of your business and principal products and/or services. Attach additional sheets if necessary.

Applicant is the principal economic development organization in Oneida County, New York. Applicant's objects and purposes are, among others, to encourage the location and expansion of industrial and manufacturing capacity, the creation of new and improved job opportunities, the reduction of unemployment and the betterment of individual and community prosperity within Oneida County.

## Part II: Project Information

- 5(a) Explain your project in detail. This description should include explanation of all activities which will occur due to this project. Attach additional sheets if necessary.

Applicant's project (the "Project") consists of the acquisition from certain private landowners of the easements and/or rights-of-way (collectively, the "Easements") necessary in order to undertake the construction, installation and/or operation of a dual circuit, 115 kV electric transmission line (the "115 kV Transmission Line") running a distance of approximately 1.4 miles from National Grid's Edic Substation at its northerly terminus to a new customer substation to be constructed by Fort Schuyler Management Corporation on the Marcy Nanocenter Site at its southerly terminus. The Project, in turn, will support and facilitate the overall development of the publically-important Marcy Nanocenter at SUNY Poly Project (with which the Agency is already familiar) by enabling the delivery of power to the Marcy Nanocenter Site. A detailed description of the Project is attached hereto and made a part hereof as **Exhibit A**. A map showing the proposed route of 115 kV Transmission Line is annexed hereto and made a part hereof as **Exhibit A-1**. A detailed description of the Marcy Nanocenter at SUNY Poly Project is attached hereto and made a part hereof as **Exhibit B**.

## Reasons for Project

- 6(a) Please explain in detail why you want to undertake this project.

For the reasons outlined in the Project Description annexed hereto and made a part hereof as **Exhibit A**, and in the Marcy Nanocenter at SUNY Poly Project Description annexed hereto and made a part hereof as **Exhibit B** (and in the Semico Report referred to therein), Applicant considers the Marcy Nanocenter at SUNY Poly Project to be the area's top economic development priority. Applicant's acquisition of the Easements will enable the Applicant to perform the Project which, in turn, will support and facilitate the overall development the Marcy Nanocenter at SUNY Poly Project. The public purposes of Marcy Nanocenter at SUNY Poly Project, include: (1) encouraging the location and expansion of industrial and manufacturing capacity, (2) creating new and improved job opportunities, (3) reducing unemployment, and (4) bettering of individual and community prosperity, all within Oneida County and its environs. The public purposes of the Marcy Nanocenter at SUNY Poly Project also include facilitating necessary site preparation work, the relocation and/or installation of utility lines (including the 115 kV Transmission Line), roadways and/or other infrastructure improvements.

- 6(b) Why are you requesting the involvement of the Agency in your project?

Applicant, through counsel, is actively negotiating to acquire the Easements from the private landowners whose properties are situate along the proposed route of the 115 kV Transmission Line (collectively, the "Owners"). It is possible that Applicant will be unable to reach an agreement with all of the Owners with respect to the voluntary sale and purchase of the Easements. In such event, Applicant will request the Agency to exercise its power of eminent domain (as set forth in Section 858(4) of the General Municipal Law) to acquire any of those Easements which Applicant has been unable to acquire by means of a voluntary sale and purchase.

6(c) How will the Applicant's plans be affected if Agency approval is not granted?

If Agency approval is not granted, Applicant's flexibility to undertake and perform the Marcy Nanocenter at SUNY Poly Project as a whole and/or otherwise facilitate the same will be severely diminished as a consequence due to the lack of economically feasible power delivery alternatives to the Marcy Nanocenter Site.

6(d) Is the proposed project reasonably necessary to discourage the Applicant from removing such other plant or facility to a location outside the State of New York?

Yes  No **If yes**, please explain briefly.

Is the proposed project reasonably necessary to preserve the competitive position of the Applicant in its respective industry?  Yes  No **If yes**, please explain briefly.

6(e) Will financing by the Agency result in the removal or abandonment of a plant or other facility of the applicant or any related entity presently located in another area of New York State?

Yes  No **If yes**, please explain briefly the reason for the move.

6(f) Has the Applicant or any related entity previously secured financial assistance in Oneida County (whether through the Agency, the Empire State Development Corporation, or any other entity)?  Yes  No

**If yes**, please explain (indicate date of benefit, location of facility and outstanding balance).

At Applicant's request, in 2001, the Agency issued \$3,175,000 of its Industrial Development Revenue Bonds, Series 2001, in connection with the Economic Development Growth Enterprises Corporation/M.G.S. Manufacturing, Inc. Facility at 122 Otis Street, Griffiss Business & Technology Park, Rome, New York.

In the past several years, the Agency has also assisted Applicant's subsidiaries, 394 Hangar Road Corporation (e.g. through the Empire Aero Center, Inc./Premier Aviation Overhaul Center, Ltd. Project) and 5900 Success Drive Realty, LLC through a Voluntary Clean-Up Agreement with NYS Department of Environmental Conservation and through certain sale-leaseback transactions, or otherwise.

From time to time, Applicant has received grant assistance from various state public benefit corporations including New York State Urban Development Corporation d/b/a Empire State Development Corporation ("ESD") and the Dormitory Authority of State of New York ("DASNY") as well as others such as Niagara Mohawk Power Corporation d/b/a National Grid. A matrix listing Applicant's active and/or open grants is attached hereto and made a part hereof as **Exhibit C**.

6(g) Has the Applicant or any related entity secured financial assistance anywhere within the United States within the last 90 days or does the Applicant or any related entity anticipate receiving financial assistance within the next 90 days?  Yes  No

**If yes**, please explain.



See response to Question 6(f) above.

6(h) Check all categories best describing the **type of project**:

- Manufacturing
- Industrial Assembly or Service
- Research and Development
- Warehousing
- Commercial or Recreational
- Pollution Control (specify) \_\_\_\_\_
- Other (specify) See Project Description attached hereto and made a part hereof as **Exhibit A**.

6(i) Check all categories best describing the **scope of the project**:

- Acquisition of land (or Easements in 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) See Project Description attached hereto and made a part hereof as **Exhibit A**.

6(j) Please indicate the financial assistance you are requesting of the Agency, and provide the estimated value of said assistance.

<b>Assistance</b>	<b>Estimated Value</b>
<input type="checkbox"/> Real Property Tax Abatement	\$ _____
<input type="checkbox"/> Mortgage Tax Exemption, if necessary	\$ _____
<input type="checkbox"/> Sales and Use Tax Exemption, if necessary	\$ _____
<input type="checkbox"/> Issuance by the Agency of Tax Exempt Bonds,	

if necessary

\$\_\_\_\_\_

Applicant is requesting the Agency to exercise its power of eminent domain to acquire any of those Easements which Applicant is unable to acquire by means of a voluntary sale and purchase.

**Part III: Facility Information**

**Facility (Physical Information) If multiple locations please provide information on all.**

7(a) Street Address of Facility:

The Easements will traverse various properties situate at the Town of Marcy (located by street address primarily on Edic Road and Hazard Road)

7(b) City, Town and/or Village:

Town of Marcy

*(Note: It is important that you list **all** incorporated municipalities in which the facility lies. This information will be used in scheduling a public hearing as required by statute.)*

7(c) School District:

Whitesboro Central School District

7(d) Tax Account Number(s):

The Easements will affect the following Tax Parcels:

<u>278.000-2-36</u>	<u>278.000-2-20.1</u>	<u>293.000-1-12</u>
<u>293.000-1-56</u>	<u>293.000-1-57</u>	

**Attach copies of the most recent real property tax bills. Include copies for all taxing jurisdiction for the site/ facility that IDA assistance is being sought.**

7(e) For what purpose was the facility site most recently used (i.e., light manufacturing, heavy manufacturing, assembly, etc.)?

The 115 kV Transmission Line will only directly impact lands that primarily consist of fields and/or forested areas.

7(f) Zoning Classification of location of the project:

The 115 kV Transmission Line will traverse properties in the Town of Marcy that are zoned R-20 Residential. However, as noted in response to Question 7(e) above, the 115 kV Transmission Line will only directly impact lands that consist primarily of fields and/or forested areas; not anyone's home or other structures.

7(g) Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings, square footage, number of floors, type of construction,) and attach plot plans, photos or renderings, if available. **Please be as specific as possible.**

See the Project Description attached hereto and made a part hereof as **Exhibit A**.

7(h) Has construction or renovation commenced? [ ] Yes [ X ] No

**If yes**, please describe the work in detail, including the date of commencement.

Geotechnical testing, right-of-way flagging and clearing, vegetation disposal, construction staking, access road construction, and equipment marshalling, are all expected to commence in the Fall of 2016. Structure pad construction, structure erection and installation, structure ground installation and testing, guy anchor installation and pole testing, and wire stringing, testing and commissioning are expected to commence in the Spring of 2017 (as soon as the weather permits), be substantially complete on or before September 1, 2017, and finally complete on or before October 1, 2017. Upon completion, testing and commissioning of the 115 kV Transmission Line, Applicant will assign the Easements and convey the 115 kV Transmission Line facilities to National Grid who will thereafter own, repair, maintain and operate the same as part of its electric distribution system.

**If no**, indicate the estimated dates of commencement and completion:

Construction commencement: Spring 2017

Construction completion: Fall 2017

7(i) Will the construction or operation of the facility or any activity which will occur at the site require any local ordinance or variance to be obtained or require a permit or prior approval of any state or federal agency or body (other than normal occupancy and/or construction permits)?

[ X ] Yes [ ] No

**If yes**, please describe.

The construction/installation of the 115 Transmission Line requires site plan approval (already obtained) and a grading permit from the Town of Marcy as well as approval of the New York State Public Service Commission.

7(j) Will the project have a significant effect on the environment? [ ] Yes [ X ] No

The Town of Marcy Planning Board considered the environmental impacts of the 115 kV Transmission Line in connection with its review of Application's site plan and issued a negative declaration with respect thereto.

**Important: please attach Environmental Assessment Form to this Application.**

7(k) What is the useful life of the facility? Unknown years

7(l) Is the site in an Empire Zone? [ ] Yes [ X ] No

If yes, which Empire Zone: \_\_\_\_\_

Is the business Empire Zone certified at this location: [ ] Yes [ ] No

Attached a copy of the last Business Annual Report filed. If not certified, explain why not:



**Facility (Legal Information)**

8(a) With respect to the **present owner** of the facility, please give the following information:  
*(Note: the present owner is not necessarily the user of the facility, but that party which holds legal title to the facility.)*

Legal Name: See: Exhibit D attached hereto.

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Balance of Mortgage: N/A

Holder of Mortgage: N/A

If the Applicant is not the present owner of the facility, please attach any written agreements and contracts concerning the acquisition of the real property and/or equipment.

As noted above, Applicant (through counsel) is currently negotiating with the Owners whose properties are situate along the route of the 115 kV Transmission Line to acquire the same by means of voluntary sales and purchases. At present, there are written agreements or contracts between Applicant and the following Owners: (a) Chad and Karen Bogan, (b) Theodore C. Kubinski, and John H. and Patricia M. Pletl. Applicant has not yet been able to reach a written agreement with either Michael Dale Strife or Jeanette D. Cooney. The Owners are listed in **Exhibit D** attached hereto and made a part hereof.

8(b) Is there a legal relationship, directly or indirectly, by virtue of common control or through related persons, between the Applicant and the present owner of the facility?  
 Yes  No. If yes, please explain.

8(c) Will a related real estate holding company, partnership or other entity, be involved in the ownership structure of the transaction?  
 Yes  No. If yes, please explain.

8(d) Will the title owner of the facility/ property also be the user of the facility?  
 Yes  No. If no, please explain.

As noted above, upon its completion of the Project, Applicant plans to assign the Easements and convey the 115 kV Transmission Line facilities to Niagara Mohawk Power Corporation d/b/a National Grid, a public utility company, who will thereafter own, repair, maintain and operate the same as part of its electric distribution system.

8(e) Is the Applicant currently a tenant in the facility?             Yes    No

8(f) Are you planning to use the entire proposed facility?  
 Yes    No

If no, please give the following information with respect to tenant(s) which will remain in the facility after the completion of the project:

<u>Name of Tenant</u>	<u>Floors Occupied</u>	<u>Square Feet Occupied</u>	<u>Nature of Business</u>
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See Response to Question 8(d) above.

8(g) Are any of the tenants related to the owner of the facility?  
 Yes    No  
If yes, please explain.

8(h) Will there be any other users other than the applicant to the IDA be utilizing the facility?  
 Yes    No  
If yes, please explain. Provide detail of the contractual arrangement including any financial exchange for the use of the site or property.

See Response to Question 8(d) above.

**Equipment**

9(a) List the principal items or categories of equipment to be acquired as part of the project. (As soon as one is available but prior to final authorizing resolution, please submit a detailed inventory of said equipment.)

At present, not applicable

9(b) Please provide a brief description of any equipment which has already been purchased or ordered, attach all invoices and purchase orders, list amounts paid and dates of expected delivery. Attach a sheet if needed.

At present, not applicable

9(c) What is the useful life of the equipment? unknown years

**Part IV: Employment Information**

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

Construction Jobs unknown

Permanent Jobs to be created by Project at Applicant’s facility unknown

Permanent Jobs to be retained by Project at Applicant’s facility unknown

10(b) Estimate how many jobs will be created as a result of this project.

Permanent Jobs to be created by Project at Applicant’s facility unknown FTE

Average Salary of these jobs: \$ unknown

10(c) What is the applicant entity’s current level of employment in Oneida County at the time of application? Please indicate in full time equivalents (FTE).

Permanent Jobs to be retained by Project at location to be assisted with the requested IDA benefits unknown FTE

Average Salary of these jobs: \$ unknown



Other locations in Oneida County

unknown FTE

Average Salary of these jobs: \$ unknown

Employment in other NYS locations, list below

unknown FTE

Average Salary of these jobs: \$ unknown

10(d) Please list the NIC codes for the jobs affiliated with this project. Unknown



**Real Estate Taxes**

12(a) For each tax parcel which comprises the facility, please provide the following information, using figures from the most recent tax year:

Tax Acct #	Current Assessed Value (Land)	Current Assessed Value (Building)	Real Estate Taxes
<p>Initially, the Easements will not be subject to real property tax in and of themselves. However, once the Easements are assigned and the 115 kV Transmission Line is conveyed by Applicant to National Grid, the same will become subject to the property tax. The existence of the Easements may affect the assessed value of the various tax parcels encumbered thereby.</p>			

12(b) Address of Receiver of Town and/or Village Taxes:

Town of Marcy  
8801 Paul Becker Road, P.O. Box 220  
Marcy, New York 13403  
Attn: Gina M. Schillaci, Tax Collector

12(c) Address of Receiver of School Taxes:

Whitesboro Central School District  
Receiver of Taxes  
8539 Clark Mills Road  
Whitesboro, New York 13492

12(d) Will the completion of the proposed project result in the increase of the assessment of any of the parcels named above? [ ] Yes [ X ] No

If yes, please indicate which tax account numbers will be affected.

**Financial Information**

13(a) Has the Applicant contacted any bank, financial/lending institution or private investor with respect to the financing of the proposed project?  
 [ ] Yes [ X ] No

**If yes**, please provide details.

- 13(b) Has the Applicant received a commitment letter for said financing?  
[ ] Yes [X] No

**If yes**, please submit a copy of said commitment letter along with this Application.

- 13(c) Please complete the Cost/Benefit Analysis form and attach to this Application. As you complete and have questions please call.

## **REPRESENTATIONS AND CERTIFICATION BY APPLICANT**

The undersigned requests that this Application be submitted for review to the Oneida County Industrial Development Agency's 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 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 benefits received with the action of the OCIDA.
3. **Absence of Conflict of Interest.** The Applicant has consulted the OCIDA 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:
4. **Hold Harmless.** Applicant hereby releases Oneida County Industrial Development Agency and the members, officers, servants, agents and employees thereof (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 (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 OCIDA has disclosed that the actions and activities of the OCIDA 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.

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.

**ECONOMIC DEVELOPMENT GROWTH ENTERPRISES CORPORATION**

(Applicant)

By: \_\_\_\_\_

Name: Steven J. DiMeo

Title: President

Date: \_\_\_\_\_

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: Joseph E. Saunders

Title: Attorney for Applicant

Date: \_\_\_\_\_

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Return the original application and two copies with a check in the amount of \$1500.00 made payable to: **Oneida County Industrial Development Agency (OCIDA)**, 584 Phoenix Drive, Rome, New York 13441-1405, Attn.: Shawna M. Papale, Executive Director. \$1000 will be applied at closing against the IDA legal fees. In addition, an electronic version of the application (signed), SEQR form (signed), and Cost/benefit to [spapale@mvedge.org](mailto:spapale@mvedge.org).

## **Agency Fee Schedule**

Commitment Fee: \$1,000 – due following the initial inducement but prior to scheduling of the public hearing; this amount is non-refundable if the applicant fails to close on the project before the IDA. Upon closing with the IDA this amount is applied to the legal closing fees.

Bond Fees: ½ of 1% of total bond amount

IDA Agency Fee: PILOT, Mortgage Recording Exemption, Sales Tax Exemption:

- Up to a \$1.0 Million project - \$5,000
- Above \$1.0 Million project up to \$10.0 Million project – ½ of 1% of total project cost.
- Above \$10.0 Million project – ½ of 1% of total project cost up to \$10.0 Million plus incremental increase of ¼ of 1% of total project above \$10.0 Million.

Agency Counsel Fee:

Set by Bond/Transaction Counsel based upon the nature and complexity of the transaction. This applies to bond and non-bond transactions (leasebacks, sale-leasebacks, etc).

Agency Counsel fees in Bond and non bond transactions will not normally exceed the greater of (a) 2% of the Bond amount or project costs or (b) a minimum is in customary transactions \$8,500 to \$10,000.

Annual Fee:

For the term in which the property remains in the IDA's name, an annual lease payment is due in the amount of \$500. The first payment is due at closing. This amount is due on the anniversary date of the first date of the month in which the IDA documents were executed. For annual fees not paid and delinquent, a late charge of \$50 per month will be levied until such time the fee plus late charges are paid.

Other fees:

For an IDA property which requires follow up action – a 1/8 of one percent of the total reissuance, redemption, new or revised mortgage, refinancing, spreading agreement or other transaction requiring action of the IDA shall be 1/8 of one percent of total project amount for a minimum payment to the IDA of \$500.







## Active Grants

Grantee	Grantor	Name of Grant	Grant #	Projects / Description	Grant Approval Date	Grant Expiration Date	Grant Amount
<b>Economic Development Growth Enterprises</b>							
EDGE	ESDC	<b>Econ Deve Assistance Program Marcy Nano - Edic Road</b>	<b>W277</b>	After 1/1/09 - 127 - Travel, Trade shows, other business/promotional expense. 127A Other expenses (capital investments, land acquisition, site development, engineering, consulting, legal etc.	6/30/2008	12/31/2016	10,000,000
EDGE	ESDC	<b>MNC Loop Road Capital (Ring Road)</b>	<b>X623</b>	Planning, Final Design, Easements/Land Acquisition, Bidding, Construction, Admin, Inspection, Contractor Mobilization, Clearing, Wetland Mitigation, etc	11/15/2012	12/31/2018	5,000,000
EDGE	ESDC	<b>Cyber Security Research/Base Retention</b>	<b>Y069</b>	Organization/Formation of Corporation, Legal, Travel, General Admin, Contracted Services, Consultant Services, Salaries & Benefits	1/17/2013	3/31/2016	300,000
EDGE	ESDC	<b>County Interceptor</b>	<b>X624</b>	Planning, surveying, design, permits, appraisal, pipe fitting, consulting, admin, deotechnical, resource investigation, Phase 1 & 2 Construction, etc.	2/21/2013	12/31/2016	5,000,000
EDGE	ESDC	<b>Marcy Nano - Phase 1B</b>	<b>Z427/Z800</b>	Infrastructure/Site Work, Engineering, Design, Inspection, Administration, etc	5/18/2015	12/31/2025	3,250,000
EDGE	ESDC	<b>NUI - Phase II</b>	<b>Y907</b>				700,000
EDGE	ESDC	<b>Cyber Research Institute - Working Capital</b>	<b>Y568</b>	Admin, Workshops, Sesearch Consultants, Technical Assistance, Support Services, etc.	10/17/2013	12/31/2016	600,000
EDGE	National Grid	<b>MNC - 345kV Line Permitting &amp; Design Project</b>	<b>2880</b>	Expenses associated with 345kV line permitting and design	11/3/2014	3/31/2016	500,000
EDGE	National Grid	<b>Furance Project</b>	<b>3024</b>	Expenses associated with the the Furance Project	11/3/2014	3/31/2016	200,000
EDGE	ESDC	<b>MNC - Nano Utica Capital</b>	<b>AA642</b>	Sitework, Excavation			5,000,000
EDGE	National Grid	<b>2015 Marcy Nano Marketing</b>	<b>3142</b>	Marketing Expenses Associated with MNC (Travel Misc., Registration, Meals, Hotels, FMG, Food etc)	9/23/2015	3/31/2016	101,683
EDGE	National Grid	<b>Rome Cable - Part II Project</b>	<b>3119</b>		2/11/2015	3/31/2016	300,000
EDGE	National Grid	<b>Natural Gas Capital</b>	<b>3224</b>		9/24/2015	3/31/2016	500,000
EDGE	National Grid	<b>Cooperative Business Recruitment</b>	<b>4328</b>	Site Selector Ad	1/25/2016	3/31/2016	1,325.00
EDGE	ESDC	<b>Nano Utica Inittiaitive - MVEDGE - ams AG Capital</b>	<b>AB076</b>	Edic Station Upgrades (Powerlines) Deconstruction of Powerline, installation of gas line, Sewer Line, etc			49,100,000.00
							<b>80,553,008.00</b>

## **EXHIBIT A**

### **PROJECT DESCRIPTION**

Pursuant to the Amended and Restated Project Development Agreement dated as of May 1, 2010 among Applicant, the State University of New York (“SUNY”) and The Research Foundation of State University of New York (“SUNY RF”), Applicant is acting as the “lead” developer of the Marcy Nanocenter at SUNY Poly Project. Briefly, the Marcy Nanocenter at SUNY Poly Project involves the development of a 420± acre portion of the SUNY Polytechnic Institute campus (and some adjoining property) situate in the Town of Marcy, Oneida County, New York (all of such lands being, collectively, the “Marcy Nanocenter Site”) for use by one or more semiconductor manufacturers or other nanotechnology end-users (each, an “End-User”).

In August 2015, Governor Cuomo announced that an Austrian company, ams AG, has agreed to operate a 300 mm-enabled waiver fabrication facility (the “Fab C Facility”) to be constructed on a portion of the Marcy Nanocenter Site. In order to provide the electric power necessary to operate the Fab C Facility as well as other facilities that may be constructed on the Marcy Nanocenter Site for use by other End Users, it is necessary to construct a dual circuit, 115 kV electric transmission line (the “115 kV Transmission Line”) from National Grid’s Edic Substation at its northerly terminus a distance of approximately 1.4 miles to a new customer substation to be constructed by Fort Schuyler Management Corporation on the Marcy Nanocenter Site at its southerly terminus. A survey map depicting the route of the 115 kV Transmission Line is attached to the Application and made a part thereof as **Exhibit A-1**.

To facilitate the construction, installation and operation of the 115 kV Transmission Line, it is necessary for Applicant to undertake a project (the “Project”) whereby it acquires certain easements and/or rights-of-way (collectively, the “Easements”) from the various private landowners (collectively, “Owners”) whose properties are situate along the proposed route of said 115 kV Transmission Line. A list of such Owners is attached to the Application and made a part thereof as **Exhibit D**.

Upon completing the construction, testing and commissioning of the 115 kV Transmission Line, Applicant will assign the Easements and convey the 115 kV Transmission Line facilities to National Grid so that the latter may proceed to own, repair, maintain and operate the same in the future as part of its electric distribution system. Applicant is currently negotiating with the Owners to acquire the Easements by means of voluntary sale or purchase. It is possible that Applicant will be unable to reach an agreement with all of such Owners. In such event, Applicant will request the Agency to exercise its power of eminent domain (as set forth in Section 858(4) of the General Municipal Law to acquire any of those Easements which Applicant has been unable to acquire by means of a voluntary sale and purchase.

## **EXHIBIT B**

### **MARCY NANOCENTER AT SUNY POLY PROJECT DESCRIPTION**

The People of the State of New York, acting by and through the Trustees of the State University of New York (“SUNY”) own substantial unimproved acreage situate in the Town of Marcy, Oneida County New York, which acreage comprises part of the SUNY Polytechnic Institute (“SUNY Poly”) campus. In 1998, Applicant asked that a portion of this acreage (the “Marcy Nanocenter Site”) be considered for inclusion in Governor Pataki’s SEMI-NY Initiative.

Because of its proximity to the National Grid and NYPA substations located in the Town of Marcy, the Utica exit of the NYS Thruway, and other critical infrastructure systems, and due to the availability of an abundant water supply, the Marcy Nanocenter Site was selected by New York State’s SEMI-NY Initiative site selectors as one of the sites in New York having the key attributes necessary to attract a nanotechnology end-user such as a semiconductor manufacturer.

In 2001, when it adopted special legislation relating to the Marcy Nanocenter Site, the NYS Legislature declared “the development of a new nanotechnology manufacturing facility” at the Marcy Nanocenter Site to be “a high economic development priority for the State of New York” and recognized the essential role that Applicant has to play in helping bring about such development.

For over fifteen (15) years, Applicant has been actively engaged in efforts to create jobs, increase the population, add to the tax base, upgrade infrastructure and otherwise revitalize and, hopefully, transform the economy of Oneida County and its environs by working towards making the Marcy Nanocenter Site “shovel ready” for one or more semi-conductor manufacturers and/or other nanotechnology end-users and by marketing and otherwise developing the Marcy Nanocenter Site for such use (such efforts being hereinafter collectively referred to as the “Marcy Nanocenter at SUNY Poly Project”).

On May 1, 2010 Applicant, SUNY and The Research Foundation of State University of New York (“The Research Foundation”) entered into an Amended and Restated Project Development Agreement (the “PDA”) relating to the Marcy Nanocenter at SUNY Poly Project. Fort Schuyler Management Corporation (“FSMC”) and Institute of Technology Foundation at Utica/Rome, Inc. (the “SUNYIT Foundation”) joined in the execution of the PDA for the purposes of confirming their various covenants and obligations to Applicant, SUNY and Research Foundation thereunder.

Pursuant to the PDA, SUNY ground leased a portion of the SUNY Poly Campus to FSMC pursuant to an Amended and Restated Ground Lease dated as of May 1, 2010 (the “Ground Lease”) and FSMC, in turn, ground subleased a portion of the premises described in the Ground Lease to Applicant pursuant to a Amended and Restated Ground Sublease dated as of May 1, 2010 (the

“Ground Sublease”). The premises described in the Ground Sublease form a major portion of the Marcy Nanocenter Site.

At this time, due to various property acquisitions and property improvements by Applicant, the size of the Marcy Nanocenter Site has increased to 420+/- acres. Among other things, Applicant has so far (a) constructed a new, 4-lane road known as the Marcy-SUNY Parkway from the River Road/Route 49 entrance/exit ramp to the Marcy Nanocenter Site, (b) constructed a sewer line running from the Marcy Nanocenter Site to a point on the south side of River Road near the Marcy Interceptor Sewer, (c) assisted in the construction of the New North Utica Interceptor Sewer (which is necessary to accommodate the increased flow of wastewater which is expected to result from the development of the Marcy Nanocenter Site, and from ancillary development on the north side of the Mohawk River), (d) constructed a waterline running from the Mohawk Valley Water Authority’s water transmission mains located to the north of Mulaney Road southward along the westerly side of Edic Road to the Marcy Nanocenter Site, (e) obtained the issuance of a Section 404 permit from the U.S. Army Corps of Engineers enabling it to disturb certain jurisdictional wetlands and streams located on the Marcy Nanocenter Site, and (f) undertaken extensive excavation and other site work at the Marcy Nanocenter Site itself.

Due in no small part to Applicant’s efforts, in August, 2015 Governor Cuomo announced that an Austrian company, ams AG, has agreed to operate a 300 mm-enabled wafer fabrication facility (the “Fab C Facility”) to be constructed on a portion of the Marcy Nanocenter Site. At about the same time, Semico Research Corp. released a comprehensive report (the “Semico Report”) wherein it assessed the economic impact that the construction of the Fab C Facility at the Marcy Nanocenter Site, and ams’ operation thereof, would have on Oneida County and the Mohawk Valley Region. According to the Semico Report, assuming a 2016 construction start, by 2020 fab workers are estimated to be 273 with a multiplier job impact resulting in an additional 1,479 employment opportunities for the local economy. Moreover, direct jobs are projected to peak at 1,000 in 2027, which will result in a combined total job creation (direct and multiplier jobs) of 6,452. The Semico Report further states that “the ams project is one of those projects that provide both jobs as well as increased educational funding and product output to New York State. The total project cost is \$700 million over a ten year period. The economic return on investment (ROI) is 191% in five and 474% in ten years”. The Semico Report is posted on the Marcy Nanocenter website (<http://marcynanocenter.com>).

**EXHIBIT D**

**List of Owners**

<b><u>Name of Owner(s)</u></b>	<b><u>Tax Parcel ID No.</u></b>	<b><u>Permanent Easement No.**</u></b>
Michael Dale Strife	278.000-2-36	PE-2 (4.79 acres)
John H. Pletl and Patricia M. Pletl	278.000-2-20.1	PE-3 (4.51 acres)
Jeanette D. Cooney	293.000-1-12	PE-4 (7.71 acres)
Theodore C. Kubinski	293.000-1-56	PE-5 (1.20 acres)
Chad Bogan and Karen Bogan	293.000-1-57	PE-6 (0.02 acres)

\*\*Easement Numbers are referenced on a survey map entitled “Survey Map Showing Easements to be Acquired for the 115 kV Electric Transmission Lines, Lands of The People of the State of New York, Niagara Mohawk Power Corporation, Economic Development Growth Enterprises Corporation, Chad & Karen Bogan, Theodore C. Kubinski, Robert C. & Jeanette D. Cooney, John H. & Patricia M. Pletl, and Eleanora VanHatten Revocable Trust, Town of Marcy, Oneida County, New York” made by LaFave White & McGiven L.S., P.C. dated March 2, 2016. Said map is attached to the Application as **Exhibit A-1**.

**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres      Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No      If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No      If Yes, list agency(s) name and permit/approvals: The action requires a site plan review approval (already obtained) and grading permit from the Town of Marcy. Approval of the NYS Public Service Commission is also needed. Applicant will receive grant funding for the Project from Empire State Development.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No      If Yes, list agency(s) name and permit/approvals: The Town of Marcy Planning Board has issued site plan review approval for the Project. The Planning Board considered the environmental impacts of the Project and issued a negative declaration.	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN <b>ANY</b> ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)