

APPLICATION FOR FINANCIAL ASSISTANCE

Please respond to all questions in this Application for Financial Assistance (the "Application") by, as appropriate: filling in blanks; checking the applicable term(s); attaching additional text (with appropriate notations, such as "see Schedule 2(A), etc.); or writing "N.A.", signifying "not applicable".

The following amounts are payable to the County of Chautauqua Industrial Development Agency (the "Agency") at the time this Application is submitted to the Agency: (i) a \$1,000 non-refundable application fee (the "Application Fee"); and (ii) a \$1,000 expense deposit for the Agency's Transaction/Bond Counsel fees and expenses (the "Counsel Fee Deposit"). The Application Fee will not be credited against any other fees or expenses which are or become payable to the Agency in connection with this Application or the project contemplated herein (the "Project"). In the event that the subject transaction does not close for any reason, the Agency may use all or any part of the Counsel Fee Deposit, to defray the cost of Transaction/Bond Counsel fees and expenses with respect to the Project. In the event that the subject transaction closes, the Counsel Fee Deposit shall be credited against the applicable expenses incurred by the Agency with respect to the Project.

• Please contact the CCIDA Main Office @ (716) 661-8900 with any questions relative to the application content and/or process.

PART II: PROJECT

PART I: APPLICANT

Address of proposed project facility: Address: Phone: _____ Phone: _____ NY State Dept. of Labor Reg. #: _____ Tax Map Parcel Number(s): City/Town/Village(s):_____ Federal Employer ID #: School District(s):_____ NAICS Code #: _____ Current Legal Owner:_____ NAICS Sector: _____ Contract to purchase (Yes or No): _____ NAICS Industry:_____ Website:____ Date of purchase: Nature of business (goods to be sold, manufactured, assembled Purchase price: \$_____ or processed, services rendered): Present use of the Project site: Contact Name: What are current real estate taxes on the Project site? Title:_____ County/Town: \$_____ City/Village: Phone Number: _____ E-Mail:_____ School: **Business Type:** Are tax cert. proceedings currently pending with respect to the ___ Sole Proprietorship Project real property? ___ General Partnership YES ___NO ___ ___ Limited Partnership ___ Limited Liability Company Proposed User(s)/Tenant(s) of the Facility ___ Privately Held Corporation (Complete for each User/Tenant for additional User/Tenants of ___ Publicly Held Corporation the Company, use space at the end of this section) ____ Not-for-Profit Corporation Company Name: State/Year of Incorporation/Organization: Address: __ Qualified to do Business in New York City/State/Zip: Tax ID No.: _____ Contact Name: _____ (Yes or No): Owners of 20% or more of Applicant: Title:____ Name Phone Number: E-Mail:_____ % of facility to be occupied by User/Tenant: Relationship to the Applicant:

Name:		APPLICANT Title:	Name	20% or more of U	Corporate Title
		LEGAL COUNSEL:			
Firm nan Address:	ne:	LEGAL COUNSEL:			
Phone: Fax: E-Mail:					
Type of	Propos	ed Project (check all that apply):			
		New Construction of a Facility Square footage:	_		
		Addition to Existing Facility Square footage of existing fac Square footage of addition:			
		Renovation of Existing Facility Square footage of area renova Square footage of existing fac			
		Acquisition of Land/Building Acreage/square footage of lan Square footage of building:		-	
		Acquisition of Furniture/Machinery/Ed List principal items or categor	ries:		
		Other (specify):			
Briefly	describe	e the purpose of the proposed Project, the	reasons why t	he Project is neco	essary to the Applicant and
	Agenc	y's financial assistance is necessary, and t			
Please 1	ist Affil	liates/Parents/Subsidiary Entities to Appli	cant (attach or	ganization chart	if necessary)

PART III. CAPITAL COSTS OF THE PROJECT

Provide an estimate of Project Costs of all items listed below: A. Item Cost 1. Land and/or Building Acquisition: 2. **Building Demolition:** 3. Construction/Reconstruction/Renovation: 4. Site Work: 5. Infrastructure Work: Furniture, Equipment & Machinery: 6. 7. Architectural/Engineering Fees: Applicant's Legal Fees: 8. 9. Financial Fees: 10. Other Professional Fees: Other Soft Costs (describe): 111. 12. Other (describe): **Total Project Costs:** B. Estimated Sources of Funds for Project Costs: Source Tax-Exempt IDA Bonds: a. Taxable IDA Bonds: b. Conventional Mortgage Loans: c. d. SBA or other Governmental Financing: Identify: Other Public Sources (e.g., grants, tax credits): e. Identify: Other Public Agency Loans: f. Other Private Loans: **Equity Investment:** h. (excluding equity attributable to grants/tax credits) **Total Funding:** What percentage of the total project costs are funded/financed from public sector sources: ___ C. Requested Financial Assistance Tax-Exempt Bonds: Taxable Bonds: Estimated Value of Sales Tax Benefit: (i.e., gross amount of cost of goods and services that are subject to state and local sales and use taxes multiplied by [8.0%]) Estimated Value of Mortgage Tax Benefit: (i.e., principal amount of mortgage loans multiplied by [1.25%])

	timated CCIDA PILOT Prop			
	pe: rm:			
Scl	hedule Requested:			
De	hedule Requested: viation? Yes	No		
		ject utilize a property tax er than from the Agency: requested type, term		
	Existing Total Annual (from Page 1)	Property Taxes on Land and	1 Building: \$	
		Property Taxes on completed (without Agency financial a		
	Other (specify):			
indicate the	estimated amount of PILOT the allocation of PILOT pay	Γ Benefit/Cost utilizing antic	gency's staff will create a PIL ipated tax rates and assessed vax jurisdictions, and attach su	aluation, make an
		ansaction/bond documents mant of capital investment as set	ay include a covenant by the A t forth in this Application.	applicant to
D. Sta	atus of Expenses			
		or incurred (including contractulars on a separate sheet. la	ets of sale or purchase orders) and deposit	as of the date of
	YES		NO	
E. Ex	isting Operations			
	ions, including whether the p		ate in Chautauqua County? If n the relocation or abandonmen	

Abundant Solar plans to hire 41 jobs to complete construction of the project. The construction is expected to last 5 months. There will be no FTE permanent employment that can be attributed to this specific site, but the Applicant will retain the services of a specialized solar property management company to maintain portfolio of properties in Central New York.

PART IV: COST-BENEFIT ANALYSIS

Provide the current annual payroll in Chautauqua County. Then, estimate projected payroll in Years 1, 2, and 3, after completion of Project. There are no direct employees on the project; property management and maintenance workers will be contracted out and

their hours on this project very minimal, totaling 1/2 FTE.

Provide the current number of employees in the following occupations in Chautauqua County. Then, estimate the projected Full Time Equivalent ("FTE") employees as indicated following completion of the Project:

		Est. FTEs Post-Completion:			Est. # of County
Current and Planned Occupations	Present Jobs Per Occupation	1 year	2 years	3 years	Residents. by yr. 3
Management Description of					
Professional Administrative	·			-	
Production	·			-	
Supervisor					
Laborer					
Independent Contractor					
Other (describe)					

List the average salaries or provide ranges of salaries for the following categories of jobs (on a full-time equivalency basis) projected to be retained/created in Chautauqua County because of the proposed Project:

Category of Jobs	Average Salary or Range of	Average Fringe Benefits or Range
to be Retained/Created:	<u>Salary:</u>	of Fringe Benefits:
Management		
Professional		
Administrative		
Production		
Supervisor		
Laborer		
Independent		
Contractor ¹		
Other		

Please indicate the number of temporary construction jobs anticipated to be created in connection with the acquisition, construction, and/or renovation of the Project: _____

Please note that the Agency may utilize the foregoing employment projections, among other things, to determine the financial assistance that will be offered by the Agency to the Applicant. The Applicant acknowledges that the transaction/bond documents may include a covenant by the Applicant to retain the above number of jobs, types of occupations and amount of payroll with respect to the proposed project.

 $[\]frac{1}{2}$ NOTE: The Agency converts part-time jobs into FTE's for evaluation and reporting purposes by dividing the number of part-time jobs by two (2).

² As used in this chart, this category includes employees of independent contractors.

produc		owing completion	of production, sales or services (including on of the Project) are made to customers outside k)? _%	
Describe any m	unicipal revenues that will result fro	om the Project (e	excluding any PILOT payments):	
	s is N/A or diminimus			
payı	ment.			
	n of the Project, and what portion with the Project with	ll be sourced fro nent will visit	es to be purchased by the Applicant for each year om businesses located in Chautauqua County and minimally to mow lawns/check equipm	ent but
	covers a wide geographic a	area beyond % Sourced in Chautauqua C	d the project site. <u>% Sourced in State</u> County	
Year 1	\$	<u>Chautauqua</u> C	County	
Year 2	\$			
Year 3	\$			
the project:	/ A	enue generateu,	directly and indirectly, as a result of undertaking	
If applicable, has of completion:	as construction/reconstruction/renove	ation work on th	ne Project begun? If YES, indicate the percentage	
1.	(a) Site clearance	YES	NO % complete	
	(b) Environmental Remediation	YES	NO % complete NO % complete NO % complete	
	(c) Foundation			
	(d) Footings	YES	NO % complete	
	(e) Steel (f) Masonry	YES YES	NO % complete NO % complete	
	(g) Interior	YES	NO % complete	
	(h) Other (describe below):	YES	NO % complete	
	he above categories, what is the projallation or equipping of the Project?		ommencement of construction, reconstruction,	
Provide an estir	nated time schedule to complete the	Project and whe	en first use of the Project is expected to occur:	

PART V: QUESTIONS

Please answer the following questions. If an answer is "YES" to any question, please provide details in the space provided at the end of the section.

1. Is the Project reasonably necessary to preserve the	
competitive position of the Applicant, or of a	7. What percentage of the cost of the Project
proposed user, occupant or tenant of the Project, in its	(including that portion of the cost to be financed
industry? 1	from equity or sources other than Agency financing)
YES NO	will be expended on such facilities or property
	primarily used in making retail sales of goods or
2. Is the Project reasonably necessary to discourage	services to customers who personally visit the
the Applicant, or a proposed user, occupant or	Project?%
tenant of the Project, from removing such plant or	
facility to a location outside of the State of New	8. Is the Project likely to attract a significant number
York? YES NO	of visitors from outside the economic development
	region (i.e., Western New York) in which the Project
3. Is there a likelihood that the proposed Project	is or will be located?
would not be undertaken by the Applicant but for the	YES NO
granting of the financial assistance by the Agency?	
(If yes, explain; if no, explain why the Agency should	9. Is the predominant purpose of the Project to make
grant the financial assistance with respect to the	available goods or services which would not, but for
proposed Project). 2	the Project, be reasonably accessible to the residents
YES NO	of the city, town or village within which the Project
	will be located, because of a lack of reasonably
4. The Applicant certifies that the provisions of	accessible retail trade facilities offering such goods or
Section 862(1) of the General Municipal Law will	services?
not be violated if financial assistance is provided by	YES NO
the Agency for the proposed Project.	
YES NO	
	10. Will the Project be located in one of the following:
5. Is an environmental impact statement required by	(a) an area designated as an empire zone pursuant to
Article 8 of the N.Y. Environmental Conservation	Article 18-B of the General Municipal Law; or (b) a
Law (i.e., the New York State Environmental Quality	census tract or block numbering area (or census tract
Review Act)? If "yes" please complete and attach to	or block numbering area contiguous thereto) which,
the Application.	according to the most recent census data, has (i) a
YES NO	poverty rate of at least 20% for the year in which the
** Applicants should consult Exhibit B in order to	data relates, or at least 20% of the households
determine which version of the New York State	receiving public assistance, and (ii) an unemployment
Environmental Assessment Form must be submitted	rate of at least 1.25 times the statewide
with this Application.	unemployment rate for the year to which the data
C William	relates?
6. Will customers personally visit the Project site for	YES NO
"retail sales" of Goods and/or Services? "Retail	1. All of these projects are community
Sales" means (i) sales by a registered vendor under	solar arrays that will provide renewabl
Article 28 of the Tax Law of the State primarily	energy for the residents in their re-
engaged in the retail sale of tangible personal	spective communities. There is a high
property, as defined in section 1101(b)(4)(i) of the	
Tax Law of the State, or (ii) sales of a service to such	level of environmental awareness in the
customers.	Rochester and Finger Lakes Region and
Sales of Goods: YES NO	thus a high demand for access to and be
Sales of Services: YES NO	nefits from renewable energy.
** If the answer to both is "No" please continue to	
the next page; if the answer to either is "Yes" please	0.001
answer the four (4) remaining questions.	2. Solar arrays of this nature are not

plied for.

economically viable without financial assistance from the authority, as ap-

Doc #03-149460.5

CERTIFICATIONS AND ACKNOWLEDGMENTS OF THE APPLICANT

The undersigned, being duly sworn, deposes and says, under penalties of perjury, as follows: that I am the chief executive officer or other representative authorized to bind the Applicant named in the attached application for financial assistance ("Application") and that I hold the office specified below my signature at the end of this Certification and Agreement, that I am authorized and empowered to deliver this Certification and Agreement and the Application for and on behalf of the Applicant, that I am familiar with the contents of said Application (including all schedules, exhibits and attachments thereto), and that said contents are true, accurate and complete to the best of my knowledge and belief.

The grounds of my belief relative to all matters in the Application that are not based upon my own personal knowledge are based upon investigations I have made or have caused to be made concerning the subject matter of this Application, as well as upon information acquired in the course of my duties and from the books and records of the Applicant.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that the Applicant hereby releases the County of Chautauqua Industrial Development Agency, its members, officers, servants, attorneys, agents and employees (collectively, the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend (with counsel selected by the Agency) and hold the Agency harmless from and against any and all liability, damages, causes of actions, losses, costs or expenses incurred by the Agency in connection with: (A) examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the financial assistance requested therein are favorably acted upon by the Agency, (B) the acquisition, construction, reconstruction, renovation, installation and/or equipping of the Project by the Agency, and (C) any further action taken by the Agency with respect to the Project; including, without limiting the generality of the foregoing, (i) all fees and expenses of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants (if deemed necessary or advisable by the Agency), and (ii) all other expenses incurred by the Agency in defending any suits, actions or proceedings that may arise as a result of any of the foregoing. If, for any reason whatsoever, 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 Applicant is unable to find buyers willing to purchase the total bond issue required or is unable to secure other third party financing or otherwise fails to conclude the Project, then upon presentation of an invoice by the Agency, its agents, attorneys or assigns, the Applicant shall pay to the Agency, its agents, attorneys or assigns, as the case may be, all fees and expenses reflected in any such invoice.

As an authorized representative of the Applicant, I acknowledge and agree on behalf of the Applicant that each of the Agency's general counsel, bond counsel, economic development consultant, real property tax valuation consultant and other experts and consultants is an intended third-party beneficiary of this Certification and Agreement, and that each of them may (but shall not be obligated to) enforce the provisions of the immediately preceding paragraph, whether by lawsuit or otherwise, to collect the fees and expenses of such party or person incurred by the Agency (whether or not first paid by the Agency) with respect to the Application.

FIRST:

The Applicant hereby certifies that, if financial assistance is provided by the Agency for the proposed project, no funds of the Agency (i) shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant or for the purpose of advertising or promotional materials which depict elected or appointed government officials in either print or electronic media, (ii) be given to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State.

SECOND:

The Applicant hereby certifies that no member, manager, principal, officer or director of the Applicant or any affiliate thereof has any blood, marital or business relationship with any member of the Agency (or any member of the family of any member of the Agency).

THIRD:

The Applicant hereby certifies that neither the Applicant nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners (other than equity owners of publicly-traded companies), nor any of their respective employees, officers, directors, or representatives (i) is a person or entity with whom United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury, including those named on OFAC's Specially Designated and Blocked Persons List, or under any statute, executive order or other governmental action, or (ii) has engaged in any dealings or transactions or is otherwise associated with such persons or entities.

FOURTH:

The Applicant hereby acknowledges that the Agency shall obtain and hereby authorizes the Agency to obtain credit reports and other financial background information and perform other due diligence on the Applicant and/or any other entity or individual related thereto, as the Agency may deem necessary to provide the requested financial assistance.

FIFTH:

The Applicant hereby certifies, under penalty of perjury, that each owner, occupant or operator that would receive financial assistance with respect to the proposed Project is in substantial compliance with applicable federal, state and local tax, worker protection and environmental laws, rules and regulations.

SIXTH:

The Applicant hereby acknowledges that the submission to the Agency of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the recapture from the Applicant of an amount equal to all or any part of any tax exemption claimed by reason of the Agency's involvement in the Project.

SEVENTH:

The Applicant hereby certifies that, as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859-a and Section 862(1) thereof.

EIGHTH:

Upon successful closing of the required bond issue or other form of financing or Agency assistance, the Applicant shall pay to the Agency an administrative fee set by the Agency (which amount is payable at closing) in accordance with the following schedule:

- (A) All Initial Transactions One-Hundred basis points (1.00%) of Total Project Costs
 - a. This fee applies to all Initial Transactions except for certain small solar or wind energy systems or farm waste energy systems under RPTL §487, for which the Agency collects no fee (other than Counsel fees).
- (B) Refundings/Assumptions/Modifications: Agency fee shall be determined on a case-by-case basis.

The Agency's bond counsel fees and expenses are payable at closing and are based on the work performed in connection with the Project.

The Agency's bond counsel's fees, general counsel fee and the administrative fees may be considered as a cost of the Project and included as part of any resultant financing, subject to compliance with applicable law.

Regardless of the success of this Application or whether the hoped-for Financial Assistance is realized, Applicant agrees to pay all costs in connection with any efforts by the Agency on behalf of the Applicant including any fees and expenses of the Agency's general counsel, bond counsel, and all applicable recording, filing or other related fees, taxes and charges upon receipt and review of the Application, securing necessary approvals, closing the necessary transaction, and/or terminating any transaction entered into by the Applicant and the Agency.

NINTH:

The Applicant authorizes the Agency to make inquiry of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation or any other appropriate federal, state or local governmental agency or authority as to whether the Project site or any property adjacent to or within the immediate vicinity of the Project site is or has been identified as a site at which hazardous substances are being or have been used, stored, treated, generated, transported, processed, handled, produced, released or disposed of. The Applicant will be required to secure the written consent of the owner of the Project site to such inquiries (if the Applicant is not the owner), upon request of the Agency.

I further acknowledge and agree on behalf of the Applicant that, in the event the Agency shall have used all of its available tax-exempt bond financing allocation from the State of New York, if applicable, and shall accordingly be unable to obtain an additional allocation for the benefit of the Applicant, the Agency shall have no liability or responsibility as a result of the inability of the Agency to issue and deliver tax-exempt bonds for the benefit of the Applicant.

Name: Title:

Subscribed and affirmed to me this 15

day of <u>June</u>, 2020

Notary Public

Rachel Clar, NYS Notary, Monroe County

Registration No. 02CL6117437
My commission expires 10/25/20

The Agency's acceptance of this Application for consideration does not constitute a commitment on the part of the Agency to undertake the proposed Project, to grant any financial assistance with respect to the proposed Project, or to enter into any negotiations with respect to the proposed Project.

Information provided herein may be subject to disclosure under the New York Freedom of Information Law (New York Public Officers Law § 84 et seq.) ("FOIL"). If the Applicant believes that a portion of the material submitted with this Application is protected from disclosure under FOIL, the Applicant should mark the applicable section(s) or page(s) as "confidential" and state the applicable exception to disclosure under FOIL.

DATE

EXHIBIT A

Financial Assistance Schedule

Agency staff will indicate the amount of PILOT, sales and mortgage recording tax benefits based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for the term of the PILOT as depicted below.

This section of this Application will be: (i) **completed by IDA Staff** based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of the completed Application.

A. PILOT Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value on Improvements of Property Subject to IDA*	County Tax Rate/\$1,000	Local Tax Rate (Town/City/Village)/\$1,000	School Tax Rate/\$1,000

^{*}Apply equalization rate to value

PILOT Year	% Payment	PILOT Amount	Full Tax Payment without PILOT	Estimated Net Exemption
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
TOTAL				

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

B.	Sales Tax Exemption Benefit:		
	Estimated Sales Tax exemption for facility construction: \$		
	Estimated Sales Tax exemption for fixtures and equipment: \$		
	Estimated duration of Sales Tax exemption: Estimated Start Date:		
C.	Mortgage Recording Tax Exemption Benefit:		
	Estimated value of Mortgage Recording Tax exemption: \$		
D.	Other Benefit(s):		

Exhibit B

State Environmental Quality Review Act Compliance Checklist

The County of Chautauqua Industrial Development Agency ("CCIDA"), pursuant to the State Environmental Quality Review Act ("SEQRA"), must evaluate the environmental impacts of a project before deciding whether to undertake the project. The below checklist is intended to aid Applicants in determining which version of NYSDEC's Environmental Assessment Form ("EAF"), available on NYSDEC's website, to submit as a part of a complete application package to the CCIDA.

If one or more of the below items applies to the project, then a Full EAF must be prepared for submission. If none of the below items apply, then a Short EAF may be submitted. Please note that the below list is not exhaustive, and Applicants who have completed a short EAF may be required to fill out a Full EAF upon review of the project information by the CCIDA. Applicants should consult with their engineers and consultants to aid them in preparing the EAF.

Does the project involve:

- activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
 - o a project or action that involves the physical alteration of 10 acres?
 - o a project or action that would use ground or surface water in excess of 2,000,000 gallons per day?
 - o parking for 500 vehicles?
 - o a facility with more than 100,000 square feet of gross floor area?
- the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
 - o a project or action that involves the physical alteration of 5 acres?
 - a project or action that would use ground or surface water in excess of 1,000,000 gallons per day?
 - o parking for 250 vehicles?
 - o a facility with more than 50,000 square feet of gross floor area?
- activities which meet at least one of the criteria in **both** Columns A **and** B below:
 - o Column A:
 - occurring wholly or partially within an agricultural district certified by Agriculture and Markets?
 - occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the State or National Register of Historic Places, or has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing?
 - occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks?

- Column B:
 - activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds:
 - a project or action that involves the physical alteration of 2.5 acres?
 - a project or action that would use ground or surface water in excess of 500,000 gallons per day?
 - parking for 125 vehicles?
 - a facility with more than 25,000 square feet of gross floor area?
 - the expansion of existing nonresidential facilities that meet or exceed any of the following thresholds:
 - a project or action that involves the physical alteration of 1.25 acres?
 - a project or action that would use ground or surface water in excess of 250,000 gallons per day?
 - parking for 63 vehicles?
 - a facility with more than 12,500 square feet of gross floor area?