

PROJECT- ALDER CREEK BEVERAGES LLC (ACB)

The project is the purchase of Nirvana, Inc. and affiliates (all bankrupt companies located in the Town of Boonville) and a revitalization of the company's business.

Alder Creek Beverages, LLC was formed for the sole purpose of the purchase and revitalization of the assets and business of Nirvana, Inc. and affiliates. The affiliates, which were all located at this site in Boonville, were Nirvana Transport, Inc. (a trucking company set up to deliver the Nirvana products), Nirvana Warehousing, Inc. (a warehousing company) and Millers Wood Development Corp. (a real estate holding company)

The business is the manufacturer and sale of cases of bottled natural spring water in tractor trailer load quantities to distributors and supermarkets. The bottles are in sizes of 8 oz. to 1.5 liter and 1 gallon.

It appears one of the reasons for the bankruptcy of the companies was the rapid expansion of the company too quickly without adequate working capital reserves. This lack of funds has caused certain equipment not to be fully installed, certain repairs not to be done and the required operating certifications to still be in process.

SALES AND MARKETING

It appears another reason for the bankruptcy was selling the product below cost. One of the primary tasks that will be an on-going and continuous process is evaluating the market and increasing sales at the correct price to return a profit to Alder Creek Beverages.

MANUFACTURING

The owned assets, which included current assets of restricted cash, accounts receivable, inventory and prepaid expenses and fixed assets of land and buildings and owned equipment, were purchased on 12/30/15 for \$5,940,000. This was a bid process (auction) supervised by the Bankruptcy Court. THE AUCTION WAS FOR EITHER THE OPERATING COMPANIES OR FOR THE ASSETS TO BE SOLD SEPARATELY. THE ALDER CREEK BEVERAGES BID DID NOT EXCEED THE BIDS FOR THE ASSETS ONLY, THE CREDITORS AND COURT DECEDED TO AWARD THE ASSETS TO ACB AS THE BEST BID. THIS PREVENTED THE AWARD GOING TO THE LIQUIDATORS WHICH WOULD HAVE TERMINATED COMPANIES AND ALL CURRENT EMPLOYMENT. The finance of this purchase was done with a \$7,500,000 loan from Adirondack Bank guaranteed by the USDA and owners' equity.

An integral part of the business to keeping cost down is the injection molding of a majority of the bottles and caps. There were two injection molding machines already installed on site and leased from Comsource. In the purchase Alder Creek re-negotiated a financing lease with Comsource for \$1,800,000. Additionally there were small leases for a variety of equipment that were also purchased. The small leases were 7 leased fork lifts purchased for \$23,500 on 2/14/16, a Langguth labeller (part of one of the filling lines) was purchased for \$31,030.50 on 2/17/16 and a leased automatic handle applicator for the gallon line was purchased for \$20,625 on 3/25/16.

The next important item was the retention of O'Brien & Gere/ Syracuse, NY for \$19,117 on 4/4/16 to assist with the pending permits. These include:

NYSDOH certification to operate the third small PET line (bottle sizes 8 oz. to 1.5 Liters)

NYSDOH certification to use the 5th spring as a water source (one of two additional springs in the process of being developed on the site).

NYSDEC Water withdrawal permit for volume over 100,000 gallons per day

NYSDEC SPDES permit

We expect the permitting process to take 3 months and cost an additional \$70,000.

In May 2016, install the cooling tower for the liquid heated by the injection molding and blow molding machines. The current tower was damaged by ice and a larger used replacement has been sitting in the parking lot for a few years.

We expect to continually evaluate the equipment as two small PET filling lines are older and make efficiency improvements as prudent. The technology and line speed has improved over the years and decisions have to be made to repair or replace as cost of manufacturing has to be kept low for competitive purposes

At its highest point the companies employed 125 people. By the end of the Bankruptcy, employment numbers were down to less than 50. Alder Creek Beverages has maintained this number and looks to increase the numbers in the future. Our increase in employment will be driven by new business. We currently are only running one shift per week at the production plant and the warehouse 24/7 with a total of 46 employees (Only 44 located in Oneida County). We are forecasting an increase from 46 to 49 this year which will cause an increase of 3 FTE employees this year. ACB intends to increase employee rolls as judiciously and quickly as possible as sales increase but, conservatively we are forecasting an increase of 3 FTE employees in 2017 and 4 FTE employees in 2018.

Operating two small PET lines for one shift we produce nominally 40 truckloads of small PET per week after the third line is certified the capacity on a one shift basis will increase to nominally 64 truckloads per week with an increase of 5 employees.

As you know ACB is in discussions with a group from Greece and that may dramatically increase our business.

Also there was a zoning approval for building expansion issued to Nirvana, Inc. in 2007 that was extended to October 2017

In the future we also expect to increase the size of the buildings – both production and warehousing and add equipment as the current capacity is utilized.

BUSINESS AND COMPETITION

The bottled water industry is a combination of bottling natural water and purified water. Natural water comes from springs or wells and is filtered and treated with ozone as required by the DOH compared to purified water, where there is a variety of sources, including municipal water and lakes where the water goes through stripping of the chlorine, reverse osmosis, filtering and treatment with ozone. The benefit in the cost of purified water is that the production can be near the market instead of the water source and save on delivery freight. The major competition is Coca Cola and Pepsi which sell purified water and also set up their soda bottling plants near the markets and Nestle who owns a variety of labels that sell both natural water and purified water like Poland Springs.

To list the funds spent and desired future improvements:

Purchase of the assets of Nirvana and Affiliates-

Inventory and Receivables	\$1,200,000
Land and Building	2,709,000
Machinery and Equipment	<u>2,031,000</u>
	5,940,000
Financing Lease of the Injection Molding equipment	1,800,000
Acquisition, Loan closing and attorneys’ fees	335,895
Purchase of leased fork lifts	23,500
Purchase of leased labeller	31,030
Purchase of leased automatic gallon handle applicator	20,625
Installation of propane heat in Warehouse #1	44,500
Down payment on required certification and permitting process	19,117
Additional payment for certification and permitting	70,000 Est.
<u>Project Total to date</u>	<u>8,284,667</u>

IMPROVEMENTS BEING CONSIDERED THAT WILL MAKE THE COMPANY MORE EFFICIENT AND COMPETITIVE

Install used cooling tower already on site	100,000 Est.
High Speed Internet	140,000 Est.
Re-usable energy from solar panels	30,000 Est.
Heat in production area	30,000 Est.
Replace lighting in plant, warehouse and property	150,000 Est.
Modify plant conveyor system	25,000 Est.
Finish building office space on the first floor of one of the warehouses (To centralize the administrative staff into one area)	<u>50,000</u> Est.
ADDITIONAL IMPROVEMENTS	525,000

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

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.

Alder Creek Beverages, LLC

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.

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: Alder Creek Beverages, LLC

1(b) Principal Address: Box 212
One Nirvana Plaza
Forestport, New York 13338

1(c) Telephone/Facsimile Numbers: (P) 315-942-4900
(F) 315-942-5013

1(d) Email Address: wade@aldercreekllc.com

1(e) Federal Identification Number: 47-5494826

1(f) Contact Person: Wade Abraham

1(g) Is the Applicant a

- Corporation:
If yes, Public [] Private []
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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SEE ATTACHED LIST OF ANSWERS BY QUESTION

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.

SEE ATTACHED LIST OF ANSWERS BY QUESTION

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:

NO

Applicant's Counsel and Accountant

3(a). Applicant's Attorney

Name/Title: Frances X. Matt III
Firm: Matt Law Firm PLLC
Address: 1701 Genesee Street
Utica, New York 13501
Telephone/Fax: (P) 315-624-7360

3(b) Applicant's Accountant

Name/Title: Ryan C. Cartwright, CPA/Sr. Mgr.
Firm: Firley, Moran, Freer & Eassa, CPA, PC
Address: 5010 Campuswood Drive
East Syracuse, New York 13057
Telephone/Fax: (P) 315-472-7045
(F) 315-472-7053

Business Description

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

SEE ATTACHED LIST OF ANSWERS BY QUESTION

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.

SEE ATTACHED DESCRIPTION OF PROJECT

Reasons for Project

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

SEE ATTACHED LIST OF ANSWERS BY QUESTION

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

SEE ATTACHED LIST OF ANSWERS BY QUESTION

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

SEE ATTACHED LIST OF ANSWERS BY QUESTION

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.

See answers to 6(a), 6(b) and 6(c) plus Project Description

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).

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.

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) _____

6(i) 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) _____

6(j) Please indicate the financial assistance you are requesting of the Agency, and provide the estimated value of said assistance. Attach a sheet labeled Annual PILOT that shows the annual utilization of the Real Property Tax Abatement by year and by taxing jurisdiction.

Assistance	Estimated Value
<input checked="" type="checkbox"/> Real Property Tax Abatement	\$ <u>1,216,860</u>
<input type="checkbox"/> Mortgage Tax Exemption	\$ _____
<input checked="" type="checkbox"/> Sales and Use Tax Exemption	\$ <u>70,000</u>
<input type="checkbox"/> Issuance by the Agency of Tax Exempt Bonds	\$ _____

Part III: Facility Information (if project that you are applying for is a housing project please also complete questions 7(m) through

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

7(a) Street Address of Facility:

12044 State Route 12, Boonville, New York

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

Town of Boonville

*(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:

Adirondack Central School

7(d) Tax Account Number(s):

34.000-1-36.1

49.000-1-17

49.000-1-5

66.000-1-2.1

49.000-1-15

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.)?

Light manufacturing

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

Commercial Highway and Agricultural Rural

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. If there are infrastructure improvements (water, sewer, gas, electrical, etc.) please provide details along with who will carry out those improvements and who will fund them. **Please be as specific as possible.**

SEE ATTACHED PROJECT DESCRIPTION

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

If yes, please describe the work in detail that has been undertaken to date, including the date of commencement.

Renovation of office will start in 2016

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

Construction commencement: 2016

Construction completion: 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)?

Yes No

If yes, please describe.

SEE ATTACHED LIST OF ANSWERS BY QUESTION

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

Important: please attach Environmental Assessment Form to this Application.

7(k) What is the useful life of the facility? 50+ years

7(l) Is the site in an Empire Zone? Yes No
If yes, which Empire Zone: 87-ONEIDA COUNTY

Is project located in a former Empire Zone or distressed area: Yes No
Provide detail.

SEE ATTACHED LIST OF ANSWERS BY QUESTION

Complete the following questions if your project is a Housing Project. Please reference the Oneida County Industrial Development Agency Uniform Tax Exemption and Agency Benefits Policy Market Rate Rental Housing Development Initiatives. (Add additional pages as needed).

7(m) Describe the housing project to be constructed or renovated in detail (type of housing, number of units, etc.):

THIS IS NOT A HOUSING PROJECT

7 (n) Describe how you will change the current use of the facility or property being utilized for the project. To assist the IDA in their determination of an eligible vacant urban infill site project please provide an extensive explanation as well as photos of what is being removed or replaced with the new construction.

This will be an increase in the same activities at the site.

7 (o) Will the project have any impact on the existing infrastructure or upgrades to the current infrastructure (water, sewer, electrical, gas, etc.)? If yes please provide detail and who you are working with at the applicable organization.

SEE ATTACHED LIST OF ANSWERS BY QUESTION

7 (p) If your project is a multi-use facility please provide details of the project, project square footage breakdown of non-housing to housing usage, detail the job creation and retention associated with the non-housing component.

Not multi-use

7 (q) Does the project provide a community benefit? If yes provide detail substantiating (reference the IDA policy).

SEE ATTACHED LIST OF ANSWERS BY QUESTION

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: Alder Creek Beverages, LLC

Address: Box 212 One Nirvana Plaza
Forestport, New York 13338

Telephone: 315-942-4900

Balance of Mortgage: 7,500,000

Holder of Mortgage: Adirondack Bank

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.

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.

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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8(g) Are any of the tenants related to the owner of the facility?

Yes No
If yes, please explain.

The owner is the only occupant

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.

Equipment

9(a) List the principal items or categories of equipment to be acquired as part of the project. If you are requesting Sales Tax exemption it is important to be as detailed as possible. (If a complete list is not available at time of application, as soon as one is available but prior to final authorizing resolution, please submit a detailed inventory of said equipment to be covered.) Attach a sheet if needed.

SEE ATTACHED 2014 APPRAISAL OF PURCHASED EQUIPMENT

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.

SEE PROJECT DESCRIPTION AND 2014 APPRAISAL OF PURCHASED EQUIPMENT

9(c) What is the useful life of the equipment? 15+ 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 0

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 10 FTE

Average Salary of these jobs: \$ 22,880

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 44 FTE

Average Salary of these jobs: \$ 30,481

Other locations in Oneida County _____ FTE

Average Salary of these jobs: \$ _____

Employment in other NYS locations, list below 1 FTE

Average Salary of these jobs: \$ 45,000

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

312112 (NAICS)

Part V: Estimated Project Cost and Financing

11(a) List the costs necessary for the construction, acquisition or renovation of the facility.

Acquisition of Land	<u>Included with Buildings</u>
Acquisition of Building(s)	<u>2,709,000</u>
Renovation Costs	<u>230,000</u>
New Construction of Buildings	<u> </u>
Machinery and Equipment (other than furniture costs)	<u>3,931,155</u>
Fixtures	<u>140,000</u>
Installation Costs	<u>174,500</u>
Fees (other than your own broker and legal fees)	<u>89,117 Operating permits</u>
Legal Fees (IDA legal fees, Applicant legal fees)	<u> </u>
Architectural/Engineering	<u> </u>
Interest on Interim Financing	<u> </u>
Other (specify)	<u>50,000 Legal</u>
Subtotal	<u>7,323,772</u>
Agency Fee¹	<u>36,619</u>
Total Project Cost	<u>7,360,391</u>

¹See Attached Fee Schedule (Page 19) for Agency Fee amount to be placed on this line

11(b) What amount of the Total Project Cost is the Applicant requesting financing by the Agency?
 No financing requested

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
34.000-1-36.1	200,000		1,219
49.000-1-5		3,936,000	143,105
49.000-1-15	268,000		9,754
49.000-1-17		2,300,000	83,016
66.000-1-2.1	6,000		218

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

Town of Boonville

13149 State Route 12

Boonville, New York 13309

12(c) Address of Receiver of School Taxes:

ACS Tax Collector

13150 State Route 12

Boonville, New York 13309

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

If yes, please provide details.

\$7.5M loan from Adirondack Bank guaranteed by the USDA disbursed in 2015.

13(b) Has the Applicant received a commitment letter for said financing?

Yes No

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

Already disbursed in 2015

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

SEE ATTACHED

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.

Alder Creek Beverages, LLC

(Applicant)

By: 

Name: Wade Abraham

Title: CO-OWNER

Date: 5/6/16

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: _____

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.

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.

Revised 3-30-15

PROJECT- ALDER CREEK BEVERAGES LLC (ACB)

The project is the purchase of Nirvana, Inc. and affiliates (all bankrupt companies located in the Town of Boonville) and a revitalization of the company's business.

Alder Creek Beverages, LLC was formed for the sole purpose of the purchase and revitalization of the assets and business of Nirvana, Inc. and affiliates. The affiliates, which were all located at this site in Boonville, were Nirvana Transport, Inc. (a trucking company set up to deliver the Nirvana products), Nirvana Warehousing, Inc. (a warehousing company) and Millers Wood Development Corp. (a real estate holding company)

The business is the manufacturer and sale of cases of bottled natural spring water in tractor trailer load quantities to distributors and supermarkets. The bottles are in sizes of 8 oz. to 1.5 liter and 1 gallon.

It appears one of the reasons for the bankruptcy of the companies was the rapid expansion of the company too quickly without adequate working capital reserves. This lack of funds has caused certain equipment not to be fully installed, certain repairs not to be done and the required operating certifications to still be in process.

SALES AND MARKETING

It appears another reason for the bankruptcy was selling the product below cost. One of the primary tasks that will be an on-going and continuous process is evaluating the market and increasing sales at the correct price to return a profit to Alder Creek Beverages.

MANUFACTURING

The owned assets, which included current assets of restricted cash, accounts receivable, inventory and prepaid expenses and fixed assets of land and buildings and owned equipment, were purchased on 12/30/15 for \$5,940,000. This was a bid process (auction) supervised by the Bankruptcy Court. THE AUCTION WAS FOR EITHER THE OPERATING COMPANIES OR FOR THE ASSETS TO BE SOLD SEPARATELY. THE ALDER CREEK BEVERAGES BID DID NOT EXCEED THE BIDS FOR THE ASSETS ONLY, THE CREDITORS AND COURT DECEDED TO AWARD THE ASSETS TO ACB AS THE BEST BID. THIS PREVENTED THE AWARD GOING TO THE LIQUIDATORS WHICH WOULD HAVE TERMINATED COMPANIES AND ALL CURRENT EMPLOYMENT. The finance of this purchase was done with a \$7,500,000 loan from Adirondack Bank guaranteed by the USDA and owners' equity.

An integral part of the business to keeping cost down is the injection molding of a majority of the bottles and caps. There were two injection molding machines already installed on site and leased from Comsource. In the purchase Alder Creek re-negotiated a financing lease with Comsource for \$1,800,000. Additionally there were small leases for a variety of equipment that were also purchased. The small leases were 7 leased fork lifts purchased for \$23,500 on 2/14/16, a Langguth labeller (part of one of the filling lines) was purchased for \$31,030.50 on 2/17/16 and a leased automatic handle applicator for the gallon line was purchased for \$20,625 on 3/25/16.

The next important item was the retention of O'Brien & Gere/ Syracuse, NY for \$19,117 on 4/4/16 to assist with the pending permits. These include:

NYSDOH certification to operate the third small PET line (bottle sizes 8 oz. to 1.5 Liters)

NYSDOH certification to use the 5th spring as a water source (one of two additional springs in the process of being developed on the site).

NYSDEC Water withdrawal permit for volume over 100,000 gallons per day

NYSDEC SPDES permit

We expect the permitting process to take 3 months and cost an additional \$70,000.

In May 2016, install the cooling tower for the liquid heated by the injection molding and blow molding machines. The current tower was damaged by ice and a larger used replacement has been sitting in the parking lot for a few years.

We expect to continually evaluate the equipment as two small PET filling lines are older and make efficiency improvements as prudent. The technology and line speed has improved over the years and decisions have to be made to repair or replace as cost of manufacturing has to be kept low for competitive purposes

At its highest point the companies employed 125 people. By the end of the Bankruptcy, employment numbers were down to less than 50. Alder Creek Beverages has maintained this number and looks to increase the numbers in the future. Our increase in employment will be driven by new business. We currently are only running one shift per week at the production plant and the warehouse 24/7 with a total of 46 employees (Only 44 located in Oneida County). We are forecasting an increase from 46 to 49 this year which will cause an increase of 3 FTE employees this year. ACB intends to increase employee rolls as judiciously and quickly as possible as sales increase but, conservatively we are forecasting an increase of 3 FTE employees in 2017 and 4 FTE employees in 2018.

Operating two small PET lines for one shift we produce nominally 40 truckloads of small PET per week after the third line is certified the capacity on a one shift basis will increase to nominally 64 truckloads per week with an increase of 5 employees.

As you know ACB is in discussions with a group from Greece and that may dramatically increase our business.

Also there was a zoning approval for building expansion issued to Nirvana, Inc. in 2007 that was extended to October 2017

In the future we also expect to increase the size of the buildings – both production and warehousing and add equipment as the current capacity is utilized.

BUSINESS AND COMPETITION

The bottled water industry is a combination of bottling natural water and purified water. Natural water comes from springs or wells and is filtered and treated with ozone as required by the DOH compared to purified water, where there is a variety of sources, including municipal water and lakes where the water goes through stripping of the chlorine, reverse osmosis, filtering and treatment with ozone. The benefit in the cost of purified water is that the production can be near the market instead of the water source and save on delivery freight. The major competition is Coca Cola and Pepsi which sell purified water and also set up their soda bottling plants near the markets and Nestle who owns a variety of labels that sell both natural water and purified water like Poland Springs.

To list the funds spent and desired future improvements:

Purchase of the assets of Nirvana and Affiliates-

Inventory and Receivables	\$1,200,000
Land and Building	2,709,000
Machinery and Equipment	<u>2,031,000</u>
	5,940,000
Financing Lease of the Injection Molding equipment	1,800,000
Acquisition, Loan closing and attorneys’ fees	335,895
Purchase of leased fork lifts	23,500
Purchase of leased labeller	31,030
Purchase of leased automatic gallon handle applicator	20,625
Installation of propane heat in Warehouse #1	44,500
Down payment on required certification and permitting process	19,117
Additional payment for certification and permitting	70,000 Est.
<u>Project Total to date</u>	<u>8,284,667</u>

IMPROVEMENTS BEING CONSIDERED THAT WILL MAKE THE COMPANY MORE EFFICIENT AND COMPETITIVE

Install used cooling tower already on site	100,000 Est.
High Speed Internet	140,000 Est.
Re-usable energy from solar panels	30,000 Est.
Heat in production area	30,000 Est.
Replace lighting in plant, warehouse and property	150,000 Est.
Modify plant conveyor system	25,000 Est.
Finish building office space on the first floor of one of the warehouses (To centralize the administrative staff into one area)	<u>50,000</u> Est.
ADDITIONAL IMPROVEMENTS	525,000

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

Name of Applicant: Aldercreek

Description of Project: _____

Name of All Sublessees or Other Occupants of Facility: _____

Principals or Parent of Applicant: _____

Products or Services of Applicant to be produced or carried out at facility: _____

Estimated Date of Completion of Project: 2017

Type of Financing/ Structure: _____ Tax-Exempt Financing
_____ Taxable Financing
x _____ Sale/ Leaseback
_____ Other: _____

Type of Benefits being Sought by Applicant: _____ Taxable Financing
_____ Tax-Exempt Bonds
x _____ Sales Tax Exemption on Eligible Expenses Until Completion
x _____ Mortgage Recording Tax Abatement
x _____ Real Property Tax Abatement

Project Costs

Land	\$ 2,709,000.00	land & buuilding acquisi
Existing Building		
Existing Bldg. Rehab	\$ 230,000.00	
Construction of New Building Addition or Expansion		
Engineering/ Architectural Fees	\$ 89,117.00	operating permits
installation	\$ 174,500.00	
Fixtures	\$ 140,000.00	
Equipment	\$ 3,931,155.00	
Legal Fees (Bank, Bond, Transaction, Credit Provider, Trustee)	\$ 50,000.00	legal fees & finance
Finance Charges (Title Insurance, Environmental Review, Bank Commitment Fee, Appraisal, Etc.)	\$ -	
Agency Fee	\$ 36,618.86	
Other (provide detail)		
TOTAL COST OF PROJECT	\$ 7,360,390.86	

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	\$ 44.00	30481
Created Jobs (over three years)	\$ 10.00	22880
Retained Jobs	\$ 44.00	30481

Earnings Information for Oneida County

Average Salary of Direct Jobs for Applicant	\$ 30,481.00
Average of County Indirect Jobs	\$ 25,000.00
Average of Construction Jobs	\$ 32,000.00

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

Construction Person Years of Employment: **6.5**

Calculation of Benefits (3 Year Period)

	Total Earnings	Revenues
Direct Jobs		
Created	\$ 914,430.00	38863.275
Existing	\$ 4,023,492.00	170998.41
Indirect Jobs		
Created	\$ 1,875,000.00	79687.5
Existing	\$ 8,250,000.00	350625
Construction - only one year		
Person Years	\$ 208,000.00	8840
TOTALS Calculation of Benefits (3 Year Period)	\$ 15,270,922.00	649014

TAXABLE GOODS & SERVICES

	Spending Rate	Expenditures	State & Local Sales Tax Revenues
Direct Jobs			
Created \$	0.36	329194.8	32096.493
Existing \$	0.36	1448457.12	141224.5692
Indirect Jobs			
Created \$	0.36	675000	65812.5
Existing \$	0.36	2970000	289575
Construction - only one year			
Person Years \$	0.36	74880	7301
TOTAL TAXABLE GOODS & SERVICES		5497532	536009

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:

Tax Rate for Municipality where facility is located:

Tax Rate for County:

34.830422

Real Property Taxes Paid: **\$ 127,897.31**

COSTS:

Real Property Taxes Abated on Improvements Only (10 yr. Period):

1,216,860

Amount of Taxes that would be abated by applying PI

Mortgage Tax Abated (1.0%)	0
Estimated Sales Tax Abated During Construction Period (8.75%)	70,000

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.

LOT.



Adirondack Central School

110 Ford Street
Boonville, New York 13309-1200

Phone: 315-942-9200
Fax: 315-942-6162

Sharon Cihocki, Business Administrator

Edward S Niznik, Superintendent
Charlotte Bourgeois, District Treasurer
Beth Fox, Payroll Clerk
Ashley Zeigler, Account Clerk

September 18, 2014

Miller Woods Development
Po Box 200
Forestport, NY 13338

Dear Miller Woods Development:

This letter serves as an invoice for the 2014-15 school taxes. The amount of your payment is \$ 103,936.86.

In accordance with your PILOT, this amount is due in 30 days. If not paid by October 18, 2014 a 9% finance charge will apply.

Please make checks payable Adirondack Central School District.

Sincerely,



Sharon Cihocki

Adirondack School

Assessed	2014-15	€	Tax Rate		
34.000-1-36.1	\$200,000		22.64538	4529.076	4,529.08
49.000-1-5	\$3,936,000	2/3 of tax	22.64538	89132.22	58,827.26
49.000-1-15	\$268,000		22.64538	6068.962	6,068.96
49.000-1-17	\$2,300,000	2/3 of tax	22.64538	52084.37	34,375.69
66.000-1-2.1	\$6,000		22.64538	135.8723	135.87
					103,936.86

ANTHONY R. CARVELLI
COMMISSIONER

ONEIDA COUNTY

ANTHONY J. PICENTE JR.
COUNTY EXECUTIVE



DEPARTMENT OF FINANCE

County Office Building ♦ 800 Park Avenue ♦ Utica, New York 13501
(315) 798-5750 ♦ Fax: (315) 735-8371 ♦ www.ocgov.net

January 9, 2015

PILOT #144
CERTIFIED MAIL

Millers Wood Development Corporation
One Nirvana Plaza
Forestport, New York 13338

Dear PILOT #144 Account Holder,

Your payment in lieu of taxes is as follows:

PILOT Year: 7 This PILOT is in delinquent status
Parcel I.D. Numbers: See attached spreadsheet
Tax Rate: See attached spreadsheet
Percentage Due: See attached spreadsheet
Assessment: See attached spreadsheet

2015 PILOT Amount Due: \$ 70,117.39
2014 PILOT Amount Due: \$ 85,350.47 *Calculated with interest as outlined in PILOT
TOTAL Amount Due: \$155,467.86 if paid by January 31, 2015

Please return payment with a copy of this bill. Make check payable to the
"Commissioner of Finance" and mail to the Oneida County Commissioner of Finance,
800 Park Avenue, Utica, New York 13501 by January 31, 2015 to avoid additional
interest and penalty charges.

Very truly yours,


Anthony Carvelli
Commissioner of Finance

cc: Shawna Papale
Linda E. Romano, Esq.
Laura Ruberto
Kurt Parry, Esq.

Town of Boonville
13149 State Route 12
Boonville, New York 13309

March 26, 2014

Millers Wood Development Corporation
One Nirvana Plaza
Forestport, New York 13338

Attn: Mansur Rafizadeh, President

Re: Oneida Co. IDA PILOT Agreement

Dear Mr. Rafizadeh:

In reviewing Town Records it appears that PILOT payments are due and owing for 2014 calculated as follows:

Assessment -	\$6,056,000
X Town Tax Rate per M	1.310568
BLANCE DUE:	\$7,936.79

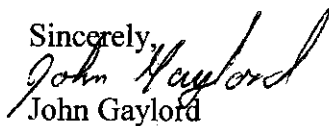
Fire District	\$6,710,000
X Town Tax Rate per M	.425356
BALANCE DUE	\$ 2,854.14

TOTAL BALANCE DUE \$ 10,790.93 **

In accordance with the PILOT Agreement, this amount is due 30 days after initial bill, Please make check payable to "Town of Boonville".

If you have any questions or concerns regarding the calculation, please do not hesitate to contact me. Thank you.

Sincerely,



John Gaylord

Town of Boonville Supervisor

MILLERS WOOD DEVELOPMENT

2014 IOA PILOT BILL

	TAX MAP NUMBER	2013 ASSESSMENT	LESS: IOA EXEMPT	TAXABLE	TAX RATE	PILOT 2014 TAX
TOWN TAX 1.	34.000-1-36.1	\$ 200,000	0	\$ 200,000	1.310565	\$ 262.11
2.	49.000-1-5	3,936,000	\$ 120,000	3,816,000	"	\$ 501.13
3.	49.000-1-15	268,000	0	268,000	"	\$ 351.23
4.	49.000-1-17	2,300,000	\$ 534,000	1,766,000	"	\$ 2,314.46
5.	66.000-1-2.1	6,000	0	6,000	"	\$ 7.86
	TOTALS-	\$ 6,710,000	\$ 654,000	\$ 6,056,000		\$ 8,986.79

FIRE DISTRICT - 5 ABOVE PARCELS	\$ 6,710,000	SPECIAL DISTRICT NO EXEMPTIONS	\$ 6,710,000	\$.425356	\$ 2,854.14
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TOTAL 2014 PILOT - \$ 10,790.93

MILLERS WOOD DEVELOPMENT - 2008 PILOT AGREEMENT

PROPERTY TAX MAP NUMBER: 34,000-1-36.1

IDA YEAR	TAX ROLL YEAR	ASSESSMENT	ASSESSMENT INCREASE	LESS: IDA EXEMPT	TAXABLE
1	2009	* 200,000		* -0-	* 200,000
2	2010	200,000		*	200,000
3	2011	200,000		*	200,000
4	2012	200,000		*	200,000
5	2013	200,000		*	200,000
6	2014	200,000	0	* NO EXEMPTION	200,000
7	2015			* ↓	
8	2016			* ↓	
9	2017			* ↓	
10	2018			* ↓	

MILLERS WOOD DEVELOPMENT - 2008 PILOT

PROPERTY TAX MAP NUMBER: 49.000-1-5

IOA YEAR	TAX ROLL YEAR	ASSESSMENT	INCREASE	IOA ^{LESS:} EXEMPT	TAXABLE
1	2009	\$ 3,426,000	0	2/3 0	\$ 3,426,000
2	2010	3,786,000	360,000	2/3 \$ 240,000	3,546,000
3	2011	3,786,000	0	2/3 240,000	3,546,000
4	2012	3,786,000	0	2/3 240,000	3,546,000
49 5	2013	3,786,000	0	2/3 240,000	3,546,000
6	2014	3,936,000	150,000	1/3 120,000	3,816,000
7	2015			1/3 120,000	
8	2016			1/3 120,000	
9	2017			1/3 120,000	
10	2018			1/3 120,000	

MILLERS WOOD DEVELOPMENT - 2008 PILOT AGREEMENT

PROPERTY TAX MAP NUMBER: 49.000-1-15

IDA YEAR	TAX ROLL YEAR	ASSESSMENT	ASSESSMENT INCREASE	LESS: IDA EXEMPT	TAXABLE
1	2009	268,000		0 -0-	268,000
2	2010	268,000		0	268,000
3	2011	268,000		0	268,000
4	2012	268,000		0	268,000
5	2013	268,000		0 NO	268,000
6	2014	268,000	0	0 EXEMPTION	268,000
7	2015			0 ↓	
8	2016			0 ↓	
9	2017			0 ↓	
10	2018			0 ↓	

MILLERS WOOD DEVELOPMENT - 2008 PILOT AGREEMENT

PROPERTY TAX MAP NUMBER: 49.000-1-17

IDA YEAR	TAX ROLL YEAR	ASSESSMENT	ASSESSMENT INCREASE	LESS: IDA EXEMPT	TAXABLE
1	2009	698,000	0	$\frac{2}{3}$ 0	
2	2010	2,300,000	1,602,000	$\frac{2}{3}$ 1,068,000	1,232,000
3	2011	2,300,000	0	$\frac{2}{3}$ 1,068,000	1,232,000
4	2012	2,300,000	0	$\frac{2}{3}$ 1,068,000	1,232,000
5	2013	2,300,000	0	$\frac{2}{3}$ 1,068,000	1,232,000
6	2014	2,300,000	0	$\frac{1}{3}$ 534,000	1,766,000
7	2015			$\frac{1}{3}$ 534,000	
8	2016			$\frac{1}{3}$ 534,000	
9	2017			$\frac{1}{3}$ 534,000	
10	2018			$\frac{1}{3}$ 534,000	

MILLERS WOOD DEVELOPMENT - 2008 PILOT AGREEMENT

PROPERTY TAX MAP NUMBER: 66,000-1-2.1

IDA YEAR	TAX ROLL YEAR	ASSESSMENT	ASSESSMENT INCREASE	LESS: IDA EXEMPT	TAXABLE
1	2009	\$6,000	0	0 -0-	\$6,000
2	2010	6,000		0	6,000
3	2011	6,000		0	6,000
4	2012	6,000		0	6,000
5	2013	6,000		0 NO	6,000
6	2014	6,000		0 EXEMPTION	
7	2015	6,000	0	0	6,000
8	2016			0	
9	2017			0	
10	2018			0 ↓	

Owner Name	SWIS	Year	Parcel Id	Street Name	Prop Class	Total AV	Active
Millers Wood Development Corp.	302689	2013	34.000-1-36.1 ✓	12044 State Route 12	322	✓200,000	A
Millers Wood Development Corp.	302689	2013	49.000-1-5 ✓	12044 State Route 12	710	✓3,936,000	A
Millers Wood Development Corp.	302689	2013	49.000-1-15 ✓	Millers Woods Rd	312	✓268,000	A
Millers Wood Development Corp.	302689	2013	49.000-1-17 ✓	Millers Woods Rd	710	✓2,300,000	A
Millers Wood Development Corp.	302689	2013	66.000-1-2.1 ✓	12044 State Route 12	311	✓6,000	A

Short Environmental Assessment Form

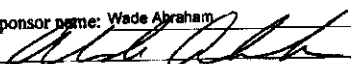
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Alder Creek Beverages, LLC			
Project Location (describe, and attach a location map): 12044 State Route 12, Boonville, New York			
Brief Description of Proposed Action: See Attached Project Description			
Name of Applicant or Sponsor: Alder Creek Beverages, LLC		Telephone: 315-942-4900	
Address: Box 212, One Nirvana Plaza		E-Mail:	
City/PO: Forestport		State: New York	Zip Code: 13338
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: See attached Project Description			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 1679 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1679 acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____</p>	<p>NO <input checked="" type="checkbox"/></p>	<p>YES <input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Wade Abraham</u> Date: <u>5/6/16</u></p> <p>Signature: <u></u></p>		

PRINT FORM