



6122 South Park Avenue
Hamburg, New York 14075
716.648.4145
www.HamburgIDA.com

**Hamburg Industrial Development Agency
Board of Directors Meeting
MEETING AGENDA
Wednesday, May 8, 2024, 7:30am
Hamburg Volunteer Fire Department, 301 Union Street, Hamburg New York**

Join Zoom Meeting

<https://us02web.zoom.us/j/85240174874?pwd=YzJnU3JicnhSSVZyQ0xxMm1sejJKUT09>

Meeting ID: 852 4017 4874

Passcode: 14075

1. Roll Call
2. Reading and Approval of April 2024 Minutes
3. Report of the Treasurer – April Treasurer Report
4. Executive Director Update

New Business

- Resolution T&L Beachfront Holdings, LTD (SERVEPRO of Southtowns Inc.)
- Agency Policy Review, HIDA only policies:
 - Access to Agency Records
 - Combined Fee Schedule
 - Data Gathering Procedure
 - Employee Compensation Program
 - Local Labor Policy
 - Memorandum of Understanding with County Wide Policy
 - Recapture Policy
 - Uniform Tax Exemption Policy

Unfinished Business

- Sexual Harassment Training/ABO Board Survey/Board Oath

5. Privilege of the Floor
6. Executive Session
7. Adjournment

Next meeting: June 12, 2024 7:30am Blasdell Village Hall, Court Room, 121 Miriam Avenue



UNAPPROVED/DRAFT
(BOD motion for approval at 5/8/2024 meeting)

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Hamburg Industrial Development Agency
Board of Directors Meeting
April 10, 2024, 7:30am
Blasdell Village Hall

Present

Wence Valentin
Davis Podkulski
Andy Palmer
Bob Hutchison
Janet Plarr
Jamel Perkins

Excused

Bob Reynolds
Tom Moses
Cam Hall

Executive Director

Sean Doyle

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
Jeff Kryszak, K-Technologies
Lisa Woodring, FeedMore
Cathrine Shick, FeedMore
Lisa Damiani, FeedMore (Zoom)
Tara Ellis, FeedMore (Zoom)

Pledge of Allegiance

-Roll Call

-Motion to open the board meeting at 7:34am

Moved: Janet Plarr **Seconded:** Andy Palmer
Ayes: Hutchison, Palmer, Podkulski, Plarr, Perkins, Valentin
Nays: none
Carried

-Motion to approve the March 2024 board meeting minutes

Moved: Davis Podkulski **Seconded:** Andy Palmer
Ayes: Hutchison, Palmer, Podkulski, Plarr, Perkins, Valentin
Carried

In the Treasurers absence Doyle gave an update on the financials. March had income of \$1,908.05. Expenses included \$5,250 for the annual audit. Overall expenses including payroll totaled \$15,672.19. Expenses over income totaled -\$15,764.14 the balance on the accounts \$860,038.13.

Additionally, Doyle stated the Executive Committee reviewed the investment accounts and will renew the CD with Upstate Bank for one year at a rate of 5.4%.

-Motion to approve the March 2024 Treasurer Report

Moved: Bob Hutchison **Seconded:** Andy Palmer
Ayes: Hutchison, Palmer, Podkulski, Plarr, Perkins, Valentin
Nays: none
Carried

Executive Director Update:

-Doyle reviewed the director report with the board. Janet Plarr stated the village PILOTs should be added after the billing cycle their fiscal year is June 1st thru May 31st. Also notable on the Director Report is the Camp Road property going back up for auction in May, in the 2023 auction there were no bidders.

New Business:

-Motion to approve and file the 2023 Annual Audit and PARIS Report

Moved: Davis Podkulski **Seconded:** Janet Plarr

Doyle stated the reports were reviewed by the Audit Committee

Ayes: Hutchison, Palmer, Podkulski, Plarr, Perkins, Valentin

Nays: none

Carried

-Motion to re-adopt the following Agency organizational documents and policies as written:

- Agency By-Laws
- Finance Committee Charter
- Governance Committee Charter
- Audit Committee Charter
- Diversity and Inclusion Policy
- Sexual Harassment Policy and Complaint Form
- Real Property Acquisition Policy
- Reimbursement and Attendance Policy
- Combined Code of Ethics and Conflict of Interest Policy
- Defense and Indemnification of Officers and Employees
- Financial Disclosure Policy
- Travel Policy
- Whistleblower Policy
- Property Disposal Guidelines
- Procurement Policy
- Investment Policy

Moved: Janet Plarr

Seconded: Bob Hutchison

Ayes: Hutchison, Palmer, Podkulski, Plarr, Perkins, Valentin

Nays: none

Carried

-Reminder to the board if you have not completed please get your annual certifications/surveys into Mary.

-Privilege of the Floor –

Jeff Kryszak, from K-Technologies spoke. He would like the board to reconsider the early termination of his PILOT. He stated there was a misunderstanding of timing, would like to present the board with all the information.

In response, Chairman Bob Hutchison said the HIDA started reaching out to companies last June regarding employment commitments. During COVID the HIDA was very lenient, however now it is this board's fiduciary responsibility under state law to maintain job numbers. He said the letter sent to this board by Kryszak was reviewed. However Kryszak's own letter contained a graph that showed it has only fulfilled its job commitment 3 of the 14 years. Hutchison stated if there was additional information above and beyond the letter to bring it to the board.

-Motion to adjourn at 7:54am

Moved: Wence Valentin **Seconded:** Jamel Perkins

Ayes: Hutchison, Palmer, Podkulski, Plarr, Perkins, Valentin

Nays: none

Carried

Sincerely,

Sean Doyle, Executive Director

Next meeting: May 8, 2024 7:30am Hamburg Village Fire Hall

Town of Hamburg Industrial Development Agency

05/03/24

Treasurer's Report

Accrual Basis

As of April 30, 2024

	Apr 30, 24	Dec 31, 23
ASSETS		
Current Assets		
Checking/Savings		
Cash		
Cash-Checking	24,184.56	21,019.42
Cash-Savings	39,851.83	54,446.99
CD (renewed matures 3/2025)	250,000.00	250,000.00
Demand Deposit Account	533,662.73	608,865.21
Total Cash	847,699.12	934,331.62
Total Checking/Savings	847,699.12	934,331.62
Total Current Assets	847,699.12	934,331.62
TOTAL ASSETS	847,699.12	934,331.62
LIABILITIES & EQUITY		
Equity		
Opening Balance Equity	499,980.27	499,980.27
Retained Earnings	434,351.35	573,013.48
Net Income	-86,632.50	-138,662.13
Total Equity	847,699.12	934,331.62
TOTAL LIABILITIES & EQUITY	847,699.12	934,331.62

Town of Hamburg Industrial Development Agency
Treasurer's Report
April 2024

	Apr 24	Jan - Apr 24
Ordinary Income/Expense		
Income		
Interest Earnings - Bank Acct	101.91	409.87
Interest Earnings CD	1,083.08	4,518.75
Interest Income Demand Deposit	2,334.29	9,797.52
Refund	0.00	-1,805.59
Total Income	<u>3,519.28</u>	<u>12,920.55</u>
Gross Profit	3,519.28	12,920.55
Expense		
Business Expenses		
Meetings/luncheons	81.02	329.50
Mileage	97.60	357.91
Total Business Expenses	<u>178.62</u>	<u>687.41</u>
Cell Phone	83.33	333.32
Complete Payroll		
Employee Health Insurance	852.90	4,264.50
Employer Payroll Taxes	833.76	4,229.03
Payroll and Benefits	10,699.86	48,216.47
Processing Payroll	108.96	600.21
Total Complete Payroll	<u>12,495.48</u>	<u>57,310.21</u>
Grants	0.00	25,000.00
Legal & Professional Services		
Audit	0.00	5,250.00
Legal & Professional Services - Other	125.00	125.00
Total Legal & Professional Services	<u>125.00</u>	<u>5,375.00</u>
Membership Dues	0.00	4,545.00
Office Expenses		
Postage	0.00	116.53
Subscriptions	208.90	208.90
Supplies	90.99	419.71
Office Expenses - Other	97.85	97.85
Total Office Expenses	<u>397.74</u>	<u>842.99</u>
Payroll Expenses/Insurance	877.12	877.12
Public Hearings	1,342.00	1,342.00
Rent	400.00	1,600.00
Sponsorship	30.00	1,030.00
Training	0.00	610.00
Total Expense	<u>15,929.29</u>	<u>99,553.05</u>
Net Ordinary Income	<u>-12,410.01</u>	<u>-86,632.50</u>
Net Income	<u><u>-12,410.01</u></u>	<u><u>-86,632.50</u></u>

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") AUTHORIZING T&L BEACHFRONT HOLDINGS LTD. (THE "LESSEE") TO RENOVATE A 3,000 SQUARE FOOT WAREHOUSE/OFFICE AND TO CONSTRUCT, INSTALL AND EQUIP AN APPROXIMATELY 6,400 SQUARE FOOT WAREHOUSE/OFFICE ADDITION AT 97 EVANS STREET, VILLAGE OF HAMBURG, AS AGENT FOR THE AGENCY FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASEBACK TO THE LESSEE AND FURTHER SUBLEASE TO SERVPRO OF SOUTHTOWNS, INC. (THE SUBLESSEE") AND TO TAKE OTHER ACTION.

WHEREAS, **T&L BEACHFRONT HOLDINGS, LTD.** (the "Lessee") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the renovation of a 3,000 square foot warehouse/office and to construct, install and equip an approximately 6,400 square foot warehouse/office addition at 97 Evans Street, Village of Hamburg, as agent for the Agency for lease to the Agency and subsequent leaseback to the lessee and further sublease to **SERVPRO OF SOUTHTOWNS, INC.** (The Sublessee") who will be the sole tenant (the "Project"); and

WHEREAS, the assistance contemplated by the Agency will include mortgage tax abatement; sales tax exemption on any materials and/or equipment purchased for incorporation into Project; and real property tax abatement in accordance with existing Agency Uniform Tax Exemption Policy and Guidelines; and

WHEREAS, the Lessee has submitted an Eligibility Questionnaire and other materials and information to the Agency (collectively hereinafter the "Eligibility Questionnaire") to initiate the accomplishment of the above; and

WHEREAS, the Agency has, after giving all required notices, held a public hearing on the Project pursuant to Section 859-A of the General Municipal Law; and

WHEREAS, the Eligibility Questionnaire sets forth certain information with respect to the Lessee, including the following: that the Lessee desires Agency assistance with respect to the Project. If the assistance is granted, **the Lessee anticipates retaining 30 FTE and hiring another 5 FTE employees at the Project location** within two years following the completion of the Project; that the Project will result in substantial capital investment; that there will be no adverse disruption of existing employment at facilities of a similar nature in the Village or Town of Hamburg; if Agency assistance is disapproved, the Lessee would have to scale back the Project negatively impacting future growth in New York; and that, therefore, Agency assistance is necessary to encourage the Lessee to proceed with the Project in the Village and Town of Hamburg; and

WHEREAS, the Agency desires to further encourage the Lessee with respect to the Project, if by so doing it is able to induce the Lessee to proceed with the Project in the Village of Hamburg.

NOW, THEREFORE, THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY HEREBY RESOLVES AS FOLLOWS:

Section 1. The Agency hereby determines that the construction, equipping and installation of the Project and the financing or other assistance thereof by the Agency pursuant to the New York State Industrial Development Agency Act will promote and is authorized by and will be in furtherance of the policy of the State as set forth in said Act. The Agency further hereby determines, on the basis of the Eligibility Questionnaire and supplemental information furnished by the Lessee, as follows: (a) it would not have financed or otherwise assisted the Project except to induce the location of the Project in the area to be served by the Project as there is a demonstrable need for the Project; (b) that Agency financing and/or other assistance is reasonably necessary to promote economic development and to induce the Lessee to proceed with the Project; (c) there will be no substantial adverse disruption of existing employment or facilities of a similar nature to the Project in such area; (d) the Project will allow the Lessee to expand its business in the Town of Hamburg; (e) the Project will create additional employment and provide substantial capital investment; The Agency further determines, on the basis of the Lessee's Eligibility Questionnaire that; (f) the Project as represented is reasonably necessary to provide the purposes of the Act, subject to verification and confirmation of such representations prior to the into a lease with mortgage or lease only transaction and (g) the Project is an integral part of the Lessee's plan to proceed with the Project in the Village of Hamburg.

Section 2. The Chairman, Vice Chairman, Executive Director, Secretary and Assistant Secretary of the Agency and other appropriate officials of the Agency and its agents and employees are hereby authorized and directed to take whatever steps may be necessary to cooperate with the Lessee to assist in the acquisition, construction equipping and installation of the Project.

Section 3. The Lessee is authorized to initiate the Project at a total Project Cost of approximately **\$900,000.00**, subject to the obtaining of all required approvals from the Village of Hamburg and other involved governmental agencies, and to advance such funds as may be necessary to accomplish such purposes.

Section 4. The Agency is hereby authorized to enter into such agreements with the Lessee and the Sublessee, as the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary or other officer may deem necessary in order to accomplish the above.

Section 5. The Lessee is authorized to make purchases of goods and services relating to the Project that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$900,000.00** which may result in a New York State and local sales and use tax exemption benefits ("sales and use tax exemption benefits") not to exceed **\$78,750.00**. The Agency may consider any requests by the Lessee for increases in the amount of sales and use tax benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services necessary for the completion of the Project.

Section 6. Any such action heretofore taken by the Lessee in initiating the construction,

installation and equipping of the Project is hereby ratified, confirmed and approved.

Section 7. Any expenses incurred by the Agency with respect to the Project and the financing thereof shall be paid by the Lessee. By acceptance hereof, the Lessee agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, officers, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Project and the financing thereof.

Section 8. The Agency hereby authorizes and approves real property tax abatement benefits structured through a **seven year PILOT** ("PILOT Agreement") estimated to provide **\$97,261.00 in real property tax abatement benefits**, and resulting in estimated total payments in lieu of taxes of **\$24,315** over the term of the PILOT Agreement.

Section 9. The Agency hereby authorizes and approves that the value of the mortgage to be placed upon the facility of approximately **\$200,000.00** ; but that the mortgage tax exemption benefit shall not exceed **\$1,750**.

Section 10. The execution and delivery of a Project and Agent Agreement, Closing Agreement, Lease to Agency, and Leaseback Agreement between the Agency and the Lessee, each being substantially in the form approved by the Agency for prior transactions or in form approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such agreement and any and all papers, instruments, opinions, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this resolution. The execution and delivery of each such instrument shall be conclusive evidence of due authorization and approval.

Section 11. The execution and delivery of a mortgage from the Agency and the Lessee to a lender selected by the Lessee and approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary of approximately **\$200,000.00** and other ancillary documents, if required, which mortgage and ancillary documents shall be substantially in the form approved by the Agency for prior transactions or in form approved by the Chairman, Vice Chairman, Executive Director, Secretary or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to execute, seal, acknowledge and deliver such agreement and any and all papers, instruments, opinions, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for carrying out this resolution. The execution and delivery of each such instrument shall be conclusive evidence of due authorization and approval.

Section 12. The Agency has made and makes no representation or warranty whatsoever, either express or implied, with respect to the merchantability, condition, environmental status, fitness, design, operation or workmanship of any part of the Project, its fitness for any particular purpose, the quality or capacity of the materials in the Project, or the suitability of the Project for the Lessee's purposes or needs. The Lessee is satisfied that the Project is suitable and fit for Lessee's purposes. The Agency shall not be liable in any manner whatsoever to anyone for any

loss, damage or expense of any kind or nature caused, directly or indirectly, by the Project property or the use or maintenance thereof or the failure of operation thereof, or the repair, service or adjustment thereof, or by any delay or failure to provide any such maintenance, repairs, service or adjustment, or by any interruption of service or loss of use thereof or for any loss of business howsoever caused, and the Lessee hereby indemnifies and holds the Agency harmless from any such loss, damage or expense.

Section 13. The provisions of Section 875 of the General Municipal Law shall apply to this Project. In the event it is determined that an agent, project operator or other person or entity obtained state sales and use exemptions benefits for which they were not entitled or which were in excess of the amount authorized or which are for property or services not authorized or taken in cases where such Lessee, its agents, project operators or other person or entity failed to comply with a material term or condition to use property or services in the manner required by Agreements entered into between the Agency and the applicant with respect to the Project, the agent, project operator or other person or entity shall comply with all the provisions of Section 875 and pay back to the Agency the amount of the state sales and use tax exemptions benefits that they obtained but were not entitled to.

Section 14. Should the Agency's participation in this Project be challenged by any party, in the courts or otherwise, the Lessee shall defend, indemnify and hold harmless the Agency and its members, officers and employees from any and all losses arising from such challenge, including, but not limited to, the fees and disbursements of the Agency's counsel. Should any court of competent jurisdiction determine that the Agency is not authorized under Article 18-A of the General Municipal Law to participate in the Project, this resolution shall automatically become null, void and of no further force and effect, and the Agency shall have no liability to the Lessee hereunder or otherwise.

Section 15. This resolution is subject to compliance with all local building and zoning requirements.

Section 16. The Agency has reviewed the approvals adopted by the Hamburg Village Board on April 6, 2023, determining that the proposed action will not have a significant impact on the environment and that a draft environmental impact statement will not be required to be prepared and the Agency hereby determines, based upon information furnished to the Agency by the Village of Hamburg and such other information as the Agency has deemed necessary to make this determination, that the Project does not require the preparation of an environmental impact statement under the State Environmental Quality Review Act, being Article 8 of the New York State Environmental Conservation law, as the contemplated actions will not have a significant effect on the environment and the Agency hereby confirms the negative declaration previously adopted by the Village of Hamburg attached hereto and made a part hereof.

Section 17. The provisions of the Town of Hamburg Industrial Development Agency Policy for Recapture and/or Termination or Modification of Financial Assistance and Local Labor Policy shall be applicable to this Project.

Section 18. This Resolution shall take effect immediately and shall continue in full force

and effect for two (2) years from the date hereof and on or after such two (2) year anniversary, the Agency may, at its option (a) terminate the effectiveness of this Resolution (except with respect to the obligations of the Lessee pursuant to Sections 12, 13, 14 and 17 of this Resolution which shall survive any expiration or termination) or (b) allow the Lessee additional time in which to close the transactions contemplated by this Resolution based upon affirmative actions taken by the Lessee to complete such transactions. Upon any allowance of additional time to close, the Agency may charge the Lessee an extension fee in accordance with the Agency's fee schedule.

ADOPTED: May 8, 2024

ACCEPTED: May ____, 2024

T&L BEACHFRONT HOLDINGS, LTD.
as Lessee

By _____
Name:
Title:

PROJECT PROFILE:

SERVPRO of the Southtowns

\$900,000.00

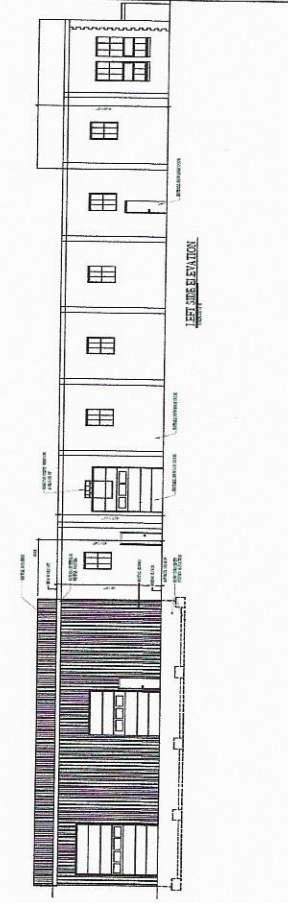
April 3, 2024



ELIGIBILITY
<ul style="list-style-type: none">• Back office and warehouse expansion Project eligible under NYS Law
COMPANY INCENTIVES (EST.)
<ul style="list-style-type: none">• Property Tax = \$97,261.00• Mortgage Tax = \$1,500.00• Sales Tax = \$78,750.00
PROJECT BENEFITS (EST.)
<ul style="list-style-type: none">• Property Taxes = \$24,315.00• Income Taxes = \$727,725.00• Sales Taxes = \$212,254.00
EMPLOYMENT
<ul style="list-style-type: none">• 5 New Full-time Jobs projected• Salary of Positions start at \$43,000.00 annually• Retain 30 full time equivalent employees• Future expansion / growth potential
PROJECT SCHEDULE
<ul style="list-style-type: none">• Contingent upon benefits determination• Anticipate start May 2024

Project Address:

97 Evans Street
Hamburg, NY 14075
(Hamburg Central Schools)



Investment:

Construction: \$700,000
Renovation: \$150,000
Soft Costs: \$ 50,000

Company Description:

SERVPRO of the Southtowns was started in 1997 by Lyn and Thomas Braun. SERVPRO provides cleaning, restoration and construction services, especially after property damage events and disasters like floods, fires, mold outbreaks, biohazards and more. Customers include residential and commercial property owners, as well as government entities.

Project Description:

The company is looking to renovate 3,000 square feet of existing space to accommodate additional staff and add 6,400 of new build production and warehouse space. If granted, the payment in lieu of taxes would be on the newly assessed value of the parcel and improvements.

PROJECT PROFILE:

SERVPRO of the Southtowns
\$900,000.00

HIDA COMPANY HISTORY:

2024—Applicant for agency benefits at 97 Evans Street, Hamburg, New York

MATERIAL TERMS:

1. Achievement of 5 new full-time equivalent jobs in addition to the 30 current employees at the project location two years after project completion, and retention of such jobs for duration of the PILOT.
2. Investment of not less than \$900,000 at the project location as noted in the application.
3. Compliance with the Agency's Local Labor Policy in connection with the construction of the Project

Section I: Applicant Information

A) Applicant Information – Company Receiving Benefit:

Project Name: SERVPRO of The Southtowns 97 Evans St Expansion

Applicant Name: T&L of The Southtowns

Applicant Address: 97 Evans St

Applicant Address 2: _____

Applicant City: Hamburg Applicant State: NY Applicant Zip: 14075

Phone: 716-646-6684 Fax: _____

Website: servprothesouthtowns.com Email: office@servprothesouthtowns.com

Federal ID #: [REDACTED] NAICS: _____

State and Year or Incorporation/Organization: NY 1997

Will a Real Estate Holding Company be utilized to own the Project property/facility? Yes No

What is the name of the Real Estate Holding Company: T&L Beachfront Holdings, LTD

Federal ID #: [REDACTED]

State and Year or Incorporation/Organization: 2007

List of stockholders members, or partners of Real Estate Holding Company

Lyn Braun – 50%
Thomas Braun – 50%

B) Individual Completing Application:

Name: Thomas Braun

Title: V. Pres

Address: 3784 Hoover Rd

Address 2: _____

City: Blasdell State: NY Zip: 14219

Phone: 716-818-2362

Email: tmbraun@servprothesouthtowns.com

C) Company Contact (if different from individual completing application)

Name: _____
Title: _____
Address: _____
Address 2 : _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____
Email: _____

D) Company Counsel:

Name of Attorney: _____ Adam Braszky _____
Firm Name: Rupp Pfalzgraf
LLC _____
Address: _____ 424 Main St. _____
Address 2 : _____ St. #1600 _____
City: Buffalo _____ State: New York _____ Zip: _____ 14202 _____
Phone: _____ 716-854-3400 _____ Fax: _____
Email: _____ Brasky, Adam M.
<brasky@RuppPfalzgraf.com> _____

E) Assistance being requested of the Agency (select all that apply):

- 1. Exemption from Sales Tax X
- 2. Exemption from Mortgage Tax X
- 3. Exemption from Real Property Tax X
- 4. Tax Exempt Financing * X

*typically for not-for-profits & small qualified manufacturers

F) Business Organization (check appropriate category)

Corporation Partnership

Public Corporation Joint Venture
Sole Proprietorship Limited Liability Company

Type of Business: cleaning, restoration and construction

Type of Ownership: S Corp

Year Established: 1997

State of Organization: NY

G) List all stockholders, members, partners with % of ownership greater than 20%:

Name	% of ownership
Lyn A Braun	41%
Nicole Braun	10%
Thomas M Braun	29%
Taylor Braun	10%
Travis Braun	10%

H) Applicant Business Description

Describe in detail company background, products, customers, goods and services. Description is critical in determining eligibility: SERVPRO of The Southtowns was started in 1997 by Lyn and Thomas Braun. SERVPRO provides cleaning, restoration and construction services, especially after property damage events and disasters like floods, fires, mold outbreaks, biohazards and more. Customers include residential and commercial property owners, as well as government entities.

Estimated % of sales within County: 85

Estimated % of sales outside County but within New York State 15

Estimated % of sales outside New York State but within the U.S. _____

Estimated % of sales outside of U.S. _____

(Percentage to equal 100%)

I) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in the Town of Hamburg? Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation including estimated percentage of local purchases.

***the Local Labor Area is defined in the Local Labor Policy attachment ([LIVE LINK TO POLICY](#))**

Section II: Project Description and Details

A) Project Location:

Municipality or Municipalities of current operations: Hamburg

Will the Proposed Project be located within the Municipality, or Municipalities, identified above?

Yes No

In which municipality will the proposed project be located: Hamburg

Provide the property address of the proposed project:

Address : 97 Evans St Hamburg NY 14075

Will the completion of the Project result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the project occupant located within the State?

Yes No

If the proposed project is located in a different Municipality than the Municipality in which current operations are being undertaken, is it expected that any of the facilities in any other Municipality will be closed or be subject to reduced activity?

Yes No

If Yes, you will need to complete Section II (Q) and Section IV of this Application.

SBL Number for Property upon which proposed project will be located: 195.12-1-20

What are the current real estate taxes on the proposed project site: \$16,799.60

Assessed value of Land _____

Assessed value of building(s) Total Value \$195,000

If amount of current taxes is not available, provide assessed value for each:

Land: \$ _____

Building: \$ _____

**If available, please include a copy of current tax bill.

Are Real Property Taxes current? Yes No. If no, please explain _____

Town/City/Village of Project Site:Hamburg_____ School District of Project
Site: Hamburg_____

Does the applicant or any related entity currently hold fee title to the Project site? Yes No

If no, indicate name of present owner of the project site: _____

Does applicant or related entity have an option/contract to purchase the Project site: Yes No

Describe the present use of the proposed project site: storage/parking

B) Please provide narrative of project and the purpose of the proposed project (new build, renovations, and/or equipment purchases). Identify specific uses occurring within the project. Describe any and all tenants and any/all end users. (This information is critical in determining project eligibility)

We are expanding our current warehouse/headquarters to add offices and facilities in order to increase hiring and expand our operation.

Describe the reasons why the Agency's Financial Assistance is necessary, and how the Financial Assistance enables the company to undertake the Project to facilitate investment, job creation and /or job retention.

Tax abatement through the IDA defrays the costs of this expansion significantly, and those savings will go directly towards the space, supplies and salaries of several new hires, who will in turn allow us to expand our operation here in Hamburg.

Please confirm by checking the box below if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency

x Yes No

If the Applicant is unable to obtain Financial Assistance for the Project, what will be the impact on the Applicant and the Town of Hamburg and Erie County.

Without financial assistance, the project may be delayed indefinitely, which in turn would prevent us from taking advantage of favorable market conditions for our business to expand. This, in turn, would slow or inhibit the growth of our business and our ability to contribute in the long term to the town and county.

Will Project include leasing any equipment: Yes No

If yes, please describe equipment and lease terms

Site Characteristics:

Will the project meet zoning/land use requirements at the proposed location? Yes No

Describe the present zoning/land use: warehouse and offices

Describe required zoning/land use, if different: _____

If a change in zoning/land use is required, please provide details/status of any request for change of zoning/land use requirements

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? If yes, please explain

No _____

Has a Phase 1 Environmental Assessment been prepared or will one be prepared with respect to the proposed project site? Yes No. If yes, please provide a copy.

C) Have any other studies or assessments been undertaken with respect to the proposed project site that indicate the known or suspected presence of contamination that would complicate the site's development? Yes No.

If yes, please provide copies of the study.

If you are purchasing new machinery and equipment, does it provide demonstrable energy efficiency benefits?

You may also attach additional information about the machinery and equipment at the end of the application.

Does or will the company or project occupant perform research and development activities on new products/services at the project location? Yes No

If yes, please explain:

What percentage of annual operating expenses are attributed to the above referenced research and development activities?

Select Project Type for all end users at project site (you may check more than one):

Will customers personally visit the Project site for either of the following economic activities? If yes with respect to either economic activity indicated below, complete the retail determination contained in Section IV of the application.

Please check any and all end users as identified below.

Retail Sales: Yes No

Services: Yes No

For purposes of this question, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101 (b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

Manufacturing	<input checked="" type="checkbox"/>	Back Office	<input checked="" type="checkbox"/>
Acquisition of Existing Facility	<input checked="" type="checkbox"/>	Retail	<input checked="" type="checkbox"/>
Housing	<input checked="" type="checkbox"/>	Mixed Use	<input checked="" type="checkbox"/>
Equipment Purchase	<input checked="" type="checkbox"/>	Facility for Aging	<input checked="" type="checkbox"/>
Multi-Tenant	<input checked="" type="checkbox"/>	Civic Facility (not for profit)	<input checked="" type="checkbox"/>
Commercial	<input checked="" type="checkbox"/>	Other _____	<input checked="" type="checkbox"/>

D) Project Information:

Estimated costs in connection with Project: \$900,000

1. Land and/or Building Acquisition:	\$ _____
_____ acres _____ square feet	
2. New Building Construction: _____ square feet	\$ _____
3. New Building Addition(s): 6,400 square feet	\$ 700,000
4. Infrastructure Work	\$ _____
5. Renovation: ___3000___ square feet	\$ 150,000 _____
6. Manufacturing Equipment:	\$ _____
7. Non-Manufacturing Equipment (furniture, fixtures, etc.):	\$ _____
8. Soft Costs: (professional services, etc.):	\$50,000
9. Other : _____	\$ _____
*Total Costs:	\$900,000

Project refinancing, estimated amount:
(for refinancing of existing debt only)

\$ _____

Have any of the above costs been paid or incurred as of the date of this application?

Yes x No

If yes, describe the particulars:

Sources of Funds for Project Costs:

Bank Financing: \$ 200,000 _____

Equity (excluding equity that is attributed to grants/tax credits): \$ _____

Tax Exempt Bond Issuance (if applicable): \$ _____

Taxable Bond Issuance (if applicable): \$ _____

Public Sources (include sum total of all state and federal grants and tax credits): \$ _____

Identify each state and federal grant/credit:

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

Total Sources of Funds for Project Costs: \$ _____

Has a financing preapproval letter or loan commitment letter been obtained? Yes x No

Mortgage Recording Tax Exemption Benefit:

Estimated mortgage amount (sum total of all financing- construction and bridge). \$200,000

Amount of mortgage, if any, that would be subject to mortgage recording tax. \$200,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by .0075) \$1,500

Name of Lender (if known) _____

Construction Cost Breakdown:

Total Cost of Construction: \$900,000 (This can be a calculation of sum 2,3,4,5, 7 in D (above))

Cost for materials:	\$300,000__
% sourced in Town of Hamburg	_____
% sourced in Erie County	100%
% sourced in New York State	_____ %

Gross amount of costs for goods and services that are subject to State and Local Sales and Use Tax – said amount to benefit from the Agency’s Sales and Use Tax Exemption Benefit:

\$900,000

Estimated State and Local Sales Tax and Use Benefit (product of 8.75% multiplied by the figure above):

\$78,750

**Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate above represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to this Application. The Agency may utilize the estimate above as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.*

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit OTHER THAN the Agency’s PILOT benefit:

NO

E) For the proposed facility, please indicate the square footage for each of the uses outlined below:

	Square Footage	Cost	% of Total Cost of Project
Manufacturing			
Warehouse	6,400	\$750,000	83%
Research and Development			
Commercial			
Retail			
Office	300,00	150,00	17%
Specify Other			

If you are undertaking new construction or renovations, are you seeking LEED certification from the US Green Building council? Yes x No

If you answered yes to the question above, what level of LEED certification do you anticipate receiving?

Provide estimate of additional construction cost as a result of LEED certification you are seeking

Will project result in significant utility infrastructure cost or uses: Yes x No

F) **What is your project timetable (Provide Dates):**

1. Start Date: acquisition of equipment or construction of facilities: 8/1/24
2. Estimated completion date of project: 9/1/24
3. Project Occupancy – estimated starting date of operations: 12/1/24
4. Have construction contracts been signed? Yes x No
5. Have site plans been submitted to the appropriate planning department?
x Yes No

Has the Project received site plan approval from the appropriate planning department? Yes No

- G) Is the project necessary to expand project employment: Yes No
 Is the project necessary to retain existing employment: Yes No

Employment Plan (Specific to the proposed project location):

	Current # of jobs at proposed location or to be relocated at project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PTE jobs to be CREATED two years after Project completion	Estimate number of residents of the Labor Market Area in which the Project is located that will fill the FTE and PTE jobs to be created two years after Project completion
Full Time (FTE)	30		5	5
Part Time (PTE)				
Total				

*For purpose of this question, please estimate the number of FTE and PTE jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column. The Labor Market Area includes the Town of Hamburg and balance of Erie County as well as the following areas:

**By statute, Agency staff must project the number of FTE jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the Two-year time period following Project completion. Agency staff converts PTE jobs into FTE jobs by dividing the number of PTE jobs by two (2).

Salary and Fringe Benefits for Jobs to be Retained and Created:

Category of Jobs to be Retained and Created	#of employee Retained and created	Average salary for full time	Average fringe benefits for full time	Average salary for part time (if applicable)	Average Fringe Benefits for part time (if applicable)
Management	10	\$55,000			
Professional	4	\$50,000			
Administrative	1	\$45,000			
Production	20	\$43,000			
Independent Contractor					
Other					

Employment at other locations in the Town of Hamburg or- Erie County(provide address and number of employees at each location):

	Address	Address	Address
Full Time			
Part Time			
Total			

H) Will any of the facilities described above be closed or subject to reduced activity? Yes No

I) Payroll Information

Annual payroll at proposed project site: \$2,985,719.17

Estimated average annual salary of jobs to be retained (full time): \$1,755,719.17

Estimated average annual salary of jobs to be retained (part time): _____

Estimated average annual salary of jobs to be created (full time): \$230,000 total \$46,000 per FTE

Estimated average annual salary of jobs to be created (part time): _____

Estimated salary range of jobs to be created:

From (Full Time) \$40,000 to (Full Time) \$60,000

From (Part Time) _____ to (Part Time) _____

Is this project reasonably necessary to prevent the project occupant from moving out of New York State?

Yes No

If yes, please explain and identify out-of-state locations investigated:

What competitive factors led you to inquire about sites outside of New York State

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

Yes No

If yes, please indicate the Agency and nature of inquiry below

Do you anticipate in applying for any other assistance for this project? Yes No

If yes what type of assistance (Historic Tax Credits, 485-a, Grants, Utility Loans, Energy Assistance, Workforce Training)

Section III: facility Type – Single or Multi-Tenant

Is this a Single Use Facility or a Multi-Tenant Facility?

For Single Use Facility

SERVPRO of The Southtowns

Address: 97 Evans St., Hamburg, NY 14075

Contact Person: Thom Braun

Phone: 716-818-2362

Fax

E-Mail: tmbraun@servprothesouthtowns.com

Federal ID #16-1492908

SIC/NAICS Code

Multi-Tenant Facility (to be filled out by developer)

Please explain what market conditions support the construction of this multi-tenant facility

Have any tenant leases been entered into for this project?

If yes, please fill out a tenant form in section VII, for each tenant.

Section IV: Tenant Information

Section V: Environmental Questionnaire

General Background Information

Address of Premises. 97 Evans St, Hamburg, NY 14075

Name and Address of Owner of Premises. Thom Braun, 3784 Hoover Rd, Hamburg, NY 14219

Describe the general features of the Premises (include terrain, location of wetlands, coastlines, rivers, streams, lakes, etc.). Currently a warehouse space.

Describe the Premises (including the age and date of construction of any improvements) and each of the operations or processes carried out on or intended to be carried on at the Premises. Currently and will continue to be used as a base of operations and headquarters for SERVPRO.

Describe all known former uses of the Premises. SERVPRO headquarters since recent memory.

Does any person, firm or corporation other than the owner occupy the Premises or any part of it? No

If yes, please identify them and describe their use of the property.

Have there been any spills, releases or unpermitted discharges of petroleum, hazardous substances, chemicals or hazardous wastes at or near the Premises? No

If yes, describe and attach any incident reports and the results of any investigations.

Has the Premises or any part of it ever been the subject of any enforcement action by any federal, state or local government entity, or does the preparer of this questionnaire have knowledge of: a) any current federal, state or local enforcement actions; b) any areas of non-compliance with any federal, state or local laws, ordinances, rules or regulations associated with operations over the past 12 months?. No

If yes, please state the results of the enforcement action (consent order, penalties, no action, etc.) and describe the circumstances.

Has there been any filing of a notice of citizen suit, or a civil complaint or other administrative or criminal procedure involving the Premises? No

If yes, describe in full detail.

Solid And Hazardous Wastes And Hazardous Substances

Does any activity conducted or contemplated to be conducted at the premises generate, treat or dispose of any petroleum, petroleum-related products, solid and hazardous wastes or hazardous substances? No

If yes, provide the Premises' applicable EPA (or State) identification number.

Have any federal, state or local permits been issued to the Premises for the use, generation and/or storage of solid and hazardous wastes? No

If yes, please provide copies of the permits.

Identify the transporter of any hazardous and/or solid wastes to or from the Premises

Identify the solid and hazardous waste disposal or treatment facilities which have received wastes from the Premises for the past two (2) years.

Does or is it contemplated that there will occur at the Premises any accumulation or storage of any hazardous wastes on-site for disposal for longer than 90 days? No

If yes, please identify the substance, the quantity and describe how it is stored.

Discharge Into Waterbodies

Briefly describe any current or contemplated industrial process discharges (including the approximate volume, source, type and number of discharge points). Please provide copies of all permits for such discharges. None

Remind me to upload this attachment at the end of application.

Identify all sources of discharges of water, including discharges of waste water, process water, contact or noncontact cooling water, and storm water. Attach all permits relating to the same. Also identify any septic tanks on site.

Remind me to upload this attachment at the end of application.

Is any waste discharged into or near surface water or groundwaters?

If yes, please describe in detail the discharge including not only the receiving water's classification, but a description of the type and quantity of the waste.

Air Pollution

Are there or is it contemplated that there will be any air emission sources that emit contaminants from the Premises? No

If yes, describe each such source, including whether it is a stationary combustion installation, process source, exhaust or ventilation system, incinerator or other source.

Are any of the air emission sources permitted?

If yes, attach a copy of each permit.

Remind me to upload this attachment at the end of application.

Storage Tanks

List and describe all above and underground storage tanks at the Premises used to store petroleum or gasoline products, or other chemicals or wastes, including the contents and capacity of each tank. Please also provide copies of any registrations/permits for the tanks. None

Remind me to upload this attachment at the end of application.

Have there been any leaks, spills, releases or other discharges (including loss of inventory) associated with any of these tanks?.

If yes, please provide all details regarding the event, including the response taken, all analytical results or reports developed through investigation (whether internal or external), and the agencies which were involved.

■ Polychlorinated Biphenyls ("PCB" or "PCBs") And Asbestos

Provide any records in your possession or known to you to exist concerning any on-site PCBs or PCB equipment, whether used or stored, and whether produced as a byproduct of the manufacturing process or otherwise.

Remind me to upload this attachment at the end of application. None

Have there been any PCB spills, discharges or other accidents at the Premises?

If yes, relate all the circumstances.

Do the Premises have any asbestos containing materials?

If yes, please identify the materials.

Section VI: Inter-Municipal Move Determination

The Agency is required by state law to make a determination that, if completion of a Project benefiting from Agency Financial Assistance results in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, Agency Financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Will the Project result in the removal of an industrial or manufacturing plant of the Project occupant from one area of the state to another area of the state? Yes x No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state? Yes x No

*If yes to either question explain how, notwithstanding the aforementioned closing or activity reduction the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does the Project involve relocation or consolidation of a project occupant from another municipality?

Within New York State: Yes x No

Within Erie County: Yes x No

*If yes to either question, please explain: _____

What are some of the key requirements the project occupant is looking for in a new site? (For example, minimum sq. ft., 12 foot ceilings, truck loading docks etc.)

If the project occupant is currently located in Erie County and will be moving to a different municipality within Erie County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located?

What factors have lead the project occupant to consider remaining or locating in Erie County?

If the current facility is to be abandoned, what is going to happen to the current facility that project occupant is located in?

Please provide a list of properties considered, and the reason they were not adequate. (Some examples include: site not large enough, layout was inappropriate, did not have adequate utility service, etc.) Please include full address for locations.

Section VII: Adaptive Reuse Projects

Are you applying for tax incentives under the Adaptive Reuse Program? No

What is the age of the structure (in years)?

Has the structure been vacant or underutilized for a minimum of 3 years? (Underutilized is defined as a minimum of 50% of the rentable square footage of the structure being utilized for a use for which the structure was not designed or intended)

If vacant, number of years vacant.

If underutilized, number of years underutilized.

Describe the use of the building during the time it has been underutilized:

Is the structure currently generating insignificant income? (Insignificant income is defined as income that is 50% or less than the market rate income average for that property class)

If yes, please provide dollar amount of income being generated, if any

If apartments are planned in the facility, please indicate the following:

Does the site have historical significance?

Are you applying for either State/Federal Historical Tax Credit Programs?

If yes, provide estimated value of tax credits

Briefly summarize the financial obstacles to development that this project faces without agency or other public assistance. Please provide the agency with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without agency and other tax credits included indicating below average return on investment rates compared to regional industry averages)

Remind me to upload this attachment at the end of application

Briefly summarize the demonstrated support that you intend to receive from local government entities. Please provide agency with documentation of this support in the form of signed letters from these entities.

Remind me to upload this attachment at the end of application.

Please indicate other factors that you would like HIDA to consider such as: structure or site presents significant public safety hazard and or environmental remediation costs, site or structure is located in a distressed census tract, structure presents significant costs associated with building code compliance, site has historical significance, site or structure is presently delinquent in property tax payments.

Section VIII Senior Citizen Rental Housing Projects

Agency tax incentives may be granted to projects under the Agency's Senior Citizen Rental Housing policy when the project consists of a multi-family housing structure where at least 90% of the units are (or are intended to be) rented to and occupied by a person who is 60 years of age or older.

Are you applying for tax incentives under the Senior Rental Housing policy?

If yes, please answer the following questions. If no, please proceed to the next section of this application.

Projects applying for tax incentives under the Senior Citizen Rental Housing program will be evaluated based upon the answers you supply to the following criteria based questions. **Please note that approval of Senior Citizen Rental Housing project incentives does not require that all of the following criteria be met, but rather this information will be considered by the Agency's Board when the project is presented for Board approval.**

Has the project received written support from the city, town or village government in which it is located?

Describe the location of the project as it relates to the project's proximity to the town / village / city center or to a recognized hamlet.

Is the project consistent with the applicable municipal master plan?

If yes, please provide a narrative identifying the master plan (by name) and describing how the project aligns with the plan details

Does the project advance efforts to create a walkable neighborhood and community in proximity to important local amenities and services?

If yes, please provide a narrative describing the walkable nature of the project including access seniors would have to specific neighborhood amenities.

Has a market study shown that there is a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities?

Is the project located in an area (defined as a 1 – 5 mile radius of the project site) where there are significant local resident populations that are at or below the median income level?

If yes, please describe how you made this determination based upon census tract and other relevant third party data.

Does the project provide amenities that are attractive to seniors and differentiates the project from standard market rate housing?

If yes, please describe these amenities (examples may include: community rooms, social / recreational activity areas, senior-oriented fixtures and safety amenities, security systems, call systems, on site medical services)

Are there impediments that hinder the ability to conventionally finance this project and /or negatively impact the project's return on investment?

If yes, please briefly summarize the financial obstacles to development that this project faces without agency or other public assistance. Please provide the agency with documentation to support the financial obstacles to development (you will be asked to provide cash flow projections documenting costs, expenses and revenues with and without agency and other tax credits included indicating below average return on investment rates compared to regional industry averages)

Remind me to upload this attachment at the end of application.

Will the project target (and maintain during the incentive period) a minimum 50% occupancy rate of senior citizens whose income is at or below 60-80% of the median income for Eric County?

If yes, please describe provide a narrative citing key facts that substantiate this finding.

Section IX: Retail Determination

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

- A) Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site? Yes No

***If yes, please complete the retail questionnaire supplement below . If no, proceed to Section X**

For purposes of Question A, the term "retail sales" means (i) sales by registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

- B) What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? -0% If the answer is less than 33% do not complete the remainder of the retail determination.

If the answer to Question A is yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

1. Will the project be operated by a not-for-profit corporation Yes No
2. Is this Project location or facility likely to attract a significant number of visitors from outside the economic development region (Erie, Niagara, Allegheny, Chautauqua and Cattaraugus counties) in which the project will be located? Yes No

***if yes, please provide a third party market analysis or other documentation supporting your response.**

3. Is the predominant purpose of the project to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the municipality? Are services provided at proposed project site needed because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes No

***if yes, please provide-market analysis supporting your response.**

4. Will the project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? Yes No
5. Is the project located in a Highly Distressed Area? Yes No

Section X: Estimate of Real Property Tax Abatement Benefits and Percentage of Project Costs Financed from Public Sector Sources

Section X of this Application will be (i) completed by Agency Staff based upon information contained with the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.

PILOT Estimate Table Worksheet:

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property Subject to IDA*	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
900,000	218,000	10.14	27.53	42.00

*Apply equalization rate to value

PILOT year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	5%	111	300	458	868.40	17,368	16,500
2	10%	221	600	916	1,737	17,368	15,631
3	15%	332	900	1,373	2,605	17,368	14,763
4	20%	442	1,200	1,831	3,474	17,368	13,894
5	25%	553	1,500	2,289	4,342	17,368	13,026
6	30%	663	1,800	2,747	5,210	17,368	12,158
7	35%	774	2,101	3,205	6,079	17,368	11,289
8	100%	0	0	0	0		
9							
10							
Total:		3,095	8,402	12,818	24,315	121,576	97,261.14

*Estimates provided are based on current property tax rates and assessment values

Percentage of Project Costs Financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)
900,000	97,261.14	78,750.00	1,500.00	0.00

Calculate %

(Est. PILOT + Est. Sales Tax + Est. Mortgage Tax + Other)/Total Project Costs: 20 %

Section XI: Representations, Certifications and Indemnification

Thomas Braun _____ (name of CEO or other authorized representative of Applicant) confirms and says that he/she is the _V. Pres. _____ (title) of T&L of The Southtowns, LTD _____ (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. Job Listings: In accordance with Section 858-b(2) of the New York General Municipal Law.
- B. First Consideration for Employment: In accordance with Section 858-b(2) of the New York General Municipal Law.
- C. Annual Sales Tax Filings: In accordance with Section 874(8) 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. Copies of all filings shall be provided to the Agency.
- D. 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, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization, and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and the Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
- E. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Agency so that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm or assume any representation made within reports required herein.

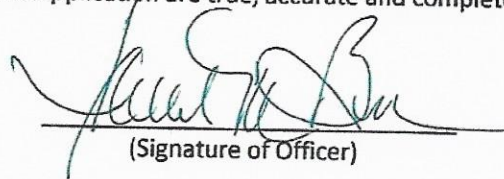
- F. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants', and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
- G. Hold Harmless Provision: The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's bond/transaction counsel whether or not the Application, the proposed Project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and 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: (i) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed Project describes herein or the tax exemptions and other assistance requires herein are favorably acted upon by the Agency; (ii) the Agency's acquisition, construction, and/or installation of the proposed Project described herein; and (iii) any further action taken by the Agency with respect to the proposed Project including, without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and the Applicant. The Applicant further represents and warrants that the information contained in this Application, including without limitation information regarding the amount of the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and correct.
- H. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy effective as of the date of this Application
- I. By executing and submitted this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
- a. A non-refundable \$500 application and publication fee (the "Application Fee");
 - b. A \$500 expense deposit for the Agency's Counsel Fee Deposit

- c. Unless otherwise agreed to by the Agency, an amount equal to one percent (1%) of the total project costs.
- d. All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project, with all such charges to be paid by the Applicant at the closing.
LINK TO FEE SCHEDULE

- J. If the Applicant fails to conclude or consummate the 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 Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- K. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. The cost incurred by the Agency and paid by the Applicant, the Agency's general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost of the Project and included in the financing of costs of the proposed Project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- M. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.
- N. The Applicant acknowledges that it has read and understands of the LINK Agency's Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the "Termination and Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the subject of this Application and that the Agency will implement the Termination and Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
- O. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restriction on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one are of the state to another area of the state or in the abandonment of one or more plants or

- P. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.
- Q. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of any amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.
- R. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- S. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents 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.
- T.
1. That I am the V. Pres. _____ (Corporate Office) of T&L of The Southtowns, LTD _____ (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
 2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.


(Signature of Officer)

Town of Hamburg Industrial Development Agency

MRB Cost Benefit Calculator

Date January 0, 1900
 Project Title 0
 Project Location 0



Economic Impacts

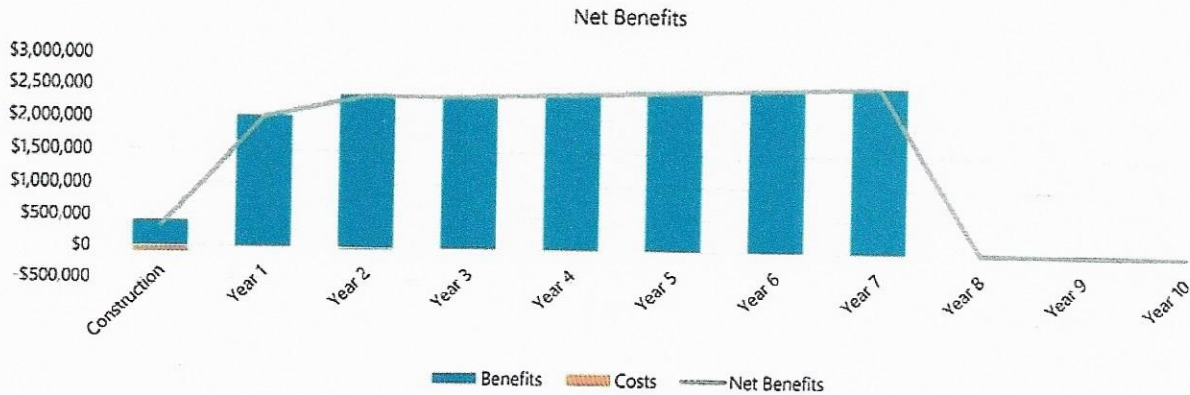
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$900,000

	Temporary (Construction)		
	Direct	Indirect	Total
Jobs	4	0	4
Earnings	\$372,183	\$20,628	\$392,811
Local Spend	\$900,000	\$70,626	\$970,626

	Ongoing (Operations)		
	Direct	Indirect	Total
Jobs	35	16	51
Earnings	\$11,368,505	\$4,410,366	\$15,778,870

Figure 1



Net Benefits

Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT

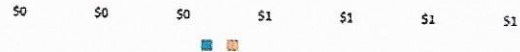
Figure 2

Figure 3

Total Jobs



Total Earnings



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$104,804	\$97,156
Sales Tax Exemption	\$78,750	\$78,750
Local Sales Tax Exemption	\$36,750	\$36,750
State Sales Tax Exemption	\$42,000	\$42,000
Mortgage Recording Tax Exemption	\$1,500	\$1,500
Local Mortgage Recording Tax Exemption	\$500	\$500
State Mortgage Recording Tax Exemption	\$1,000	\$1,000
Total Costs	\$185,054	\$177,406

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$16,295,048	\$15,060,562
To Private Individuals	\$16,171,681	\$14,946,976
Temporary Payroll	\$392,811	\$392,811
Ongoing Payroll	\$15,778,870	\$14,554,165
Other Payments to Private Individuals	\$0	\$0
To the Public	\$123,367	\$113,586
Increase in Property Tax Revenue	\$24,315	\$22,036
Temporary Jobs - Sales Tax Revenue	\$2,406	\$2,406
Ongoing Jobs - Sales Tax Revenue	\$96,646	\$89,144
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$840,927	\$777,243
To the Public	\$840,927	\$777,243
Temporary Income Tax Revenue	\$17,676	\$17,676
Ongoing Income Tax Revenue	\$710,049	\$654,937
Temporary Jobs - Sales Tax Revenue	\$2,750	\$2,750
Ongoing Jobs - Sales Tax Revenue	\$110,452	\$101,879
Total Benefits to State & Region	\$17,135,976	\$15,837,805

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$15,060,562	\$134,406	112:1
State	\$777,243	\$43,000	18:1
Grand Total	\$15,837,805	\$177,406	89:1

*Discounted at 2%

Additional Comments from IDA

Does the IDA believe that the project can be accomplished in a timely fashion? Yes