# NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

# APPLICATION FOR FINANCIAL ASSISTANCE

Moog Inc.
(Applicant Name)

Samuel M. Ferraro Executive Director

6311 Inducon Corporate Drive, Suite One Sanborn, New York 14132 Phone: 716-278-8760 Fax: 716-278-8769

http://niagaracountybusiness.com

Updated August 2016

- Each applicant seeking financial assistance through the Niagara County Industrial Development Agency must complete and return the accompanying Application and Environmental Assessment forms. This information is necessary to determine project and/or applicant eligibility.
- II. Subject to the applicable statute, information provided by applicant will be treated as confidential until such time as the Agency takes action on the request. However, in accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- III. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission.
- IV. At the time of the project closing, project applicant is required to pay certain costs associated with the project. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the total value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs, including but not limited to public hearing expenses. Upon request, a fee summary will be provided to each applicant.
- V. One (1) original signed copy of the Application and Environmental Assessment form should be submitted with the Application for Assistance.

The Niagara County Industrial Development Agency does not discriminate on the basis of race, color, religion, sex, sexual orientation, marital status, age, national origin, disability or status as a disabled or Vietnam Veteran or any other characteristic

## NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

#### APPLICATION FOR FINANCIAL ASSISTANCE

**APPLICANT INFORMATION** 

I.

Company Name:		Moog Inc.		
Mailing Address:		400 Jamison Road, East Aurora, NY 14052		
Phor	e No.:	800-347-6664		
Fax No.:		<u>716-652-0176</u>		
Fed Id. No.:		<u>16-0757636</u>		
Cont	act Person:	Thomas Klementowski		
	ipal Owners/Ot entage ownersh	fficers/Directors (list owners with 15% or more in equity holdings with hip):		
	No single ow	ner with 15% or more equity holdings		
	orate Structure her entity)	(attach schematic if applicant is a subsidiary or otherwise affiliated with		
Form	of Entity	·		
X Corporation		1		
		rporation: August 1, 1951 rporation: New York		
	Partnership			
	Number of g	or Limited eneral partners number of limited partners		
,	Date of form Jurisdiction	ation of Formation		
	Limited Lial	oility Company/Partnership (number of members)		
	Date of orga State of Org	nization:anization:		
	Sole Propri	etorship		

	If a foreign organization, is the applicant authorized to do business in the State of New York?						
comp	y of the above persons, or a group of them, owns more than a 50% interest in the pany, list all other organizations which are related to the company by virtue of such ons having more than a 50% interest in such organizations.						
,	N/A						
Is the	e company related to any other organization by reason of more than 50% common rship? If so, indicate name of related organization and relationship.  No						
Has place	the company (or any related corporation or person) made a public offering or private ment of its stock within the last year? If so, please provide offering statement used.						
<u>APPI</u>	LICANT'S COUNSEL						
Name	e: Randy C. Fahs, Esq.						
Addre	ess: 400 Jamison Road, East Aurora, NY 14052						
Phon	e No.:						
Fax N	No.: 716-652-0176						
II.	PROJECT INFORMATION						
A)	Project Address: 6686 Walmore Road, Niagara Falls, NY 14304						
	Tax Map Number 146.00-1-10.2 (a 10 acre portion to be subdivided)						
	(Section/Block/Lot)  Located in City of  Located in Town of Wheatfield  Located in Village of  School District of Niagara Wheatfield						
В)	Are utilities on site?						
	Water Yes Electric Yes Gas Yes Sanitary/Storm Sewer Yes						
C)	Present legal owner of the site <u>Wheatfield Business Park II, LLC</u> If other than from applicant, by what means will the site be acquired for this project? <u>Long-term lease</u>						
D)	Zoning of Project Site: Current: Industrial-2 Proposed: Industrial-2						
E)	Are any variances needed? No						

F) Furnish a copy of any environmental application presently in proceduring this project, providing name and address of the agency, and completed documentation and determinations.	rocess of completion I copy all pending or			
<ul> <li>Statement describing project (i.e. land acquisition, construction of manufacturing facility, etc.):</li> </ul>				
Mix of new build and refurbishment of existing facilities. Replacement / uequipment	pgrade of capital			
H) Principal use of project upon completion:				
☑ manufacturing       ☐ warehousing       ☐ research       ☐ officential         ☐ industrial       ☐ recreation       ☐ retail       ☐ research         ☐ training       ☐ data process       ☐ other	ces idential			
If other, explain:				
I) Estimated Project Costs, including:				
Value of property to be acquired: long-term lease				
Value of improvements: \$9,425,000				
Value of equipment to be purchased: \$10,950,000				
Estimated cost of engineering/architectural services: \$4,450,000				
Other: <u>\$175,000</u>				
Total Capital Costs: \$25,000,000				
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) \$25,000,000				
Γax 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) \$4,500,000				

I	dentify each state and federal grant/credit:	
	New York State Excelsior tax credit (potential)	\$ 4,500,000
		\$
		\$
٦	Total Sources of Funds for Project Costs:	\$
J)	Inter-Municipal Move Determination	
	Will the project result in the removal of a plant or area of the State of New York to another?	facility of the applicant from one
	☐ Yes or ☑ No	
	Will the project result in the removal of a plant occupant of the project from one area of the State the State of New York?	or facility of another proposed of New York to another area of
	☐ Yes or ☒ No	
	Will the project result in the abandonment of clocated in the State of New York?	one or more plants or facilities
	☐ Yes or ⊠ No	
or ac		quired to prevent the Project from preserve the Project occupant's
		<u></u>

#### Project Data

1.	Proje	Project site (land)			
	(a)	(a) Indicate approximate size (in acres or square feet) of project site.  10 acres			
	(b)	Are there buildings now on the project site? X Yes No			
	(c)	Indicate the present use of the project site.			
		Manufacture and test of small, space propulsion thrusters and systems			
	(d)	Indicate relationship to present user of project.			
		No change – Moog is the current lease tenant / operator			
2.	Does indica	the project involve acquisition of an existing building or buildings? If yes, te number, size and approximate age of buildings:			
		Long-term lease, 9 existing buildings, approximately 84,090 square feet total			
3.		the project consist of the construction of a new building or buildings? indicate number and size of new buildings:			
		Yes. Two buildings proposed, approximately 10,000 square feet total			
4.	Does the project consist of additions and/or renovations to existing buildings? If ye indicate nature of expansion and/or renovation:				
		Renovations – asbestos and lead remediation, code updates, minor reconfigurations, general upgrades of infrastructure, lighting, HVAC			
5.	by the	What will the building or buildings to be acquired, constructed or expanded be used fo by the company? (Include description of products to be manufactured, assembled of processed, and services to be rendered			
i		All renovations and new builds will support the expansion and more efficient operation of Moog's existing space propulsion thrusters and systems business			
	including the percentage of building(s) to be used for office space and ar estimate of the percentage of the functions to be performed at such office no related to the day-to-day operations of the facilities being financed.)				
		Manufacturing and test support accounts for 80-85% of square footage, with office space accounting for the remaining 15-20%			
6.	If any of the	space in the project is to be leased to third parties, indicate total square footage project amount to be leased to each tenant and proposed use by each tenant.			
		N/A			

7.	List principal items or ' project.	categories of equ	ipment to be a	acquired as part of the
	Boiler, 30k gal wa back-up generator		obers, process o	ontrols, data acquisition
8.	Has construction work on	this project begun	<b>&gt;</b>	
	Complete the following			
	(a) site clearance	Yes	X No	% complete
	(b) foundation	Yes	<u>X</u> No	% complete
	(c) footings	Yes	X No	% complete
	(d) steel	Yes	X No	% complete
	(e) masonry work	Yes	<u>X</u> No	% complete
	(f) other (describe below)	Yes	X No	% complete

[Remainder of this Page Intentionally Left Blank]

III. FINANCIAL ASSISTANCE REQUESTED			
A) Benefits Requested:			
B.) Value of Incentives:			
IDA PILOT Benefit: Agency staff will indicate the amount of PILOT Benefit based or estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT as depicted under the heading "Real Property Tax Benefit (Detailed)" of the Application.			
Estimated duration of Property Tax exemption:15 years			
Sales and Use Tax:			
Estimated value of Sales Tax exemption for facility construction:  \$377,000			
Estimated Sales Tax exemption for fixtures and equipment: \$240,000			
Estimated duration of Sales Tax exemption:5 years			
Mortgage Recording Tax Exemption Benefit:			
Estimated value of Mortgage Recording Tax exemption: \$0			
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			

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(I)) of the Application.

C.) Likelihood of Undertaking Project without Receiving Financial Assistance
Please confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the Financial Assistance provided by the Agency?
☑ 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:
Without state and county financial assistance the business case for 100% private investment
for the propulsion facility project is poor. As the current, aging site cannot support the
business long-term, Moog would potentially move or exit the propulsion business.

#### IV. EMPLOYMENT PLAN

	at proposed project location or to be relocated to	GRANTED - project the number of FTE	project the number of FTE and PTE jobs to be CREATED upon THREE Years after	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)	50	50	25	25
Part Time (PTE)	0	0	0	0
Total Payroll	\$4,180,000	\$4,180,000	\$2,090,000	\$2,090,000

<sup>\*\*</sup> 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 Local Labor Marker Area, in the fourth column. The Local Labor Marker Area includes Niagara County, Erie County, Chautauqua County, Cattaraugus County, Allegany County, Wyoming County, Genesee County, and Orleans County.

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

Category of Jobs to be Retained and Created	Number of Jobs Per Category	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Management	3,	\$125,000	\$28,000
Professional	45	\$95,000	\$23,000
Administrative	4	\$75,000	\$20,000
Production	23	\$65,000	\$16,000
Independent Contractor			
Other			

Note: Jobs listed above are at project location. A similar number of propulsion related jobs will be retained / created at Moog's East Aurora location. Average wage is approximately \$83,600. Average benefits are approximately 24% of wages.

#### III. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. <u>Job Listings</u> In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the proposed 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 proposed project must 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 Entitle") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JPTA") in which the project is located.
- B. <u>First Consideration for Employment</u> In accordance with Section 858-b(2) of the General Municipal Law, the applicant understands and agrees that, if the proposed project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant must first consider persons eligible to participate in JTPA programs who shall be referred by the JPTA Entities for new employment opportunities created as a result of the proposed project.
- C. A liability and contract liability policy for a minimum of three million dollars will be furnished by the Applicant insuring the Agency.
- D. Annual Sales Tax Fillings In accordance with Section 874(8) of the General Municipal Law, the Applicant understands and agrees that, if the proposed 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.

E. <u>Annual Employment Reports</u> The applicant understands and agrees that, if the proposed 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.

- F. <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.
- G. <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.
- H. <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.
- I. 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.
- J. <u>Absence of Conflicts of Interest</u> 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 Application, except as herein described.

The Applicant and the individual executing this Application on behalf of applicant acknowledge that 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.

STATE C	OF NEW YORK ) Y OF , ss.:
	, being first duly sworn, deposes and says:
1.	. That I am the (Corporate Office) (Applicant) and that I am duly authorized on beha of the Applicant to bind the Applicant.
2.	That I have read the attached Application, I know the contents thereof, and that the best of my knowledge and belief, this Application and the contents of the Application are true, accurate and complete.
	(Signature of Officer)
	ed and affirmed to me under penalties of perjury day of, 20  (Notary Public)
	lication should be submitted to the Niagara County Industrial Development Agenc ucon Corporate Drive, Suite One, Sanborn, New York 14132.
Attach co both.	pies of preliminary plans or sketches of proposed construction or rehabilitation or
Attach the	e following Financial Information of the Company
1.	Financial statements for last two fiscal years (unless included in company's Annua Reports).
2.	Company's annual reports (or Form 10-K's) for the two most recent fiscal years.
3.	Quarterly reports (Form 10Q's) and current reports (Form 8-K's) since the most recent Annual Report, if any.
4.	In addition, please attach the financial information described above in items 1, 2 and 3 of any expected Guarantor of the proposed bond issue, if different from the company.

#### **HOLD HARMLESS AGREEMENT**

Applicant hereby releases the NIAGARA 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 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 processing of the Application, including attorneys' fees, if any.

	(Applicant Signature)
	Ву:
	Name:
	Title:
(Notary Public)	
Sworn to before me this day	[stamp]
of, 20	

### Section V: Estimate of Real Property Tax Abatement Benefits\*\*\* and Percentage of Project Costs financed from Public Sector sources

\*\* Section V 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.

#### PILOT Estimate Table Worksheet - Moog Inc.

Dollar Value	Estimated	County Tax	Local Tax Rate	School Tax
of New	New Assessed	Rate/1000	(Town/City/Village)/1000	Rate/1000
Construction	Value of			
and	Property			-
Renovation	Subject to			
Costs	IDA*			
9,425,000	1,417,500	11.692		35.517

<sup>\*</sup>Apply equalization rate to value -63.00

PILOT	%	County	School	Total	Full Tax	Net
Year	Payment	PILOT	PILOT	PILOT	Payment	Exemption
		Amount	Amount		w/o	
					PILOT	
1	0	3,325	9,976	13,301	83,916	65,046
2	0	3,325	9,976	13,301	83,916	65,046
3	0	3,325	9,976	13,301	83,916	65,046
4	0	3,325	9,976	13,301	83,916	65,046
5	0	3,325	9,976	13,301	83,916	65,046
6	0	3,325	9,976	13,301	83,916	65,046
7	0	3,325	9,976	13,301	83,916	65,046
8	0	3,325	9,976	13,301	83,916	65,046
9	0	3,325	9,976	13,301	83,916	65,046
10	0	3,325	9,976	13,301	83,916	65,046
11	50	11,485	35,339	46,824	83,916	32,523
12	50	11,485	35,339	46,824	83,916	32,523
13	50	11,485	35,339	46,824	83,916	32,523
14	50	11,485	35,339	46,824	83,916	32,523
15	50	11,485	35,339	46,824	83,916	32,523
		90,675	276,455	367,130	1,258,740	813,075

<sup>\*\*\*</sup> Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

#### Cost Benefit Analysis:

#### To be completed/calculated by AGENCY

	Costs = Financial Assistance	Economic Development			
*Estimated Sales Tax Exemption	\$617,000	New Jobs Created Permanent 25 Temporary			
		Existing Jobs Retained Permanent 50 Temporary			
Estimated Mortgage Tax Exemption	\$	Expected Yearly Payroll \$6,270,000			
·	Ф 042 07E	Expected Gross Receipts \$			
Estimated Property Tax Abatement	\$ 813,075	Additional Revenues to School Districts\$276,455			
		Additional Revenues to Municipalities\$ 90,675			
		Other Benefits \$4,500,000 (ETC			
Estimated Interest Savings	\$N/A	Private Funds invested \$20,500,000			
IRB Issue		Likelihood of accomplishing proposed project within three (3) years			
		∠ Likely or      Unlikely			
		sales and use tax as a result of the Agency's will be verified and there is a potential for a			
recapture of sales tax exemption					
\$617,000 (to be used on the NYS ST-60)					