

APPLICATION FOR ASSISTANCE

Each applicant seeking assistance must complete this application and provide required supplemental forms/documentation.

Please answer all questions. Use "None" or "Not Applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available at www.monroecountybusiness.org/application.

Please send completed application via email to <u>EconomicDevelopment@monroecounty.gov</u>. A **non-refundable** application fee of \$350.00 is required. Please see page 12 for additional information on costs and fees.

I. APPLICANT

A. Applicant Information

Name:	UltraPhil, LLC
Address:	172 Metro Park
City/State/Zip:	Rochester, NY 10710
Tax Id No.:	93-2201131
Contact Name:	Greg Frechette
Title:	President
	585-227-5910
Telephone:	gfrechette@jcs.com
E-Mail:	girechette@jc3.com

B. Applicant's Legal Counsel

Name:	Andrew Ryan
Firm:	Woods Oviatt Gilman LLP
Address:	1900 Bausch & Lomb Place
City/State/Zip:	Rochester NY 14604
Telephone:	585-987-2800
Email:	aryan@woodsoviatt.com

C. Owners of Applicant Company (must total 100%). If an LLC, LP or similar, all members/partners must be listed

Name	%		Corporate Title
Greg Frechette	57	%	President
Robert Veitch	15	%	VP of Engineering
Robert Frechette	29	%	VP of Business Development
		%	
		%	
		%	
		%	
		%	
		%	
		%	
		%	



II. PROJECT

A. Address of proposed project facility Address: 250 E Main St	D. Proposed User(s)/Tenant(s) of the Facility If there are multiple Users/Tenants, please				
Tax Map Parcel Number: <u>121.23-2-5.00</u>	Are the user and owner related entities?	Are the user and owner related entities? □Yes ☑No			
City/Town/Village: Rochester	Company Name:				
School District: Rochester	Address:				
Zip: 14604	City/ State/Zip:				
Current Legal Owner of Property:	Tax ID No:				
Winn Companies	Contact Name:				
	Title:				
	Telephone:				
	Email:				
B. Benefits Requested (Check all that apply)	% of facility to be occupied by user/tenant	% of facility to be occupied by user/tenant			
☑ Sales Tax Exemption					
Mortgage Recording Tax Exemption					
Real Property Tax Abatement	E. Owners of User/Tenant Company (must				
□ Industrial Revenue Bond Financing	If an LLC, LP or similar, all members/partn Name % Corr	ers must be listed porate Title			
	%				
C. Description of project (check all that apply)					
New Construction	%				
□ Existing Facility	%%				
☐ Acquisition☐ Expansion	%				
☑ Renovation/Modernization	E Dreiget Timeling				
Acquisition of machinery/equipment	F. Project Timeline Proposed Date of Acquisition: 1/1/2024	ł			
Other (specify)	Proposed Commencement Date of Const	Proposed Commencement Date of Construction: 1/1/2024			
· · · · ·		Anticipated Completion Date: 12/31/2024			

G. Contractor(s)

Mitchell Design/Build & their associated local sub-contractors

Rev 12/2021 2



II.PROJECT (cont'd)

H. DESCRIPTION OF THE PROJECT AND BACKGROUND ON USER(S) OF THE FACILITY

NAICS Code: 311511

UltraPhiL is a first of its kind in the world beverage pilot manufacturing line and R&D center, primarily focused on aseptic dairy, milk coffee/tea, protein, and other low acid products, as well as high-acid juice-based beverages. UltraPhiL will be an integral part of the beverage innovation pipeline for manufacturers both small and large, from entrepreneurs to large global corporations. Our facility will help expedite innovation by moving key activities back in the innovation timeline where they belong, vs. having to wait until first commercial production (typical). No other site exists worldwide that can do what UltraPhiL will. The heart of the project includes a for-hire, state of the art low/high acid manufacturing line consisting of flexible batching systems, an aseptic processor and an aseptic filling line capable of producing commercially sterile products in PET and HDPE bottles at 5bpm. Products produced on the pilot line will not be intended for resale to end consumers, but rather used by our customers for sales samples, consumer test samples, packaging / product trials, shelf-life studies,etc. Packaging and ingredient suppliers can also make use of the facility to trial new technologies or materials in an aseptic processing environment, another first.

Laboratories will also be built to and services provided to customers in product and process development. In addition, UltraPhiL will offer 'aseptic university' training courses that will include the only hands on aseptic training available, and other beverage focused training programs for the industry (another first anywhere). These courses will increase skill sets in labor forces for any aseptic beverage manufacturers (ex. H.P. Hood, Fairlife, etc)

UltraPhiL is a wholly owned subsidiary of JCS Process & Controls Inc, a Rochester company located in Brighton for over 35 years. JCS is a designer/manufacturer of state of the art beverage processing and blending equipment.

Our customer base spans across North America and possibly around the world, and would consistently be staying at local hotels, eating at local restaurants, etc for about a week at a time, year-round and would expose them to what NYS/Monroe County/Rochester has to offer, potentially creating new jobs if they locate here. Because our customers come from all over, the facility can be built anywhere in the US, and the principals have been considering both Indiana (due to current JCS empolyee SME's based there and location in the middle of the country), and Monroe, Genesee and Ontario counties (due to proximity of JCS office).

UltraPhiL will showcase its parent company's (JCS Process & Controls) processing equipment, fostering sales of full scale equipment to our clientele as their products would be initially developed on their systems. UltraPhiL will also develop (and be able to test) new processing technology for exclusive sale via parent company JCS Process & Controls, acting as their R&D division. Both of these will foster significant growth in this Monroe County based company.

UltraPhiL is planning to lease ~10,000 sq.ft. of space in its preferred location, downtown, Sibley Square, renovating ~2,000 sq ft of office space, and ~8,000 sq ft of other space into manufacturing & R&D space. Current timeline shows significant, unplanned demo work beginning 01/24, construction/installation through 12/24 followed by FDA validation, with first customers 07/25.



II.PROJECT (cont'd)

I. Would the project be undertaken without financial assistance from the Agency? □Yes ☑ No

Please explain why financial assistance is necessary.

This project is extremely capital intensive and, due to long lead items and FDA validation timings, has all its cost outlays well before any revenue is generated. We don't expect any revenue coming in until July of 2025, with equipment having to be ordered in 2023, and full build-out in 2024, commissioning and FDA validation in Q1-2 of 2025. The total project investment is budgeted at \$14.7 million.

Due to this, UltraPhiL has pushed off the addition of several other service offerings including but not limited to: novel milk pasteurization (MST Technology, developed by JCS and Perdue) and package development / blowmolding. We have also pushed off the hiring of full time staff until absolutely necessary, relying on contractors and consultants instead. UltraPhiL will be taking significant loans to cover portions of this project.

The equipment can be placed anywhere, we have also been looking at sites in Genesee and Ontario counties (in Agriculture park and near Cornell's COE respectively), as well as Indiana (centrally located in the US and near current JCS subject matter experts).

Any municipal aid will significantly lessen the burden of interest intense loans and potentially larger outside equity sharing, and will allow us to potentially accelerate job creation (hiring) and bringing on of other technologies to increase revenue. This is one of the significant drivers in choosing where to locate UltraPhiL.

J. Are other facilities or related companies located within New York State?

☑Yes □ No

Location: Rochester (Brighton) JCS Process & Controls

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? \Box Yes arnothing No

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

If Yes to either question, explain how the Agency's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant or User's competitive position in its respective industry:

K. State Environmental Quality Review (SEQR) Act Compliance

COMIDA, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR). Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

- YES Include a copy of any SEQR documents related to this Project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration, etc.
- ⊠ NO



Rev 12/2021 3

III. PROPERTY TAX ABATEMENT/PAYMENT IN LIEU OF TAX AGREEMENT (PILOT)

Check One:

JOBSPLUS

Requirements:

• Applicant must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

LEASEPLUS

Requirements:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

□ ENHANCED JOBSPLUS

Requirements:

- A minimum \$15 million investment AND
- A minimum of 100 new jobs

□ GREEN JOBSPLUS

Requirements:

- LEED® Certification Project must be rated as Certified, Gold, Silver or Platinum by the United States Green
- Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- Company must commit to a 10% increase in full-time equivalent employment, measured on the existing impacted employee base, over a 3 year period. The required number of jobs is _____.

☐ SHELTER RENT

For student housing or affordable housing projects.

□ Local Tax Jurisdiction Sponsored PILOT

☑ NO PROPERTY TAX ABATEMENT IS SOUGHT FOR THIS PROJECT



IV. APPLICANT PROJECT COSTS

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipment of the project by the APPLICANT.

Building Construction or Renovation

a. Materials	a.	\$	
b. Labor	b.	\$	
Site Work			
c. Materials	C.	\$1,224,464	1
d. Labor	d.	\$1,001,834	
e. Non-Manufacturing Equipment	e.	\$	
f. Manufacturing Equipment	f.	\$	
g. Equipment Furniture and Fixtures	g.	\$545,475	
h. Land and/or Building Purchase	h.	\$	
i. Soft Costs (Legal, Architect, Engineering)) i.	\$1,191,436	
Other (specify) j	j.	\$	
k	k.	\$	
I	١.	\$	
m	m.	\$	
Total Project Costs (must equal Total Sources)		\$3,963,209	
Sources of Funds for Project Costs:			
a. Tax-Exempt Industrial Revenue Bond	a.	\$	
b. Taxable Industrial Revenue Bond	b.	\$	
c. Bank Financing	C.	\$1,963,209	
d. Public Sources	d.	\$	
Identify each state and federal grant/cred	it		
TBD State		\$	
TBD City		\$	
		\$	
		\$	
e. Equity		\$2,000,000	
TOTAL SOURCES		\$	

V. <u>COMPLETE FOR EACH USER/TENANT</u> <u>THAT IS SEEKING SALES TAX</u> <u>EXEMPTIONS USER(S)/TENANT(S)</u> <u>PROJECT COSTS</u>

Use additional sheets as necessary

Company Name

A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement, and/or equipping of the project by the user(s)/tenant(s) for which a sales tax exemption is requested.

Estimated Costs Eligible for Sales Tax Exemption Benefit

a.	Materials		a. \$	
b.	Labor			
C.	Non-Manufactur	ing Equipment	c. \$	
d.	Manufacturing E	d. \$		
e.	Furniture and Fix	ktures	e. \$	
	Other (specify):	f	f. \$	
		g	g. \$_	
		h	h. \$_	
		i	i.\$_	
Tot	tal Project Costs		\$	

C. Has the applicant made any arrangements for the financing of this project

✓Yes No

(must equal Total Project Costs)

В.

If yes, please specify bank, underwriter, etc.

Currently working through with Genesee Regional Bank for high capital equipment purchases (\$ not shown here, only costs shown here are what applies for grants) and other costs.



					Valu	e of Incentives UltraPhil, LLC	
		A. IDA PILOT Benefi	ts:				
				ent Assessment			
		Value of New	Construction & Re				
			ew Assessed Value		\$0		
				Current Taxes	\$0		
			Current ⁻	Taxes Escalator	2%		
				· · · · · · · · · · · · · · · ·	_,,	l	
			PILOT	Terms - Years	10		
			County -	Tax rate/\$1,000			
			Local Tax Rate* T				
				ax Rate /\$1,000			
				Total Tax Rate	0.00000		
		P. Color Toy Evono	tion Ponofit:				
		B. Sales Tax Exemp Estima	ted value of Sales	Tax exemption:	\$141,595		
		Est	imated duration of	ST exemption:	12/31/2024		
		C. Mortgage Recor	ding Tax Exemptio	n (MRTE) Benet	fit:	-	
			Estimated Value of	f MRTE:	\$0		
		D Inductrial Poyon	ue Pond Ponofit				
	D. Industrial Revenue Bond Benefit IRB inducement amount: \$0						
		E. Percentage of Pro	oject Costs finance	d from Public S	ector sources:		
	Total Value of Incentives: \$141,595						
			Project Construction	on Costs:	\$3,963,209		
					3.57%		
PILOT Sch	nedule						
PILOT	%	County	Local	School	Total	Full Tax	Net Exemption**
Year	Abatement	PILOT	PILOT	PILOT	PILOT	Payment	
		Amount	Amount	Amount	Amount	w/o PILOT***	
	Total	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
1	<u>10tai</u> 90%	<u>\$0</u>	<u>\$0</u> \$0	<u>\$0</u> \$0	<u>\$0</u>	<u>\$0</u> \$0	<u>\$0</u> \$0
2	80%	\$0	\$0 \$0	\$0 \$0	\$0	\$0 \$0	\$0 \$0
3	70%	\$0	\$0	\$0	\$0 \$0	\$0	\$0
4	60%	\$0	\$0	\$0	\$0	\$0	\$0
5	50%	\$0	\$0	\$0	\$0	\$0	\$0
6	40%	\$0	\$0	\$0	\$0	\$0	\$0
7	30%	\$0	\$0	\$0	\$0	\$0	\$0
8	20%	\$0	\$0	\$0	\$0	\$0	\$0
9	10%	\$0	\$0	\$0	\$0	\$0	\$0
10	0%	\$0	\$0	\$0	\$0	\$0	\$0

VII. PROJECTED EMPLOYMENT

Complete for each Applicant or User/Tenant

Company Name: UltraPhil, LLC

or User/Tenant:

Applicant/Tenant	creating jobs	must submit	most recent	NYS-45 or	equivalent.

	Current # of jobs at proposed project location or to be relocated to 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 upon THREE 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 upon THREE Years after Project Completion **
Full time (FTE)	0	0	5	5
Part Time (PTE)				
Total	0	0	5	5

** For purposes 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 Marker Area, in the fourth column. The Labor Marker Area includes: Monroe County, Orleans County, Genesee County, Wyoming County, Livingston County, Ontario County, Wayne County, Yates County, and Seneca County chosen at the Agency's discretion.

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VIII. LOCAL LABOR

To be completed by all Applicants and Users/Tenants of Projects which include the construction of new, expanded or renovated facilities:

Company Name	UltraPhiL, LLC		
		and/or User/Tenant: 🔽]

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe County. The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices ("construction workers"), during the construction phase of projects.

GF 100% Local Labor

Initial Applicants receiving IDA benefits *must* ensure that the it and/or its contractor/developer hire **100% of its construction workers** *from the local labor market*.

GF Local Labor Market

Initial For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

GF Bid Processing

Initial Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (https://robex.com/planroom/) two weeks before the bids are due.

GF Monitoring

Initial A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board.

Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

- 1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
- 2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Monroe County IDA Labor Policy and is subject to IDA Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by the IDA.



Rev 12/2021 **10**

GF Signage

Initial The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

GF Exemption Process

Initial In some instances, use of 100% local labor may not be possible for any of the following reasons:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided). The granting of an exemption for the use of non-local labor on warranty related grounds is expressly conditioned on either (i) said non-local sub-contractors being enrolled in a New York State certified apprenticeship program (proof of such enrollment shall be provided to the IDA upon request) or (ii) the hiring of an apprentice/apprentices or local construction laborer(s) to assist in the installation.
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by the IDA or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Process forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.

The foregoing terms have been read, reviewed and understood by the Applicant or User/Tenant and all appropriate personnel. Furthermore, the undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers and materialman. Furthermore, the undersigned agrees to post and maintain a sign, provided by COMIDA, in a prominent, easily accessible location, identifying the project as a recipient of COMIDA assistance and the local labor requirements associated with this assistance.

Furthermore, the undersigned realizes that failure to abide by the terms herein could result in COMIDA revoking all or any portion of benefits it deems reasonable in its sole discretion for any violation hereof.

UltraPhiL

(APPLICAN	T COMPANY)			(TENANT COMPANY)	
Gregory Digitally signed by Gregory Frechette Date: 2023.09.06 11:00:15 -04'00'	President	9/6/2023			
Signature	, Title	Date	Signature	, Title	Date



IX. <u>FEES</u>

Transaction Type	Fees
Lease/Leaseback including any/all of the following:	Application Fee: Non-refundable \$350.00
1. PILOT Agreement	IDA Fee: 0.75% of the total project cost
2. Sales and Tax Exemption*	Legal Fee: 0.33% of the IDA fee. Minimum fee of \$4,000.
3. Mortgage Tax Exemption	
Sales Tax Exemption* and/or	Application Fee: Non-refundable \$350.00
Mortgage Recording Tax Exemption	IDA Fee: 0.50% of the total project cost
	Legal Fee: 0.33% of the IDA fee. Minimum fee of \$4,000 if transaction includes mortgage recording tax exemption. Minimum fee of \$750 if transaction is sales tax exemption only.
Bond: Taxable or Tax-Exempt with Lease/Leaseback	Application fee: Non-refundable \$350
Including any/all of the following:	IDA Fee: 1.25% of the total project cost
1. PILOT Agreement	Legal Fee: 0.33% of IDA fee
2. Sales Tax Exemption*	Designated Bond Counsel fee is based on the complexity and amount
3. Mortgage Tax Exemption	of the transaction
Bond: Taxable or Tax-Exempt	Application fee: Non-refundable \$350
	IDA Fee: 1.00% of the total project cost
	Legal fee: 0.33% of the IDA fee
	Designated Bond Counsel fee is based on the complexity and amount of the transaction.

*If the sales tax benefits are required prior to closing, a non-refundable twenty-five percent (25%) of the IDA fee and Legal fees are payable at that time. This amount will be applied towards the IDA fee and Legal fee.

UltraPhiL, LLC

(APPLICANT COMPANY)				(TENANT COMPANY)		
Gregory Digitally signed by Gregory Frechette Date: 2023.09.06 11:00:47 -04'00'	President	9/6/2023		President		
Signature	, Title	Date	Signature	, Title	Date	



X. <u>CERTIFICATION</u>

The undersigned company officer and/or user/tenant officer each hereby certifies, on behalf of the company and/or user/tenant, respectively (each singularly and together, the "Applicant"), as follows:

- A. The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentation made in this Application constitutes an act of fraud, resulting in revocation of COMIDA benefits.
- B. The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which have ownership of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term of any agreements made in connection with this Application.
- C. <u>Compliance with N.Y. GML Sec. 862(1)</u>: 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. Restrictions 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 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, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- D. <u>Compliance with Applicable Laws:</u> 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.
- E. <u>False and Misleading Information</u>: 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 an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- F. <u>Recapture</u>: Should the Applicant not expend as projected or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- G. <u>Pay Equity:</u> The Applicant and/or user/tenant officer certifies on behalf of the company and/or user/tenant (the Applicant) has not been the subject of an adverse finding under the equal pay laws within the previous five years, has disclosed any pending equal pay claims against the company at time of application, and shall disclose to COMIDA any pending claims or adverse findings under the equal pay laws during the term of COMIDA financial assistance agreement.
- H. Applicant hereby releases the COMIDA ("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, this Application, regardless of whether or not this Application or the 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, renovation and/or equipping of the Project described herein; 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. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement to be entered into by and between 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 New York State and local sales and use tax exemption the Applicant.

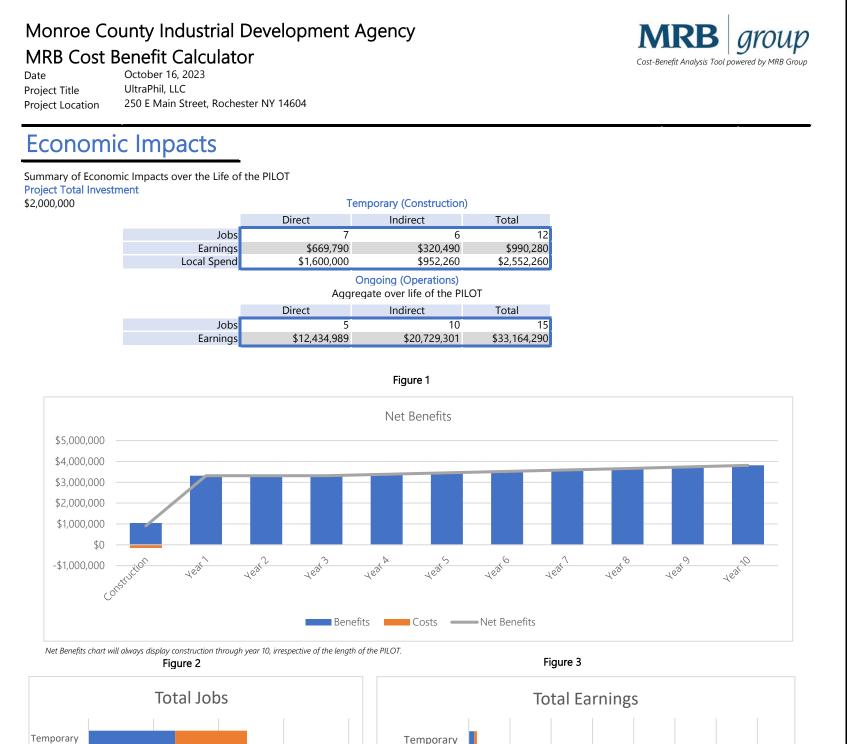
APPLICANT COMPANY

TENANT COMPANY

UltraPhiL, LLC

Gregory Frechette Date: 2023.09.06 11:01:15 -04'00'	President	9/6/2023	
Signature	, Title	Date	Signature





 Imporary
 Temporary

 Ongoing
 Temporary

 0
 5
 10
 15
 20

 \$0
 \$5,000,000 \$10,000,000\$15,000,000\$25,000,000\$35,000

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Direct Indirect

Direct Indirect

Ongoing earnings are all earnings over the life of the PILOT.

Fiscal Impacts



Estimated Costs of Exemptions Nominal Value

	Nominal Value	Discounted Value*
Property Tax Exemption	\$0	\$0
Sales Tax Exemption	\$141,595	\$141,595
Local Sales Tax Exemption State Sales Tax Exemption	\$70,798 \$70,798	\$70,798 \$70,798
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$141,595	\$141,595

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$34,393,652	\$30,913,478
To Private Individuals	<u>\$34,154,570</u>	<u>\$30,698,588</u>
Temporary Payroll	\$990,280	\$990,280
Ongoing Payroll	\$33,164,290	\$29,708,308
Other Payments to Private Individuals	\$0	\$0
To the Public	<u>\$239,082</u>	<u>\$214,890</u>
Increase in Property Tax Revenue	\$0	\$0
Temporary Jobs - Sales Tax Revenue	\$6,932	\$6,932
Ongoing Jobs - Sales Tax Revenue	\$232,150	\$207,958
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$1,776,038	\$1,596,327
To the Public	<u>\$1,776,038</u>	<u>\$1,596,327</u>
Temporary Income Tax Revenue	\$44,563	\$44,563
Ongoing Income Tax Revenue	\$1,492,393	\$1,336,874
Temporary Jobs - Sales Tax Revenue	\$6,9 <i>32</i>	\$6,932
Ongoing Jobs - Sales Tax Revenue	\$232,150	\$207,958
Total Benefits to State & Region	\$36,169,690	\$32,509,804

Benefit to Cost Ratio

		Benefit*	Cost*	Ratio
	Local	\$30,913,478	\$70,798	437:1
	State	\$1,596,327	\$70,798	23:1
Grand Total		\$32,509,804	\$141,595	230:1

*Discounted at 2%

Additional Comments from IDA

Yes

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

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