# Application to

# Schuyler County Industrial Development Agency (SCIDA)

# For

# Tax Exempt Bond Financing

# and/or

# Straight-Lease Transaction

And

Fee Schedule

Please contact the agency for more information regarding project eligibility and application process.

Rev. May 2016

INSTRUCTIONS

1. The Agency will not approve any applications unless, in the judgment of the Agency, said application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action. The application must be signed and notarized by an authorized official.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the "Project").
3. If an estimate is given as the answer to a question, put "(est)" after the figure or answer, which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not accept this application as complete until the Agency receives (i) a completed environmental assessment form concerning the Project, (ii) the Applicant has met with Agency representatives and has received the Agency's review and completed **Project Summary and Financial Assistance Cost Benefit Analysis** (See last 2 pages of this Application); and payment of all required fees and escrows, as applicable. Application is valid from one year from the date of submittal unless approval is given.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency's bonds issued to finance the project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel to the Agency. The costs incurred by the Agency, including the Agency's general counsel and bond counsel, may be considered a part of the project and included as a part of the resultant bond issue.
9. The Agency has established a combined application fee of $3,000.00 ($2,500 + 500) to cover the anticipated costs of the Agency and counsel in processing this application. A check or money order made payable to the Agency must accompany each application. THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.
10. The Agency has established a project fee for each project in which the Agency participates. UNLESS THE AGENCY AGREES IN WRITING TO THE CONTRARY, THIS PROJECT FEE IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY.

This application should be submitted to the Schuyler County Industrial Development Agency, 910 S. Decatur Street, Watkins Glen, New York 14891 (Attn: Chief Executive Officer).

**Schuyler County Industrial Development Agency (SCIDA)**
910 S. Decatur Street
Watkins Glen, New York 14891

## Taxable and Tax Exempt Industrial Development Revenue Bonds

**Application Fee:** A fee of $3,000.00 is payable to SCIDA at the time the application is submitted. $2,500 will be credited at closing; $500 is non-refundable. If this Application is not accepted by the Agency, portions of the $2,500 deposit may be refunded.

**Fee:** 1.00% of the principal amount of the bond series.

## Straight-Lease Transactions

**Application Fee:** A fee of $3,000.00 is payable to SCIDA at the time the application is submitted. $2,500 will be credited at closing; $500 is non-refundable. If this Application is not accepted by the Agency, portions of the $2,500 deposit may be refunded.

**Fee:** With a PILOT:
First $10 million – 1.00%
Second $10-$20 million - .5%
Anything greater than $20 million - .25%

No PILOT – 25% of the abatement value (based on savings from mortgage tax and sales tax).

PLEASE NOTE: APPLICANTS SEEKING FINANCIAL ASSITANCE IN THE FORM OF SALES AND USE TAX EXEMPTIONS AFTER MARCH 28, 2013 SHALL BE SUBJECT TO THE ENHANCED REPORTING. COMPLIANCE AND RECAPTURE REQUIREMENTS SET FORTH WITHIN SECTION 875 OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK ("GML"). IN ADDITION, APPLICANTS SEEKING ANY FINANCIAL ASSISTANCE ON OR AFTER JUNE 1, 2016 SHALL BE SUBJECT TO THE PROVISIONS CONTAINED WITHIN GML SECTION 859-A (4)-(6). APPLICANTS SHOULD CONSULT WITH COUNSEL AND ACCOUNTANT PROFESSIONALS TO UNDERSTAND THESE NEW REQUIREMENTS.

# Schuyler County Industrial Development Agency (SCIDA) Application for Tax Exempt Bond Financing and/or Straight-Lease Transaction

## I. APPLICANT INFORMATION

Company Name: Wine & Glass Tour Holdings LLC

Address: 1 N. Franklin St.
Watkins Glen NY 14891

Phone No.: 607-535-4541

Fax No.: 607-535-2605

Federal Tax ID: 16 0870675

Contact Person: Mark Simiele

E-Mail: SHS@STNY.TWCBC.com

Date: 8/16/15

Form of Entity:

_____ Corporation

_____ Partnership (General ___or Limited ___; Number of General Partners ___ and, if applicable, Number of Limited Partners ___, List Partners in section below.

X Limited Liability Company, Number of Members 1

_____ Sole Proprietorship

Please also indicate whether the Company will utilize any affiliates and/or real estate holding companies to undertake the proposed project. If yes, please provide names and details for all such entities.

b. Principal Owners/Officers/Directors: (List owners with 5% or more in equity holdings with percentage of ownership)

| Name | Address | Percentage Ownership/Office |
|---|---|---|
| Mark Simiele | 3899 N. Falls Rd Burdett NY | 100 % |
| | | |
| | | |
| | | |
| | | |

(Use attachments if necessary)

c. If a corporation, partnership, limited liability company:

What is the date of establishment? 8/21/18 Place of organization Watkins Glen NY

foreign organization, is the Applicant authorized to do business in the State of New York? _____

*(Attach organizational chart or other description if applicant is a subsidiary or otherwise affiliated with another entity)*

d. If the applicant entity is a subsidiary of a corporation or another entity, provide all parent information:

Form of Entity: The land for this building project is owned by Wine & Glass Tour, Inc.

X Corporation

_____ Partnership (General ___or Limited ___; Number of General Partners ___ and, if applicable, Number of Limited Partners ___, List Partners in section below.

_____ Limited Liability Company, Number of Members ___

_____ Sole Proprietorship

Principal Owners/Officers/Directors: (List owners with 5% or more in equity holdings with percentage of ownership)

| Name | Address | Percentage Ownership/Office |
|---|---|---|
| Mark Simiele | 3899 N. Falls Rd Burdett NY | 100 % |
| | | |
| | | |
| | | |
| | | |

(Use attachments if necessary)

d. Attach certified financial statements for the company's last three complete fiscal years. If the company is publicly held, attach the latest Form 10K as well.

## II. APPLICANT'S COUNSEL

Name/Firm: Merzbach & Solomon

Address: 73 State St.
Rochester NY 14614

Phone No.: 585-454-3030

Fax No.: 585-454-3044

E-Mail: info@merzbachlaw.com

## III. PROJECT INFORMATION:

a. Please provide a brief narrative description of the Project (attach additional sheets or documentation as necessary).

See attached project description

b. Location of Project (all information mandatory – attach current tax bills with proof of current payment)

Project Address: 1 N. Franklin St.

Town/Village of: Watkins Glen

Name of School District: Watkins Glen

Tax Map No.: 65.9-1-15

Describe Existing Improvements, if any:

c. Are Utilities on Site? Water: Yes Electric: Yes Gas: No Sanitary/Storm Sewer: Yes Telecom: Yes

d Identify Present legal owner and all tenants of the site if other than Applicant and by what means will the site be acquired for this Project (please include details regarding purchase and sale agreement, if applicable, including all contingencies):

Wine & Glass Twrs, Inc / Mark Simiele Pres. 100% owner

e. Zoning of Project Site:

Current: Lakefront Development Proposed:

f. Are any zoning approvals needed? Identify: NO

g. Local Permitting and Approvals – Does the project require local planning or permitting approvals? If so, please explain. Village & County Plan. Will a site plan application to be filed? Yes If so, please include copy if prepared.

h. Has another entity been designated lead agent under the State Environmental Quality Review Act ("SEQRA")? NO; If yes, please explain:

i. Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? NO; If yes, please explain:

j. Will the Project result in the abandonment of one or more plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? NO; If yes, explain:

CAPTAIN BILL'S
SENECA LAKE CRUISES
SENECA HARBOR STATION
1 N. Franklin St., Watkins Glen, NY 14891
Cruise info: 607-535-4541 Restaurant info 607-535-6101
www.senecaharborstation.com

August 16, 2019

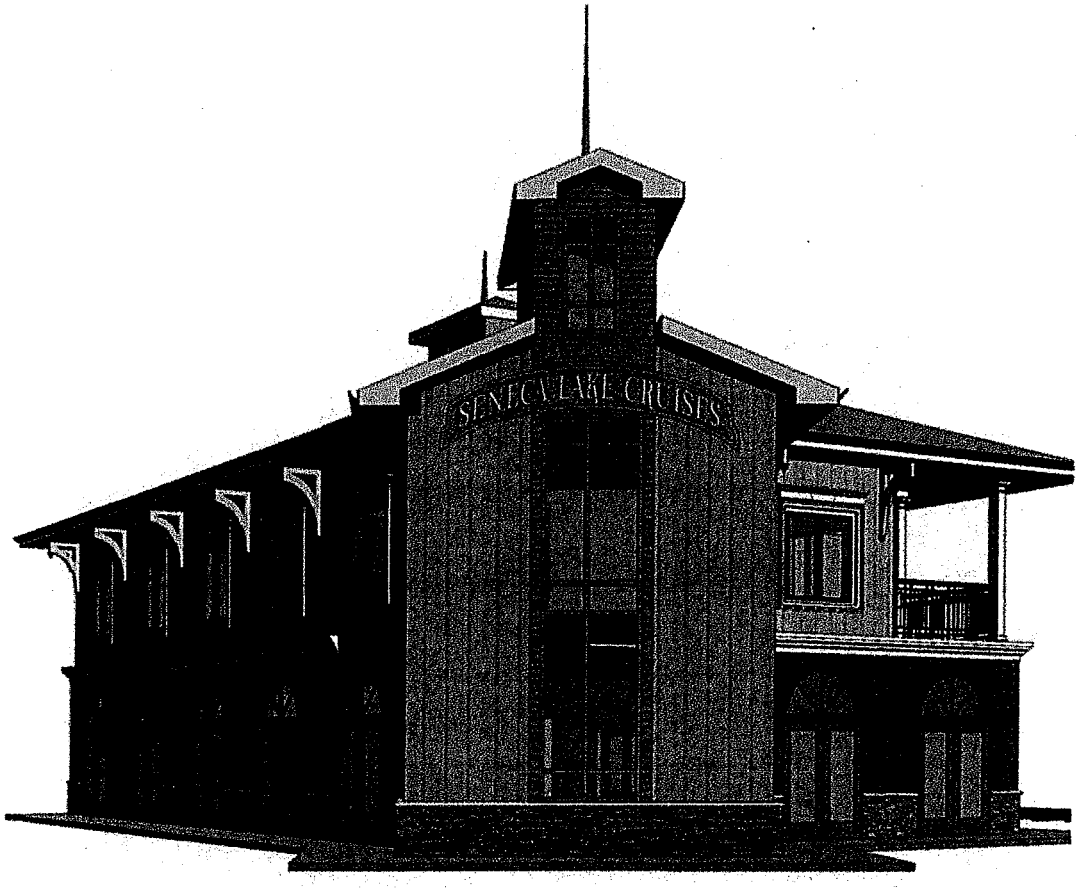
Schuyler County Industrial Development Agency:

Please accept this project proposal submitted by Wine & Glass Tour, Holdings LLC DBA Captain Bill's Seneca Lake Cruises, Seneca Harbor Station, Seneca Harbor West Marina, to SCIDA for consideration of a pilot program. This program will be used to help facilitate a new multipurpose "Port of Seneca Cruise Terminal" building at our location of 1 North Franklin St. in Watkins Glen.

**Project Title & Summary Description:**
**Captain Bill's Port of Seneca Lake Cruise Terminal Project**

**Current Building**
1 N. Franklin St., Watkins Glen, NY 14891

**Proposed Port of Seneca Cruise Terminal Building**




This new two-story building will serve as the gateway to Seneca Lake at the north end of Franklin Street. Captain Bill's façade is an anchor location on the main street, and serves as a focal point at the north end of the village. The current building is dated and needs to be redesigned to enhance the lakefront, and draw visitors north on Franklin Street. The goal is to connect Main Street to Seneca Lake with an attractive new structure that will visually anchor North Franklin St.

The new 5,000 sq. ft. building will be a multi purpose structure to include ticketing to Captain Bill's sightseeing and dining cruises, a nautical emporium, a gateway to Seneca

Lake visitor area, multiple offices, storage, bridal suite for wedding parties, shower and rest room for marina customers, and meeting rooms for staff and clients.

With our increased business volume, and multiple customer offerings, we have outgrown the current 1977 vintage facility. This business expansion has necessitated the addition of a modern multi-purpose building that will enable our business to continue to grow. This new facility will upgrade the quality of our customer experience and keep us competitive within the industry.

This project advances the downtown revitalization initiative in a highly visible way, as our location defines the gateway to Seneca Lake. It will transform the north end of Franklin St., much like the State Park renovation has transformed the southern business district of Franklin St.

**Estimated project cost** - $1,000,000

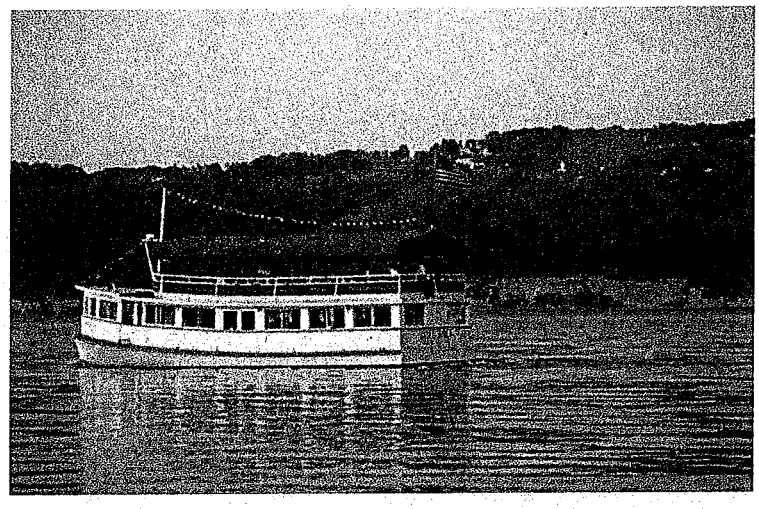
**Funding sources** – Private funding from Wine & Glass Tour, Inc. with DRI matched funding.

**Responsible Parties & Project Partners**

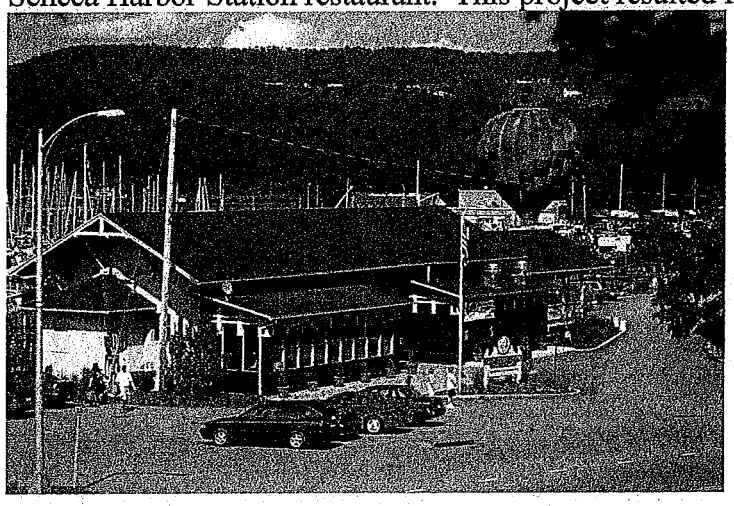
Wine & Glass Tour Inc. is the owner of the project site. There are underground environmental issues recognized by the DEC on the site. Exxon mobile has accepted responsibility for the environmental contamination and has agreed to pay for any future cost regarding such on this site. For additional information you may contact our environmental attorney Alan Knauf of Knauf, Shaw LLP 1125 Crossroads Build, 2 State St, Rochester NY 14614 Ph: 585-546-8430

Wine & Glass Tour, Inc. has a proven track record of the successful completion of projects of this magnitude that have resulted in new jobs and additional revenue for the area. Our past project examples are as follows.

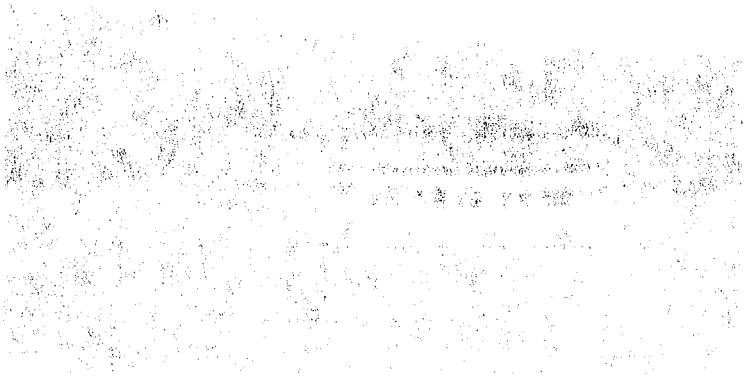
In 1986 we purchased, renovated, and launched the 150-passenger dining vessel Columbia. This new vessel resulted in the creation of 30 new jobs.

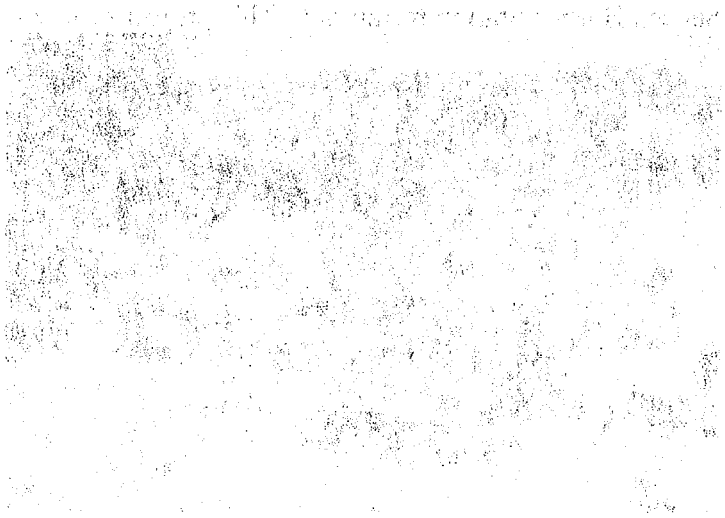


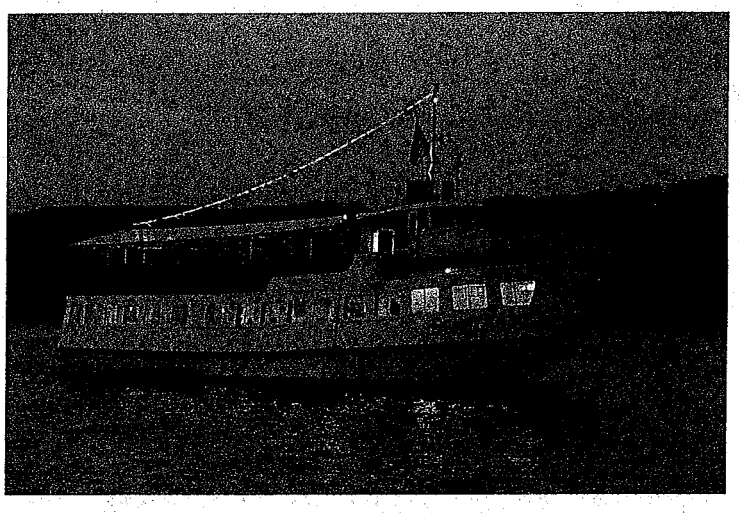
In 1998/99 our company reconstructed the abandoned Con Rail Station, establishing the Seneca Harbor Station restaurant. This project resulted in the creation of 60 new jobs.



In 2006/07 our company replaced the dining vessel Columbia with the new and larger 270 passenger Seneca Legacy. This project added an additional 20 jobs to our local economy.







**Anticipated Revitalization Benefits**

There are few opportunities in the village that will be more transformative, or more visible than this project. Our location connects the main street of Watkins Glen to the lakefront, and a new "Port of Seneca Cruise Terminal" building will serve as a visual draw for pedestrian traffic along Franklin St.

Our company has grown from 6 employees in 1963 to 140 current employees. The completion of this proposed project will allow us to continue this growth pattern. Any additional growth will positively impact sales tax revenue. We anticipate increasing our current annual revenue by 25% over the five-year period following the completion of this project. This project will likely result in the addition of 20 to 25 new jobs. The area also reaps the short-term benefits of the construction phase of this project by supporting the local tradesmen and the building supply chain.

**Timeframe for Implementation**

We have a projected construction start date of November 1, 2019. We have begun the process of site plan review through the village and county. A pilot program through SCIDA is an integral part of our financial analysis in moving forward with this project.

I am available to speak to the details of this project at your request. You may contact me via email at shs@stny.twcbc.com or by cell phone at 607-227-4541.

Thank you for your consideration.

Mark Simiele, President
Wine & Glass Tour Inc.

k. If the answer to either question i. or j. is yes, you are required to indicate whether any of the following apply to the Project:

1. Is the Project reasonably necessary to preserve the competitive position of the Company or such Project Occupant in its industry? Yes X; No_____. If yes, please provide detail:

   refer to attached project description

2. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes_____; No X. If yes, please provide detail: _____

**NOTES: If you answer "yes" to questions i. or j., above, and fail to provide a detailed response within question k.(1) or k.(2), above, then the Agency will be barred from providing any financial assistance.**

**THE AGENCY IS REQUIRED TO NOTIFY THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY FROM WHICH YOUR FACILITY IS BEING RELOCATED OR ABANDONED. THIS NOTIFICATION WILL BE SENT PRIOR TO THE AGENCY'S CONDUCT OF REQUIRED PUBLIC HEARINGS(S).**

**CERTIFICATION: Based upon the answers provided within i. j., k(1), and k(2), above, the Company hereby certifies to the Agency that the undertaking of the proposed project and provision of financial assistance to the Company by the Agency will not violate GML Section 862(1).**

l. Does the Project include facilities or property that are primarily used in making retail sales of goods or provide services to customers who personally visit such facilities? X; If yes, please explain:

refer to attached project description

m. If the answer to l. is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or any services to customers who personally visit the Project? 100 %

n. If more than 33.33%, indicate whether any of the following apply to the Project:

1. Will the Project be operated by a not-for-profit corporation? Yes ___; No X. If yes, please explain:

   ~~our business is a tourism destination~~

2. Is the Project likely to attract a significant number of visitors from outside the economic development region in which the Project will be located? Yes X; No _____. If yes, please explain:

   Our business is a tourism destination

3. Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the Project and related jobs outside of New York State? Yes _____; No X. If yes, please explain:

4. 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 City, Town or Village within which the Project will be located because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes____; No X. If yes, please explain:

5. Will the Project be located in one of the following: (i) an area designed as an Empire Zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block number area contiguous thereto) which, according to the most recent census data, has (x) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (y) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes_____; No_____. If yes, please explain:

_____

o. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes____; No X. If yes, please complete the following for EACH existing or proposed tenant or subtenant:

Sub lessee name:_____

Present Address:_____

City:_____ State:_____ Zip:_____

Employer's ID No.:_____

Sub lessee is a: _____ (Corporation, LLC, Partnership, Sole Proprietorship)

Relationship to Company:_____

Percentage of Project to be leased or subleased:_____

Use of Project intended by Sub lessee:_____

Date and Term of lease or sublease to Sub lessee: _____

Will any portion of the space leased by this sub lessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes____; No____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions I. 1-5 with respect to such sub lessee.

p. Project Costs (Estimates) and Sources of Capital: Identify and list all private and public sources of capital.

| Category | Investment Amount | Investment Amount |
|---|---|---|
| | Private Investment | Federal/State /Local Funds (Value for Each) |
| | Identify Value of Equity & Loans for each | Grant Loan |
| Land-acquisition | 0 | |
| Buildings (No FF&E) Construction/Renovation | 400,000 | 400,000 |
| Utilities, roads and appurtenant costs | 120,000 | 20,000 |
| Machinery and Equipment (all FF&E) | 25,000 | 25,000 |
| Soft Costs (Architect, legal and Engineering Fees) | 50,000 | 50,000 |
| Costs of Bond issue | | |
| Construction Loan Fees and interest | 5,000 | 5,000 |
| Other (specify) | | |
| Total Project Costs | | |
| Equity/Debt Ratio: | | |

Please include supplemental sheets as necessary with all project cost details, including the following:

**Mandatory**: In addition to the above estimated of capital costs of the project, which must include all costs of real property and equipment acquisition and building construction or reconstruction, you must include details on the amounts to be financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources (all public grants, loans and tax credits to be applied for), and an estimate of both the amount to be invested by the applicant and the amount to be borrowed to finance the project.

50% NYS DRI Grant 40% Community Bank Loan
10% Cash Wise & Glass Tours, Inc.

q. Job Creation (Full Time Equivalent) :

Construction jobs created by the Project: 30-50 per contractor Anticipated Dates of Construction: 11/1/19 - 5/31/20
Jobs created by tenants (if applicable): _____

Labor market from which applicant will draw (locations) 50 mile radius and number of residents and labor force within the labor market 34,021.

Permanent jobs created by the Project

**Column A:** Insert the job titles that exist within the company at the time of application, as well as any job titles that will be established as a result of the Project.
**Column B:** Indicate the entry level wage for each listed job title either in terms of hourly pay or annual salary.
**Column C:** Indicate the percentage or dollar value of the fringe benefit package for each listed job title.
**Column D:** For each listed job title insert the number of positions that exist at the time of application.
**Column E:** Insert the number of jobs to be created during year one of the Project for each listed job title.
**Column F:** Insert the number of jobs to be created during year two of the Project for each listed job title.
**Column G:** Insert the number of jobs to be created during year three of the Project for each listed job title.
**Column H:** Indicate the total number of jobs to be created for each listed title as a result of the Project. (Column E + Column F + Column G = Column H)

| Job Title | Pay Rate hourly | Annual value of Fringe benefits | Current # of positions | Jobs created Year 1 | Jobs created Year 2 | Jobs created Year 3 | Total jobs created | |
|---|---|---|---|---|---|---|---|---|
| Professional | $18-$50 | $1135 - $19500 | 2 | 0 | 0 | 1 | 1 | |
| Clerical | $25 | $5000 | 1 | 0 | 1 | 0 | 1 | |
| Captains & Crewman | 11.10-18 | $970 | 4 | 0 | 0 | 1 | 1 | |
| Managers | $13-20 | $2260-$4260 | 3 | 0 | 1 | 0 | 1 | |
| Kitchen staff | 11.10 - 16.50 | $500 | 11 | 0 | 0 | 1 | 1 | |
| Servers & bartenders | 7.50 – 11.10 | $10,000 | 16 | 1 | 0 | 1 | 2 | |
| Support staff | 11.10 | $1500 | 3 | 1 | 1 | 1 | 3 | |
| Maintenance | 12-14 | $500 | 2 | 1 | 0 | 0 | 1 | |
| | | | | | | | | |
| | | | | | | | | |
| Totals: | $851,784 | $291,249 | 42 | 3 | 3 | 5 | 11 | |

In addition to the job figures provided above, please indicate the following:

1) The projected number of full time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted.

79 total 63 retained 16 created

2) The projected timeframe for the creation of new jobs.

1 to 5 years

3) The estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted.

Retained salary $851,784 Retained fringe 291,249
Created salary $212,446 Created fringe $50,000

4) An estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the economic development law, in which the project is located that would fill such jobs. The labor market area defined by the agency (Southern Tier Economic Development Region)

100 %

## r. Financial Assistance Requested from the Agency and Company Estimates:

**Tax Benefits**

1. Is the applicant requesting any real property tax exemption in connection with the Project? Yes X No _____.

2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes X No _____. If yes, what is the approximate amount of financing to be secured by mortgages? $_____.

3. Is the applicant expecting to be appointed agent of the Agency for purposes of exemption from of New York State Sales Tax or Compensating Use Tax? Yes X No _____.

Potential SCIDA Financial Assistance

A. Estimated Project Costs eligible for Industrial Development Agency Financial Assistance

1. Sales and Use Tax
   - A. Amount of Project Cost Subject to Sales and Use Tax: $ 700,000
     Sales and Use Tax Rate: 8.0 %
   - B. Estimated Sales Tax (A X .08). $ 56,000
2. Mortgage Recording Tax Exemption
   - A. Projected Amount of Mortgage: $ 200,000
     Mortgage Recording Tax Rate: 1.00 %
   - B. Estimated Mortgage Recording Tax (A X .01): $ 2,000
3. Real Property Tax Exemption
   - A. Projected Increase in Assessed Value on Project: $ 528,000
   - B. Total Applicable Tax Rates Per $1,000: 29.71 $
   - C. Estimated Annual Taxes without PILOT (A X B)/1,000: $ 22,282.50
4. Interest Exemption (Bond transactions only)
   - a. Total Estimated Interest Expense Assuming Taxable Interest: $
   - b. Total Estimated Interest Expense Assuming Tax-exempt Interest Rate: $

B. Estimated Benefits of Industrial Development Agency Financial Assistance

1. Current Company employment in Schuyler County 42 full-time equivalent
2. Current Company payroll in Schuyler County $ 851,794
3. Project Jobs to be Created over 3 years 30-50 short-term construction / 2 full-time annual 9 full-time seasonal

**TYPE OF FINANCIAL ASSISTANCE REQUESTED:**

X Sales & Use Tax Exemption $ Amount 56,000

X Mortgage Recording Tax Exemption $ Amount 2,000

X Real Property Tax Exemption $ Amount 15,686.22 1st yr.

_____ Interest Exemption (Bond transactions only) $ Amount _____

Is the company delinquent in the payment of any state or municipal property taxes? ☐ Yes ☒ No

Is the company delinquent in the payment of any income tax obligation? ☐ Yes ☒ No

Is the company delinquent in the payment of any loans? ☐ Yes ☒ No

Is the company currently in default on any of its loans? ☐ Yes ☒ No

Are there currently any unsatisfied judgments against the company? ☐ Yes ☒ No

Are there currently any unsatisfied judgments against any of the company's principals? ☐ Yes ☒ No

Has the company ever filed for bankruptcy? ☐ Yes ☒ No

Have any of the company's principals ever personally filed for bankruptcy, or in any way sought protection from creditors? ☐ Yes ☒ No

Are there any current or pending real estate tax assessment challenges associated with the proposed project realty and/or improvements? ☐ Yes ☒ No

Is the proposed project realty currently subject to any exemption from real estate taxes? ☐ Yes ☒ No

Are there any current or pending criminal investigations or indictments of the Company or any of its principals or equity holders (including any and all holders of equity or ownership of Company parent organizations)? ☐ Yes ☒ No

If the answer to any of the questions above is "Yes," please provide additional comments in the space below and on additional pages if necessary.

s. **For Industrial Revenue Bonds ONLY, including this project,** list capital expenditures of the company at Project location:

| Category | Last Three Years | Next Three Years |
|---|---|---|
| Land | | |
| Building | | |
| Equipment | | |
| Soft Costs | | |
| Other | | |
| | | |
| Total | | |

t. State whether there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or, if the project could be undertaken without financial assistance provided by the agency, a statement indicating why the project should be undertaken by the agency

u. List any other positive impacts that the Project may have on Schuyler County:

See attached benefits

**Anticipated Revitalization Benefits**

There are few opportunities in the village that will be more transformative, or more visible than this project. Our location connects the main street of Watkins Glen to the lakefront, and a new "Port of Seneca Cruise Terminal" building will serve as an anchor at the north end of Franklin Street and act as a visual draw for pedestrian and vehicular traffic.

This project will help to beautify our village and enhance our position as a tourism destination. Our brand is synonymous with experiencing Seneca Lake. As our brand grows, we have more visitors experiencing what our area has to offer. With increased visitations comes new investment in Schuyler County.

Our company has grown from 6 employees in 1963 to 140 current seasonal employees. The completion of this proposed project will allow us to continue this growth pattern. Any additional growth will positively impact sales tax revenue. We anticipate increasing our current annual revenue by 25% over the five-year period following the completion of this project. This project will likely result in the addition of 20 to 25 new jobs in this five-year period. The area also reaps the short-term benefits of the construction phase of this project by supporting the local tradesmen and the building supply chain.

## V. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

A. **Job Listings:** In accordance with Section 858-b (2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "WIB Entities") of the service delivery area created by the federal Workforce Innovation and Opportunity Act (WIOA) in which the Project is located.

B. **First Consideration for Employment:** In accordance with Section 858-b (2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in WIOA programs who shall be referred by the WIOA Entities for new employment opportunities created as a result of the Project.

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.

D. **Annual Employment Reports (NYS 45):** The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed and their related wages at the project site.

E. **Failure To Comply**: The applicant understands and agrees that, the applicant will remain in compliance with all local, state and federal tax, worker protection and environmental laws, rules and regulation. Failure to maintain compliance will result in the return of all or a portion of the financial assistance provided for the project. Further, the applicant acknowledges that submission of any knowingly false or misleading information may lead to immediate termination of any financial assistance and reimbursement of an amount equal to all or any tax exemptions claimed as a result of the project.

F. **Absence of Conflicts of Interest:** The applicant has received from the Agency a list of the members, officers, employees and Counsel of the Agency. No member, officer, employee, or Counsel of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:_____

_____

_____

G. **Anti-Pirating Provisions:** The applicant understands and agrees that the project will not violate GML 862 anti-pirating provisions and the agency will notify the current host community before the public hearing process is initiated.

## HOLD HARMLESS AGREEMENT AND APPLICATION DISCLAIMER
## CERTIFICATION PURSUANT TO NEW YORK STATE FREEDOM OF INFORMATION LAW ("FOIL")

Applicant hereby releases the SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance

requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Through submission of this Application for Financial Assistance (this "Application"), the Company acknowledges that the Agency, as a public benefit corporation, is subject to the New York State Freedom of Information Law ("FOIL") and Open Meetings Law ("OML"), as codified pursuant to the Public Officers Law ("POL") of the State of New York (the "State"). Accordingly, unless portions hereof are otherwise protected in accordance with this Certification, this Application, including all Company-specific information contained herein, is subject to public disclosure in accordance with applicable provisions of the POL, Article 18-A of the General Municipal Law ("GML") and the Public Authorities Accountability Act of 2005, as codified within the Public Authorities Law ("PAL") of the State. Specifically, this Application may be disclosed by the Agency to any member of the public pursuant to a properly submitted request under FOIL and the Agency is further required to affirmatively disclose certain provisions contained herein pursuant to the GML and PAL, including the identification of the Company, general project description, location proposed capital investment and job estimates.

Notwithstanding the foregoing, the Company, pursuant to this Certification, may formally request that the Agency consider certain information contained within this Application and other applicable supporting materials proprietary information and "trade secrets", as defined within POL Section 87(2)(d). To the extent that any such information should qualify as trade secrets, the Company hereby requests that the Agency redact same in the event that formal disclosure is requested by any party pursuant to FOIL. Application Sections or information requested by Company for Redaction*:

_____.

_____.

_____.

(* - Please indicate specific sections within Application that the Company seeks to qualify as "trade secrets". Additional correspondence or supporting information may be attached hereto. Please also note that notwithstanding the Company's request, the Agency shall make an independent determination of the extent to which any information contained herein may be considered as such)

In the event that the Agency is served with or receives any subpoena, request for production, discovery request, or information request in any forum that calls for the disclosure of the Application, in entirety, specifically including but not limited to any demand or request for production or review of Company-designated trade secrets, the Agency agrees to notify the Company as promptly as is reasonably possible, and to utilize its best efforts to: oppose or decline any such request; preserve the confidentiality and non-disclosure of such requested confidential material; and maintain such information and prevent inadvertent disclosure in responding to any such discovery or information request. The Company understands and agrees that all reasonable costs, including attorney's fees, associated with any such formal undertaking by the Agency to protect the trade secrets from disclosure shall be reimbursed by the Company to the Agency.

The undersigned officer of the applicant deponent acknowledges and agrees that the applicant shall be and is responsible for all costs incurred by the Agency and legal counsel for the Agency, 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 (A) 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 described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the proposed project described herein and (C) 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.

By executing and submitting this Application, the applicant covenants and agrees to pay the following fees to the Agency, the same to be paid at the times indicated:

(a) A fee of $3,000.00 is payable to SCIDA at the time the application is submitted. $2,500 will be credited at closing; $500 is non-refundable. If this Application is not accepted by the Agency, portions of the $2,500 deposit may be refunded. This application is valid for a period of one (1) year from the date of IDA Board acceptance.

(b) An amount equal to 1.00% of the total project costs for projects with bond financing, and an amount reflecting the scaled fee noted on page 3 for Straight-Lease Transactions for all other projects for which the Agency provides financial assistance, to be paid at transaction closing;

(c) An amount determined by Agency Staff payable to the Agency's bond/transaction counsel for the preparation and review of the inducement resolution, the environmental compliance resolution, TEFRA hearing proceedings and the tax questionnaire assuming no further activity occurs after the completion of the inducement proceedings, to be paid within ten (10) business days of the receipt of bond/transaction counsel's invoice;

(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 or 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 or, if the closing does not occur, within ten (10) business days of receipt of the Agency's invoices therefore please note that the applicant is entitled to receive a written estimate of fees and costs of the Agency's bond/transaction counsel;

(e) The cost incurred by the Agency and paid by the applicant, including bond/transaction counsel and the Agency's general counsel's fees and the processing fees, may be considered as a costs 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.

The applicant further covenants and agrees that the applicant is liable for payment to the Agency of all charges referred to above, as well as all other actual costs and expenses incurred by the Agency in handling the application and pursuing the proposed project notwithstanding the occurrence of any of the following:

(a) The applicant's withdrawal, abandonment, cancellation or failure to pursue the Application;

(b) The inability of the Agency or the applicant to procure the services of one or more financial institutions to provide financing for the proposed project;

(c) The applicant's failure, for whatever reason, to undertake and/or successfully complete the proposed project; or

(d) The Agency's failure, for whatever reason, to issue tax-exempt revenue bonds in lieu of conventional financing.

The applicant and the individual executing this Application on behalf of applicant acknowledge that under penalties of perjury as true, accurate and complete, the Agency and its counsel will rely on the representations 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. Submission of any knowingly false or misleading information may lead to immediate termination of any financial assistance and reimbursement of an amount equal to all or part of any tax exemptions claimed.

Company Acknowledgment and Certification:

By: Blue & Gloss Two Inc.

Name: Mark Simiele

Title: President

Sworn to before me this 5th day of September, 2019.

Anne M. Mace

**ANNE M. MACE**

Notary Public

Notary Public - State of New York
#01MA6214740 Schuyler County
Commission Expires January 10, 2022

## Company Acknowledgment and Certification:

**The undersigned, being a duly authorized representative of the Company, hereby and on behalf of the Company, certifies to the best of his or her knowledge and under the penalty of perjury that all of the information provided by the Company within this Application for Financial Assistance is true, accurate and complete.**

**The Company, on behalf of itself and all owners, occupants and/or operators receiving or that will receive financial assistance from the Agency (collectively, the "Recipients") hereby certifies that the Recipients are in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.**

**The Company, on behalf of itself and all Recipients, hereby further acknowledges that the submission of any knowingly false or knowingly misleading information herein or within any agreement with the Agency may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of the Agency's involvement in the project, including all costs of the agency relating to same. The Company has reviewed and accepts the terms of the Agency's Project Recapture and Termination Policy.**

By: Wine & Glass Two, Inc.

Name: Mark Simiele

Title: President

State of New York )

County of Schuyler ) ss.:

On the 5th day of September in the year 2019, before me, the undersigned, personally appeared Mark Simiele, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Anne M. Mace

Notary Public

**ANNE M. MACE**
Notary Public - State of New York
#01MA6214740 Schuyler County
Commission Expires January 10, 2022

# Schuyler County Industrial Development Agency
# Project Summary and Financial Assistance Cost Benefit Analysis

**(This page to be completed by SCIDA Staff)**

**Company Name:** _____

**Project Description:** _____

_____

**Project Location:** _____

**Town/Village:** _____

**School District:** _____

**Estimated Cost of Industrial Development Agency Financial Assistance**

1. Sales and Use Tax Exemption

   A. Amount of Project Cost Subject to Sales and Use Tax: $
   Sales and Use Tax Rate: 8.0%
   B. Estimated Exemption (A X .08): $

2. Mortgage Recording Tax Exemption

   A. Projected Amount of Mortgage: $
   Mortgage Recording Tax Rate: 1.0%
   B. Estimated Exemption (A X .01): $

3. Real Property Tax Exemption

   A. Projected Increase in Assessed Value on Project: $
   B. Total Applicable Tax Rates Per $1,000: $
   C. Total Annual Taxes without PILOT (A X B)/1,000: $
   D. PILOT Exemption Rate (see SCIDA Uniform Tax Exemption Policy): %
   E. Average Annual PILOT Payment (C X D): $
   F. Net Exemption over PILOT term ((C-E) x 7, 10 or 15)): $

4. Interest Exemption (Bond transactions only)

   a. Estimated Interest Expense Assuming Taxable Interest: $
   b. Estimated Interest Expense with tax-exempt Interest Rate: $
   c. Interest Exemption (a - b): $

**Estimated Benefits of Industrial Development Agency Financial Assistance**

1. Jobs to be retained in Schuyler County
2. Current Company payroll in Schuyler County $
3. Project Jobs to be Created over 3 years
4. Total Project Investment $
5. Non IDA financing leveraged $
6. Other project benefits:

_____

_____

Agency Signature: _____ Date: _____

Applicant Signature: _____ Date: 5/5/18