

INDUCEMENT RESOLUTION
(Deer Haven Park LLC 2020 Project)

A meeting of the Seneca County Industrial Development Agency was convened on November 5, 2020.

The following resolution was duly offered and seconded, to wit:

Resolution No. 2020 – 18

RESOLUTION OF THE SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF DEER HAVEN PARK, LLC (THE "COMPANY") DATED OCTOBER 27, 2020 WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT, AND (iv) AUTHORIZING THE NEGOTIATION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 63 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Agency and **DEER HAVEN PARK LLC** (the "Company") are parties to that certain Agreement of Purchase and Sale for Real Property dated September 14, 2020 (the "Contract"), pursuant to which the Agency has agreed to sell to the Company approximately 172 acres of real property and the improvements thereon located in the Town of Varick, Seneca County, consisting of portions of the former Seneca Army Depot (collectively, the "Property"); and

WHEREAS, the Contract provides that the Company may elect to lease the Property from the Agency in accordance with the terms of the Contract prior to accepting title to the Property, and the Company has elected this option to acquire a leasehold interest in the Property; and

WHEREAS, in connection with its acquisition of a leasehold interest in the Property, the Company has submitted an application (the "Application"), a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of the granting by the Agency of a leasehold interest in the Property and financial assistance in the form of a partial real property tax abatement; and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into a lease agreement (the "Lease Agreement") and an agreement providing for a partial real property tax abatement (the "Tax Agreement"), (ii) provide financial assistance to the Company in the form of a partial real property tax abatement structured within the Tax Agreement, (collectively, the "Financial Assistance"); and

WHEREAS, the Agency has declared itself "lead agency" with respect to the transfer of the Property pursuant to the Contract pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"); and

WHEREAS, it is anticipated that the Agency will prepare a cost-benefit analysis with respect to the Project prior to the Agency making its final determination with respect to the Project; and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE SENECA COUNTY INDUSTRIAL AGENCY AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application and other materials provided by the Company to the Agency, and in furtherance of the foregoing recitals, which are hereby incorporated, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will facilitate the undertaking of the Project, thereby enabling the Company's development of the Project, thereby increasing employment opportunities in Seneca County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one

area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(E) The Agency hereby finds that, as set forth Section 862(2)(a) of the Act, the Project is likely to attract a significant number of visitors from outside the economic development region in which the Project is located as established by section two-hundred thirty of the New York State Economic Development Law; and

(F) The Project will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of the County of Seneca and State of New York, improve their standard of living, and prevent economic deterioration in Seneca County. The Agency therefore determines that the Project constitutes a "commercial" facility as contemplated by the Act, and that the Agency's grant of assistance to the Project will thereby serve the public purposes of the Act; and

(G) The Project includes components providing for participation by the general public in recreation activities, and facilities and appurtenances thereto promoting the use of such components, and as such the Project is a "recreation facility" as defined by the Act, and the Agency's grant of assistance to the Project will thereby serve the public purposes of the Act.

Section 2. The Agency is hereby authorized to prepare or cause to be prepared a cost-benefit analysis with respect to the Project prior to the Agency making its final determination with respect to the Project.

Section 3. The Agency is hereby authorized to conduct a public hearing (the "Public Hearing") in compliance with the Act.

Section 4. The Agency further finds and determines that the Financial Assistance contemplated may constitute a deviation from the Agency's Uniform Tax Exemption Policy and, to the extent such a deviation is contemplated, the Agency shall provide notice of such deviation and the reasons supporting such deviation to the affected tax jurisdictions as required by law.

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 6. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	Yea	Nay	Abstain	Absent
Valerie Bassett	X			
Steve Brusso	X			
Menzo Case	X			
Thomas Kime	X			
Erica Paolicelli	X			
Jeff Shipley	X			
Don Trout	X			
Stephen Wadhams	X			

The Resolutions were thereupon duly adopted.

SECRETARY'S CERTIFICATION
(Deer Havewn Park LLC 2020 Project)

STATE OF NEW YORK)
COUNTY OF SENECA) ss.:

I, the undersigned, Secretary of the Seneca County Industrial Development Agency DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Seneca County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on November 5, 2020, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 5th day of November 2020


Secretary

Deer Haven Park Pilot Request

To Whom It May Concern;

Status of the property known as Hillside;

At the time of our bid we made several assessments on the condition of the property. As we began to consider the issues we began to look at several things. First, we considered the basic cost of stabilizing the property. This included dealing with the water, gas, and electric issues and we determined that the complexities of dealing with this is going to be very costly and challenging. Second, we considered the possible uses of the bulk of the facility and how it would fit into our overall development strategy. We quickly realized that to bring this property to the standard we need to utilize it to the full potential, is going to be very expensive. Third, we realized that there will be many potentially expensive complications related to the inter-twined utilities and sewer issues. Many of the buildings are in a state of major disrepair. To utilize the property as we need to, we will need to spend significant sums of money renovating these buildings.

Plans for the property;

As outlined in our bid proposal, our plans for the property include the following; (1) Future white deer tour expansions, (2) Reopening the restaurant to support our company's employees, (3) Develop a campsite including multiple other businesses like ice-cream stands and a camp store, (4) Develop the playground to support the campsite and our employees, (5) Build a state of the art Mini Golf site featuring both a white deer theme as well as a military history theme, (6) Develop a museum style timeline featuring the Depot from the early 1900's through the present, and (7) Temporary work space for our companies as we continue to build out our Seneca Dairy Systems facilities.

While some of these plans are not going to happen immediately, we are planning implement some of these in the near future. We believe the economic impact of these ventures will be significant and should create many stand alone, well-paying jobs in addition to supporting our other employees. We plan to make facilities available to our employees and others which will drive more prosperity to this region. These plans in addition to our other plans currently being developed should create many opportunities and jobs for many people over the next 10+ years.

Investment plans;

Our future tour expansion plans include the following;

- (1) **Future white deer tour expansions.** As part of this project, we plan to expand our current white deer tours to include a heavier historic component. In addition, we plan to route the tours through the Hillside property and cross the First Light area at the very north end which will allow us to showcase the pond area which is on the very East side of the Depot. When running the tours which have had a very difficult time this summer due to the pandemic, we have observed many people state emphatically that the historic component has as much or more appeal than

even the white deer. It is our belief that without enhancing the historical component of the tour, the white deer tours will not continue after we close them down for the season. On the other hand, we believe that if we can enhance the tours by including Hillside among other things, we can have a good chance of making the tours sustainable. We anticipate this will require investments of more than \$1,000,000.00 over the next ten years and should create at least 3 additional jobs over the same period.

- (2) **Reopening the restaurant to support our company's employees.** We are looking at ways to provide more perks or benefits to our employees. Ideally these benefits will cost our company less than the value to the employee and one area we are hoping to impact is in the child care and offering food services to them. While we do not currently have a plan to address child care specifically, we have determined that our employees would benefit greatly by having an option for prepackaged meals available to them both for their time at work as well as to take home to their family. These meals will be subsidized by Seneca Dairy Systems and will be very affordable for those employees that elect to take advantage of them. This facility will produce enough meals to support our entire work force of over 150 employees and we anticipate an investment of over \$500,000.00 for repairs and startup cost as well as significant operational expenditures. In addition, we anticipate at least 6 employees when this is fully operational. We do not plan to open this until we are at full production at the new plant we are building currently.
- (3) **Develop a campsite including multiple other businesses like ice-cream stands and a camp store.** We plan to build several attractions as part of this proposal. These would not only include an ice-cream stand and camp store but would also include other things that would complement the deer tours as well. We are looking at building several theme based things like bumper cars and a gondola course. We do not yet have definite plans as we have to first work through the any local concerns prior to moving forward on this. Should this come together as we are intending, we anticipate an investment of over \$800,000.00 and will employ up to 4 people to build out and at least 4 people to operate.
- (4) **Develop the playground to support the campsite and our employees.** We want to rebuild the playground so it can support the campers as well as Seneca Dairy Systems employees. We anticipate an ongoing investment of over \$25,000.00 per year but we will be using our current employees to do the work so there is not anticipated to be additional employment for this project.
- (5) **Build a state of the art Mini Golf site featuring both a white deer theme as well as a military history theme.** Our goal is to increase the appeal of our tourist operation and give our patrons more options when they are at our place. Our goal is to create a destination rather than just a stopping point along the way. We believe there is a large demographic that will be drawn into this type of activity and the custom themes will tell a very interesting story that the visitors will resonate with in addition to enjoying the actual game. It would have the added benefit of helping brand the Finger Lakes and will help increase tourism in the region. The investment for this golf course is expected to be well over \$1,500,000.00 and we plan to begin construction within the next 8 years.
- (6) **Develop a museum style timeline featuring the Depot from the early 1900's through the present.** Along with the other developments, this timeline will feature either an indoor course,

outdoor course, or a combination of both. The course will consist of special occasions and events that happened over the years and will be arranged in such a way that people will move through the historic timeline from the beginning to the present day. We will draw heavily on events surrounding the Seneca Army Depot but may include things from the surrounding areas as well. This course will be broken into at least five different segments which will allow us to begin the course and add pieces into the course as time goes on. The benefit of this approach is that we will not need to build the entire course at one time but can expand it a little bit each year which will give it a better chance of survival. We anticipate a cost of over \$40,000.00 per scene and when it is fully built we hope to have at least one scene for every 5 years. This would add up to an investment of over \$1,500,000.00 and would employ at least 4 people at full build out. Depending on the success of this attraction we would continue to expand it utilizing property directly adjacent to Hillside.

- (7) **Temporary work space for our companies as we continue to build out our Seneca Dairy Systems facilities.** We do not have many investment plans for this part of our plan but as we can utilize the different resources at hillside, we anticipate major investments in order to bring the property to a standard that is usable. Again for labor, we will be using our in house labor so will not be hiring extra people for this.

This is a short summary of our planned investments. While there are many variables that could affect our timelines and ultimately the directions we move first and it is impossible to foresee all the potential challenges and so we are not able to guarantee all these things will be implemented, we believe that with these investments into this property, the project will have a very good chance of succeeding and both our company as well as the local community will benefit in the end.

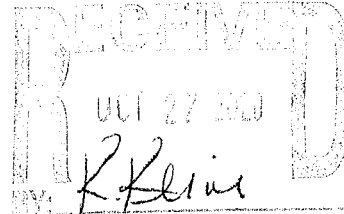
IDA involvement;

In concluding, we are looking at significant challenges including uncertainty due to COVID-19, unknown tax burdens, economical issues, and more. Not the least of the challenges we face is the challenge of making this venture sustainable to ensure it is successful in the end while at the same time navigating the politics involved with a project of this magnitude. To better navigate these difficult unknowns, we are asking the IDA to consider our request for financial support which will help create a more predictable future and ultimately helping to make this project successful. Thanks for your consideration.

Respectfully,

Earl Martin

Deer Haven Park LLC



**APPLICATION TO
SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
FOR FINANCIAL ASSISTANCE**

Seneca County Industrial Development Agency • One DiPronio Drive Waterloo, NY 13165

senecacountyIDA.org • P 315.539.1725 • F 315.538.4340

I. APPLICATION INFORMATION

Company Name: Deer Haven Park

Address: 3236 Hoster rd S.F. N.Y. 13148

Telephone: 315 246 1515

Fax: _____

Fed I.D. No.: 81-3210628

Contact Person:

Principal Owners/Officers/Directors:

(List owners with 15% or more in equity holdings with percentage ownership)

<u>Earl Martin</u>	<u>80%</u>
<u>Lee Zimmerman</u>	<u>20%</u>

Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)

Form of Entity:

- Corporation
- Partnership (General or Limited ; Number of General Partners _____ and, if applicable, Number of Limited Partners _____).
- Limited Liability Company/Partnership (number of members) 2
- Sole Proprietorship

If a corporation, partnership, limited liability company/partnership:

What is the date of establishment? 2004

Place of organization NY

and, if a foreign organization, is the Applicant authorized to do business in the State of New York? Yes No

APPLICANT'S COUNSEL:

Name: Phillips Lyte LLP

Address: 28 East Main St Suite 1400 Rochester NY 14604

Telephone: 585-238 2000

Fax: 585 232 3141

II. PROJECT INFORMATION

Project Address: 4887-57 RT 96A Romulus NY 14541

Block(s) & Lot(s): Hillside Campus

A) Are utilities on site? (Yes/No)

Water Electric Gas Sanitary/Storm Sewer

B) Present legal owner of the site: SG FDA

If other than Applicant, by what means will the site be acquired for this project:

C) Zoning of project site: Current: _____ Proposed: Same

D) Are any variances needed? NO

E) Statement describing project (e.g., land acquisition, construction of manufacturing facility, etc.):

we are expanding the white deer trails to include a historic component. we are planning to add activities to enhance them.

Location of Project: 4887-57 RT 96A, Romulus NY 14541

Purpose of Project: expand the trails and provide infrastructural support to SDS Employees.

F) Principal use of project upon completion: expanded trails of the Depot

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G) Estimated project costs, including

Value of property to be acquired: \$ 65,000

Cost of construction/reconstruction: \$30,000.00

Value of equipment to be purchased: \$10,000.00

Estimated cost of engineering/architectural services: \$5,000.00

Other: \$ _____

Total capital costs \$110,000.00

Project refinancing; estimated amount
(for refinancing of existing debt only)

\$ 0

Sources of Funds for Project Costs:

Bank financing:

\$ 0

Equity (excluding equity that is attributed to grants/tax credits)

\$110,000.00

Tax-exempt bond issuance (if applicable)

\$ 0

Taxable bond issuance (if applicable)

\$ 0

Public sources (include sum total of all state and federal
grants and tax credits)

\$ 0

Identify each state and federal grant/credit:

~~_____ \$ 0~~

~~_____ \$ 0~~

~~_____ \$ 0~~

~~_____ \$ 0~~

Total sources of funds for project costs: \$ \$110,000.00

The Agency will collect 1% origination fee on the total capital costs at the time of closing

H) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

Yes or No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area?

Yes or No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

Yes or No

If Yes to any of the questions above, explain how, notwithstanding the aforementioned closing or activity reduction, the agency's financial assistance is required to prevent the project from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry:

FINANCIAL ASSISTANCE BEING REQUESTED

A) Benefits Requested

Sales and Use Tax Exemption ([] %)

IRB

Mortgage Recording Tax Exemption ([] %) Real

Property Exemption and Tax Agreement

B.) Value of Incentives

Real Property Tax Exemption and Tax Agreement: Agency staff will calculate the estimated value of a requested real property tax exemption and tax agreement based on estimated project costs as contained herein and current tax rates and assessed valuation, and the annual tax agreement payment amounts for each year of the tax agreement. This calculation is set forth on the addendum to this Application entitled "Real Property Tax Benefits (Detailed)," which addendum is incorporated herein by reference.

Estimated duration of real property tax exemption: 1 Year w/ optional ext.

Sales and Use Tax:

Estimated value of sales tax exemption for facility construction: \$ _____

Estimated sales tax exemption for fixtures and equipment: \$ _____

Estimated duration of sales tax exemption: _____

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Mortgage Recording Tax Exemption Benefit:

Estimated value of mortgage recording tax exemption: \$ _____

IRB Benefit:

IRB inducement amount, if requested: \$ _____

Is a purchaser for the bonds in place?

Yes or No

Percentage of project costs financed from public sector sources:

Agency staff will calculate the percentage of project costs financed from public sector sources based upon sources of funds for project costs as depicted above under the heading "Estimated Project Costs" (Section II(G)) of the Application.

C.) Likelihood of Undertaking Project Without Receiving Financial Assistance

Is there is likelihood that the project would not be undertaken but for the financial assistance provided by the agency?

Yes or No

If the project could be undertaken without financial assistance provided by the agency, then provide a statement in the space provided below indicating why the project should be undertaken by the agency:

III. EMPLOYMENT PLAN

	1	2	3	4
	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 PT jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number of FTE and PT jobs to be CREATED	Estimate number of residents of the Labor Market Area** who will fill the jobs described in Column 3
Full Time	0	N/A	Within 1 year following project completion: ___ Within 2 years following project completion: ___ Within 3 years following project completion: ___	0
Part Time (expressed as FTEs)	0	N/A	Within 1 year following project completion: ___ Within 2 years following project completion: ___ Within 3 years following project completion: ___	0
Total	0	0	0	0

** The Labor Market Area is defined as Seneca County, Ontario County, Wayne County, Cayuga County, Schuyler County and Tompkins County, New York.

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

Category of Jobs to be Retained and Created	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Management		
Professional		
Administrative		
Production		
Independent Contractor		
Other (not including construction jobs)		

IV. REPRESENTATIONS AND COVENANTS 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 "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") 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 JTPA programs who shall be referred by the JTPA 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:** The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the project site.
- E) **Compliance with N.Y. GML Sec. 862(1):** Applicant certifies 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.

- F) **Compliance with Applicable Laws:** 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.
- G) **False and Misleading Information:** 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.
- H) **Recapture:** Should the Applicant not expend 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.
- E) **Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Applicant, except as hereinafter described:

STATE OF NEW YORK)
 COUNTY OF SENECA) ss.:

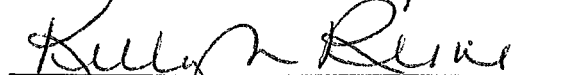
Earl Martin, being first duly sworn, deposes and says:

1. That I am the Owner (Corporate Office) of Deer Haven Park LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.


 (Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this

27th day of October, 2020


 (Notary Public)

KELLY M. KLINE
 Notary Public - State of New York
 Seneca County - No. 01KL6326576
 My Commission Expires June 22, 2023

This Application should be submitted with a \$350.00 Application fee to Seneca County Industrial Development Agency, One DiPronio Drive, Waterloo, New York 13165-1681 (Attn.: Sarah R. Davis Executive Director)

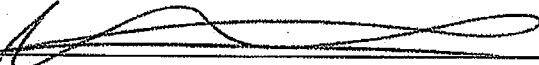
HOLD HARMLESS AGREEMENT

Applicant hereby releases the SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from and agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (i) the Agency's examination and processing of, and action pursuant to or upon, the 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, (ii) the Agency's acquisition, construction and/or installation of the Project described therein and (iii) 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 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 benefits, is true, accurate and complete. If, for any reason, 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 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 agent or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Applicant: Deer Haven Park

By: Earl Martin
(Print Name)

Title: Managing Member

Signature: 

ADDENDUM TO IDA APPLICATION FOR FINANCIAL ASSISTANCE

Local Labor: The Company hereby represents and warrants that it will use commercially reasonable efforts to hire, and cause any agent of the Company, general contractor, subcontractor, or subcontractor to a subcontractor working on the Project, to hire employees who live within Seneca County. The Agency understands and acknowledges that at certain times local labor may not be available. Upon such an occurrence, the Company shall request the Agency to waive the local labor requirement.

**SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
UNIFORM PROJECT EVALUATION POLICY**

Pursuant to and in accordance with Section 859-a(5) of the General Municipal Law ("GML"), the Seneca County Industrial Development Agency (the "Agency") hereby establishes a Uniform Project Evaluation Policy for the evaluation and selection for all qualifying categories of projects for which the Agency may provide "Financial Assistance" (as defined herein). "Financial Assistance" shall include any of the following: (i) the issuance by the Agency of tax- exempt bonds; (ii) sales and use tax exemption; (iii) mortgage recording tax exemption; and (iv) real property tax exemption (with or without a related agreement for payments in lieu of taxes).

For each Application for Financial Assistance received by the Agency, the following must occur prior to authorizing the provision of Financial Assistance:

- 1) The Agency shall undertake an assessment of all material information included in connection with the Application for Financial Assistance as necessary to afford a reasonable basis for the decision by the Agency to provide Financial Assistance for a project. Such information may include, without limitation, qualification of the proposed project under the GML (including any retail analysis, as applicable), the applicant's financial history, project pro-formas, and consideration of local development priorities.
- 2) A written cost-benefit analysis shall be utilized by the Agency that identifies the extent to which a project will create or retain permanent, private sector jobs, the estimated value of any tax exemptions to be provided; the amount of private sector investment generated or likely to be generated by the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that might occur as a result of the project, taking into account the economic condition of the area at the time of the application, the effect of the proposed project upon the environment and surrounding property, and the extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located.
- 3) The Agency's Application for Financial Assistance shall include a statement by the applicant that the project, as of the date of the application, is in substantial compliance with all provisions of GML Article 18-A, including, but not limited to, the provisions of GML Section 859-a(5) and 862(1); and
- 4) If the proposed project involves the removal or abandonment of a facility or plant within the State of New York, the Agency shall notify the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located of the Agency's receipt of an application for Financial Assistance.

**SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT REVIEW AND RECAPTURE POLICY**

The Seneca County Industrial Development Agency (the "IDA") reserves the right to review the performance of projects for which the IDA's financial assistance has been granted (a "Project") to determine if a Project has met the obligations and conditions set forth in the IDA approvals and agreements related to the Project (the "Project Documents"). The terms and conditions of the Project Documents (the "Material Factors") will serve as the benchmark for determining a Project's compliance.

Material Factors should be explicit and measurable and may include items such as investment, job creation, retention or other factors as determined by the board. Material Factors may vary from Project to Project.

Non-Compliance Review Process:

If a Project is found to be non-compliant with the Material Factors, the IDA shall undertake the following:

1. The IDA shall notify the Project owner/operator (the "Company") in writing that, in the IDA's determination, the Company has violated a Material Factor.
2. The Company shall be given an opportunity to remedy the violation.
3. If the Company is unable or unwilling to remedy the violation, the IDA shall seek additional information/explanation from the company as to why a Material Factor was not achieved. These may include economic or natural factors that led to the violation. These factors should be discussed and predetermined to the extent possible by the Board and may include items such as, natural disaster, industry dynamics, unfair competition or economic events that were outside the control of the Company.
4. The Company shall be provided the opportunity to present to the IDA any information as outlined above regarding why the Material Factor was not achieved.

Board Actions:

Following completion of the Non-Compliance Review Process described above, the IDA Board will consider whether to keep benefits in place, reduce, terminate, and/or recapture financial assistance. The following options will be reviewed and considered by the IDA Board:

1. Upon a review of the facts the Board may determine that the non-compliance was justified and/or adequately explained and may consider the matter closed without further action, or set a specific time period for the Company to achieve compliance. This may also be accompanied by a period of increased reporting or such other conditions as the IDA Board may reasonably impose. (e.g., review violated Material Factor(s) quarterly until remedied.)
2. In the event of non-compliance with a Material Factor that is not, in the IDA Board's determination, justified by factors outside the Company's control and/or otherwise adequately explained, the IDA Board may determine that such non-compliance will

result in the reduction, suspension, termination and/or recapture of financial assistance, as provided below.

Reduction of Financial Assistance: The IDA Board may determine that a reduction in financial assistance is appropriate, which reduction may include, without limitation, increased required payments under an agreement for payments in lieu of taxes.

Termination of Financial Assistance: The IDA Board may elect to terminate any ongoing financial assistance to a Company. Reasons for termination should be explicit and may include, without limitation, continued violation of the Material Factors or failure to comply with ongoing reporting or compliance requirements of the IDA.

Recapture of Financial Assistance: An IDA Board may require that all or part of the financial assistance for a Project be returned, including all or part of the amount of any tax exemptions. Events justifying recapture may include, without limitation, a Company knowingly providing false information on an application or a compliance/monitoring report; a finding that the Company did not make a good faith effort or have any intention of meeting a Material Factor; a company ceases operations and/or relocates; material non-compliance with state and/or local laws or regulations; and material shortfalls in job creation and retention projections.

In the event an IDA is successful in recapturing financial assistance, such funds shall be returned to the appropriate affected taxing jurisdictions on a pro rata basis unless otherwise agreed upon by the local taxing jurisdiction.

Annual Review

The IDA shall annually assess the progress of each Project for which bonds or notes remain outstanding or straight-lease transactions have not been terminated, or which continue to receive financial assistance or are otherwise active, toward achieving the investment, job retention or creation, or other objectives of the Project indicated in the Project applications. Such assessments shall be provided to the IDA Board.

ADDENDUM TO IDA APPLICATION FOR FINANCIAL ASSISTANCE

Cost Benefit Analysis:

To be completed/calculated by AGENCY

	<u>Costs =</u> <u>Financial Assistance</u>	<u>Benefits =</u> <u>Economic Development</u>
*Estimated Sales Tax Exemption	\$ <u>0</u>	New Jobs Created Permanent <u>0</u> Temporary <u>0</u>
		Existing Jobs Retained Permanent <u>0</u> Temporary <u>0</u>
Estimated Mortgage Tax Exemption	\$ <u>0</u>	Expected Yearly Payroll \$ <u>0</u>
Estimated Property Tax Abatement	\$ <u>97,773</u>	Expected Gross Receipts \$ <u>n/a</u>
		Additional Revenues to School Districts _____ _____ _____
		Additional Revenues to Municipalities _____ _____ _____
		Other Benefits _____
Estimated Interest Savings IRB Issue	\$ _____	Private Funds Invested \$ <u>45,000</u>
		Likelihood of accomplishing proposed project within three (3) years

Likely or Unlikely

* Estimated Value of Goods and Services to be exempt from sales and use tax as a result of the Agency's involvement in the Project. PLEASE NOTE: These amounts will be verified and there is a potential for a recapture of sales tax exemptions (see "Recapture" on page 8).

\$ 0 (to be used on the NYS ST-60)

ADDENDUM TO IDA APPLICATION FOR FINANCIAL ASSISTANCE
Real Property Tax Benefits (Detailed):

** 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 this completed Application.

Tax Agreement Estimate Table Worksheet

Dollar Value of New Construction and Renovation Costs	Estimated New Assessed Value of Property *	County Tax Rate/1000	Local Tax Rate (Town/City/Village)/1000	School Tax Rate/1000
\$ 45,000	\$ 3,800,000	\$ 5.53	\$ 1.99	\$ 20.82

*Apply equalization rate to value

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1		\$ 1,935.50	\$ 696.50	\$ 7,287.00	\$ 9,919.00	\$ 107,692.00	\$ 97,773.00
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
TOTAL		\$ 1,935.50	\$ 696.50	\$ 7,287.00	\$ 9,919.00	\$ 107,692.00	\$ 97,773.00

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

Cost-Benefit Analysis for Deer Haven Park - Hillside Sale

Prepared by Seneca County IDA using InformAnalytics

Executive Summary

INVESTOR
Deer Haven Park

TOTAL INVESTED
\$45.0 Thousand

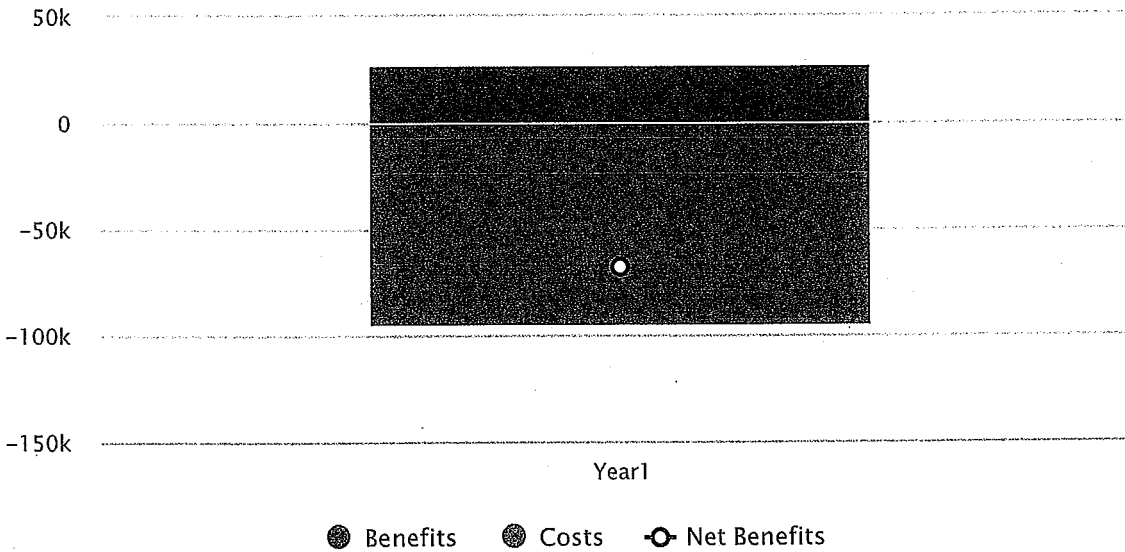
LOCATION
4887 Rte 96A,
Romouulus, NY 14541

TIMELINE
1 Years

FIGURE 1

Discounted* Net Benefits for Deer Haven Park - Hillside Sale by Year

Total Net Benefits: **\$-68,241**



Discounted at 2%

FIGURE 2

Total Jobs

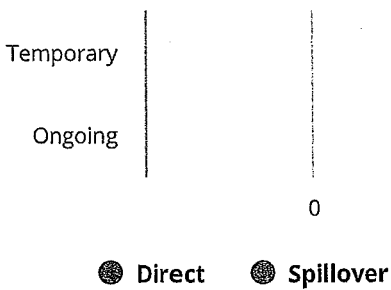
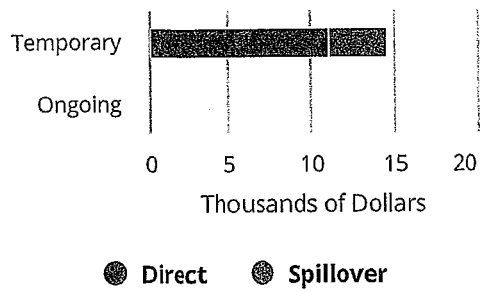


FIGURE 3

Total Payroll



Proposed Investment

Deer Haven Park proposes to invest \$45.0 thousand at 4887 Rte 96A, Romoulus, NY 14541 over 1 years. Seneca County IDA staff summarize the proposed with the following: Deer Haven Park is planning to expand their white deer tours to include a historic component and turn the Hillside Campus at the former Seneca Army Depot into a tourist destination.

The facility will also be used to accommodate the expansion of Seneca Dairy Systems.

TABLE 1

Proposed Investments

Description	Amount
CONSTRUCTION SPENDING	
Deer Haven Park Expansion	\$30,000
OTHER SPENDING	
Equipment	\$10,000
Engineering/Architectural Services	\$5,000
Total Investments	\$45,000
Discounted Total (2%)	\$45,000

May not sum to total due to rounding.

FIGURE 4

Location of Investment



Cost-Benefit Analysis

A cost-benefit analysis of this proposed investment was conducted using InformAnalytics, an economic impact model developed by CGR. The report estimates the impact that a potential project will have on the local economy based on information provided by Seneca County IDA. The report calculates the costs and benefits for specified local taxing districts over the first 1 years, with future returns discounted at a 2% rate.

TABLE 2

Estimated Costs or Incentives

Seneca County IDA is considering the following incentive package for Deer Haven Park.

Description	Nominal Value	Discounted Value*
Property Tax Exemption	\$95,000	\$95,000
Total Costs	\$95,000	\$95,000

May not sum to total due to rounding.

* Discounted at 2%



TABLE 3

State & Regional Impact (Life of Project)

The following table estimates the total benefits from the project over its lifetime.

Description	Direct	Spillover	Total
REGIONAL BENEFITS	\$22,000	\$4,000	\$25,000
To Private Individuals	\$11,000	\$4,000	\$15,000
Temporary Payroll	\$11,000	\$4,000	\$15,000
To the Public	\$11,000	\$49	\$11,000
Property Tax Revenue	\$10,000	N/A	\$10,000
Temporary Sales Tax Revenue	\$156	\$49	\$206
Purchases Sales Tax Revenue	\$600	N/A	\$600
STATE BENEFITS	\$1,000	\$217	\$1,000
To the Public	\$1,000	\$217	\$1,000
Temporary Income Tax Revenue	\$495	\$168	\$663
Temporary Sales Tax Revenue	\$156	\$49	\$206
Purchases Sales Tax Revenue	\$600	N/A	\$600
Total Benefits to State & Region	\$23,000	\$4,000	\$27,000
Discounted Total Benefits (2%)	\$23,000	\$4,000	\$27,000

May not sum to total due to rounding.



TABLE 4

Benefit to Cost Ratio

The following benefit to cost ratios were calculated using the discounted totals.

Description	Benefit*	Cost*	Ratio
Region	\$25,000	\$95,000	0:1
State	\$1,000	\$0	N/A
Grand Total	\$27,000	\$95,000	0:1

May not sum to total due to rounding.

* Discounted at 2%

CGR has exercised reasonable professional care and diligence in the the production and design of the InformAnalytics™ tool. However, the data used is provided by users. InformAnalytics does not independently verify, validate or audit the data supplied by users. CGR makes no representations or warranties with respect to the accuracy of the data supplied by users.