

**Niagara County Industrial Development Agency**  
6311 Inducon Corporate Dr. - Sanborn, New York 14132  
(716) 278-8760 Fax (716) 278-8769

**Application for Assistance**

Please answer all questions on the **Niagara County Industrial Development Agency Application and Environmental Assessment Form**. Information submitted as part of this application will not be made public prior to the passage of an Official Action Resolution by the Agency. After such action, this information may be subject to disclosure under the New York State Freedom of Information Act.

Prior to application submission, this project was reviewed with \_\_\_\_\_ of the Niagara County Industrial Development Agency and assigned Project Number \_\_\_\_\_.

**I. Company Data**

- A. Company Name: Brown Electric, Inc.  
Address: 7367 Bear Ridge Road, N. Tonawanda, NY 14120  
  
Telephone: 716-694-7622 Fax: \_\_\_\_\_  
Email: Brownelectric81@yahoo.com Website: Brownelectricwny.com  
IRS Identification No.: 16-1154599

Company official completing this application and authorized to respond on behalf of the company:

- Name: Sharon K. Brown Title: President, Owner, WBE
- B. Company Owners, Officers, Directors and Partners: List name and home address, title and other principal business affiliations.  
Sharon K. Brown, President, Treasurer, 7367 Bear Ridge Road, NT, NY 14120  
Thomas W. Bos, Secretary, 5753 Garlow Road, Lewiston, NY 14092
- C. Legal Counsel: F. Gerard Hogan, Seaman, Jones, Hogan & Brooks, LLP  
Address: 76 West Ave, Canal Terrace, Lockport, NY 14094  
Telephone: 716-433-5907 Fax: 716-433-0032  
Email: fghogan@lockportlaw.com
- D. Accountant (Firm): Stephan J. Cavanaugh  
Address: 3350 Calvano Drive, Grand Island, NY  
Telephone: 716-773-2793 Fax: \_\_\_\_\_  
Email: \_\_\_\_\_
- E. Principal Bank of Account: HSBC

F. Type of Business  Corporation  Sub Chapter S  Partnership  
 Sole Proprietorship  Other \_\_\_\_\_

G. Is Company authorized to do business in New York State? Yes  No

H. Principal Stockholders with 5% or more of stock outstanding in the company:

<u>Name</u>	<u>Address</u>	<u>% of Holding</u>
<u>Sharon K. Brown</u>	<u>7367 Bear Ridge Road, NT, NY 14120</u>	<u>100%</u>
_____	_____	_____
_____	_____	_____

I. List subsidiary, associate, and/or affiliated companies of applicant.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

J. Is the Company or management of the Company now a plaintiff or a defendant in any civil or criminal litigation? Yes  NO

Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes  NO

Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt? Yes  NO

*If the answer to any of the above questions is yes, please, furnish details in a separate attachment.*

K. Identify the assistance being requested of the Agency:

(1) <input type="checkbox"/> Bond financing for new project; estimated amount	\$ _____
(2) <input type="checkbox"/> Bond/project refinancing; estimated amount	\$ _____
(3) <input type="checkbox"/> Lease/sale back	
(4) <input type="checkbox"/> Assignment of lease	
(5) <input checked="" type="checkbox"/> Exemption from Sales Tax; estimated benefit	<u>\$16,000.00</u>
(6) <input checked="" type="checkbox"/> Exemption from Mortgage Tax; estimated benefit	<u>\$ 3,660.00</u>
(7) <input checked="" type="checkbox"/> Exemption from Real Property Tax; estimated benefit	<u>\$40,000.00</u>

If you have selected (5),(6) or (7), indicate whether you are seeking a deviation from the Agency's uniform tax exemption policy: Yes ; No . If the answer is yes, please furnish details in a separate attachment.

(8)  Other (please furnish details in a separate attachment)

## II. Business Data

### A. Company Background

1. Describe when and where was the company established?  
Brown Electric, Inc. began January 16, 1981 in North Tonawanda, NY.
2. Describe the type of business  
Electrical Construction
3. Description of Present Facilities:  
Lot size: 107.25 x 66.0      Number of buildings: 1  
Square footage of facilities: 2005 approx  
 Owns   OR   X Rents present facilities
4. What is the present employment of the company?  
# Full Time 5 # Part Time 2  
Estimated annual payroll:    \$206,694.00
5. Approximate annual sales:    \$1,100.00
6. Describe primary markets.  
Industrial, commercial
7. Provide a brief description of the company and its history.  
Brown Electric, Inc. has been in business for 30 years. Original name was Tom Brown Electric, Inc. In 2005, name was legally changed to Brown Electric, Inc. after my husbands passing. We are primarily and industrial/commercial contractor providing electrical services throughout Western New York. We have outgrown our current facility in the City of Tonawanda and would like to relocate to the Pendleton area. Our sales have gone from \$348,000.00 in 2003 to over \$1,000,000.00 for the last 3 years. I have also been Certified by Buffalo/Erie County and then by the State of New York as a Certified Women's Business Enterprise.



COPY

CSC 45

New York State  
Department of State  
Division of Corporations, State Records  
and Uniform Commercial Code  
41 State Street  
Albany, NY 12231  
www.dos.state.ny.us

1051026000944

CERTIFICATE OF AMENDMENT  
OF THE  
CERTIFICATE OF INCORPORATION  
OF

TOM BROWN ELECTRIC, INC.

*(Insert Name of Domestic Corporation)*

Under Section 805 of the Business Corporation Law

FIRST: The name of the corporation is: TOM BROWN ELECTRIC, INC.

If the name of the corporation has been changed, the name under which it was formed is: \_\_\_\_\_

SECOND: The date of filing of the certificate of incorporation with the Department of State is:

03/02/81

THIRD: The amendment effected by this certificate of amendment is as follows: (Set forth each amendment in a separate paragraph providing the subject matter and full text of each amended paragraph. For example, an amendment changing the name of the corporation would read as follows: Paragraph *First* of the Certificate of Incorporation relating to the corporation name is hereby amended to read as follows: *First: The name of the corporation is ... (new name) ...*)

Paragraph FIRST of the Certificate of Incorporation relating to the corporation name

is hereby amended to read in its entirety as follows: FIRST: The name of the corporation  
is: BROWN ELECTRIC, INC.

1



051026000 944

FOURTH: The certificate of amendment was authorized by: [Check the appropriate box]

- The vote of the board of directors followed by a vote of a majority of all outstanding shares entitled to vote thereon at a meeting of shareholders.
- The vote of the board of directors followed by the unanimous written consent of the holders of all outstanding shares.

FILED

2005 OCT 26 PM 4:02  
2005 OCT 26 PM 2:02

Sharon Brown *Sharon Brown*  
(Signature)

SHARON BROWN, AUTHORIZED PERSON  
(Name and Capacity of Signer)

CERTIFICATE OF AMENDMENT  
OF THE  
CERTIFICATE OF INCORPORATION  
OF

TOM BROWN ELECTRIC, INC.  
(Insert Name of Domestic Corporation)

Under Section 805 of the Business Corporation Law

Filer's Name SEAMAN, JONES, HOGAN & BROOKS, LLP

Address 76 WEST AVENUE

City, State and Zip Code LOCKPORT, NY 14094

*Client ref 672698 JBA*

NOTE: This form was prepared by the New York State Department of State. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores. The Department of State recommends that all documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$60 filing fee, plus the required tax on shares pursuant to §180 of the Tax Law, if applicable.

For Office Use Only

CSC 45  
DRAW DOWN

STATE OF NEW YORK  
DEPARTMENT OF STATE

OCT 26 2005

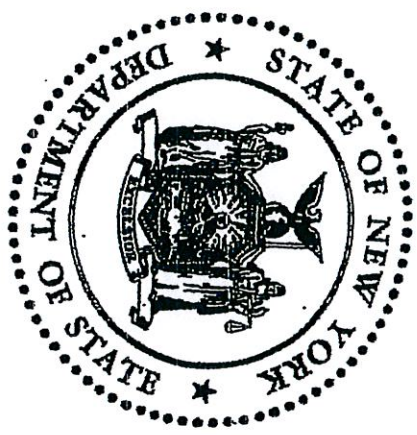
FILED  
TAXS

*JBA*  
*Sharon Brown*

State of New York }  
Department of State } ss:

*I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.*

*Witness my hand and seal of the Department of State on*      **October 27, 2005**



A handwritten signature in black ink, appearing to read "C. P. ...".

*Special Deputy Secretary of State*

# Empire State Development

October 1, 2009

File#53036

Sharon Brown  
BROWN ELECTRIC INC  
7367 Bear Ridge Rd  
North Tonawanda NY 14120

Dear Ms. Brown

On behalf of New York State Department of Economic Development, Division of Minority and Women's Business Development(DMWBD) has completed review of your application for State Certification as a Woman Owned Business Enterprise and has determined that your firm meets eligibility requirements for certification, pursuant to Executive Law, Article 15-A. We are pleased to inform you that,

## BROWN ELECTRIC INC

has been granted status as a Woman Owned Business Enterprise. Your business will be listed in the State's Directory of certified Businesses with the following list of principal products or services:

### ELECTRIC CONTRACTORS

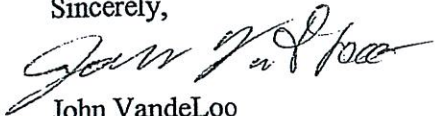
Certification status is not intended to imply that the State of New York guarantees your company's capability to perform on state contracts, nor does it imply that your company is guaranteed any State business.

Be advised that your certification expires 3 years from the date of this letter or unless you are contacted by this Office for verification or recertification. Please remember that any changes in your company that affect ownership, managerial and/or operational control, must be reported to this Office within thirty (30) days of such changes; including changes to company name, business address, telephone numbers, principal products/services, and bonding capacity.

At such time as it is necessary for your company to be recertified, you will be notified by this office. If your certification is questioned by any public or private entity, please direct the inquiry to this Office for clarification.

Thank you for your cooperation. On behalf of the State of New York, I wish you continued success in your business endeavors, particularly those involving State agencies.

Sincerely,



John VandeLoo  
Economic Development Specialist  
( direct@518 292 5343 ) ( fax@518 292 5803 )





County of Erie  
Chris Collins  
County Executive

William Lobbins  
Director

Division of Equal Employment Opportunity

September 16, 2009

**Letter of Certification**

Ms. Sharon Brown  
Brown Electric, Inc  
7367 Bear Ridge Road  
North Tonawanda, NY 14120

Dear Ms. Brown:

The Erie County & City of Buffalo Joint Certification Committee has completed its review and evaluation of your application for certification as a bona-fide Women-Owned Business Enterprise.

Based upon the information provided by your firm, the Joint Certification Committee has determined that your company is owned, controlled and operated by women in accordance with the definition set forth by the Erie County Local Law No. 1-1987. Consequently, certification of Brown Electric, Inc as a bona-fide Women-Owned Business Enterprise (WBE) is hereby granted to provide the following services:

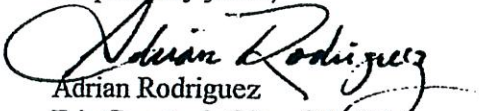
- Full service commercial, industrial and residential electrical construction, repairs, maintenance, digging and trenching and equipment machine wiring

This certification is recognized by the following agencies and authorities: The County of Erie, City of Buffalo, Buffalo Sewer Authority, Buffalo Board of Education and Buffalo Municipal Housing Authority.

The Joint Certification Committee must be notified in writing of any changes which may affect the ownership, control and operation of the business and of any restructuring, which includes the issuance of stock, changes in the bylaws or any other changes affecting the proprietorship of the business.

Your certification expires on **September 16, 2011**. However, certification may be revoked or suspended by the Joint Certification Committee for reasonable cause.

Respectfully yours,

  
Adrian Rodriguez  
Erie County & City of Buffalo  
Joint Certification Committee

CC: Joint Certification Committee Members

B. Provide types of business activity and approximate square feet of each for company's present facility:

	Square Feet
<b>Manufacturing/Processing</b>	
<b>Warehousing</b>	6500
<b>Research &amp; Development</b>	
<b>Commercial</b>	
<b>Retail*</b>	2000
<b>Office</b>	500
<b>Other (specify)</b>	

\* A retail business activity shall mean (i) sales by a registered vendor under article twenty-eight of the New York tax law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section eleven hundred one of the tax law; or (ii) sales of a service to such customers.

C. Describe principal goods, products and/or services of the company:  
Electrical construction, repairs and maintenance. Also includes but not limited to skid wiring, office, data, lighting. Supply materials as needed to complete each job properly. Also have Dump Truck, skid loader, digging and trenching equipment and miscellaneous attachments. Primarily a Commercial and Industrial contractor.

### III. Project Data

#### A. Location of Proposed Project:

1. Physical Address of proposed Project Site:

Address: 6421 Campbell Boulevard  
 City, Town, Village: Pendleton, NY 14094  
 County: Niagara

2. New York State Empire Zone Tax Incentives.

In addition to financial incentives that the Niagara County Industrial Development Agency can provide with respect to the proposed



Project, the Project may also be eligible for New York State tax benefits (sales tax, income tax, and real property tax benefits and credits) under the New York State Empire Zone Program. Empire Zone tax benefits can be utilized concurrently with Niagara County Industrial Development Agency benefits and incentives.

**Is the proposed Project Site located in an Empire Zone?**

Yes     No     Unsure

**3. New York State Brownfield Cleanup Program Tax Incentives**

New York State provides for significant refundable New York State tax credits with respect to cleanup and construction (buildings and equipment) costs, real property tax expenses, and insurance costs related to remediating and developing a Brownfield/contaminated property. In addition, New York State provides for a release of liability with respect to such contamination located in, on or emanating from the Brownfield Site. New York State Brownfield Cleanup Program tax credits can be utilized concurrently with Niagara County Industrial Development Agency benefits and incentives.

Under the New York Brownfield Cleanup Program, a Brownfield or a Brownfield Site is any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous waste, petroleum, pollutant, or contaminant (collectively, "contaminants").

**Is the proposed Project Site located on a site where the known or potential presence of a contaminant(s) is complicating the development/use of the property?**

Yes     No     Unsure

**Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the proposed Project Site?**

Yes     No     Unsure

**Have any other studies or assessments been undertaken with respect to the proposed Project Site that indicate the known or suspected presence of contamination that would complicate the site's development?**

Yes     No     Unsure



**B. Existing Project Facilities:**

1. Parcel Size:           \_\_ Acres   **OR**   \_\_ ft. x \_\_ ft.

2. Are there existing buildings on the Project site? Yes ; NO XX.

a. If yes, indicate the number of buildings on the site: \_\_. Also, please briefly identify each existing building and indicate the approximate size (in square feet) of each such existing building:

Building Description	Size

b. Are the existing buildings in operation? Yes ; NO XX. If yes, describe present use of present buildings:

Building	Use

c. Are the existing buildings abandoned? Yes ; NO XX. About to be abandoned? Yes ; No . If yes, describe:

\_\_\_\_\_

d. Attach photograph of present buildings.

3. Identify present landowner.   **Sharon K. Brown**

4. Present zoning of site:       **Light commercial**

Are there any variances or special permits affecting the Project site?  
Yes  NO XX.

If yes, list below and attach copies of all such variances or special permits.

\_\_\_\_\_

5. Provide Tax Map (section/block/lot) number(s):

—

6. List current assessed value: **\$27,500**  
List current annual property tax payment: **\$800.00 approx**

Terry J. Pienta, Town Clerk  
 Town of Pendleton  
 c/o First Niagara Bank  
 P.O. BOX 91007  
 Rochester, NY 14692-9107

First Niagara Bank  
 5737 South Transit Rd.  
 Lockport, NY 14094  
 M-Th 9-4, Fri 9-5, Sat 9-1  
 Also TOWN HALL M-F 8-4

PROPERTY ID# 293200 136.00-1-46.11  
 SWIS S/B/L ADDRESS & LEGAL DESCRIPTION  
 B111 No. 000324  
 Page No. 1 of 1

Address: Campbell Blvd  
 Town of: Pendleton  
 School: Starpoint  
 Roll Sect. 1  
 Property Class: 330 - Vacant comm  
 Parcel Acreage: 4.20  
 Bank Code  
 Estimated State Aid: CNTY 31,678,101  
 TOWN 155,000

*Brown Electric*

**2011 COUNTY/TOWN TAX, TOWN OF PENDLETON**  
**COUNTY OF NIAGARA, STATE OF NEW YORK**  
 \* For Fiscal Year 01/01/2011 to 12/31/2011 \* Warrant Date 12/14/2010

**293200 136.00-1-46.11 000324**

Brown Sharon K  
 7367 Bear Ridge Rd  
 N Tonawanda, NY 14120

Exemption	Value	Tax Purpose	Full Value Estimate	Exemption	Value	Tax Purpose	Full Value Estimate
				<b>TOTAL ASSESSED VALUE 27,500</b>			

PROPERTY TAXES	Taxing Purpose	Total Tax Levy	% Change From Prior Year	Taxable Assessed Value or Units	Rates per \$1000 or per Unit	Tax Amount
	2011 County Tax	69,313,797	2.5	27,500.00	7.829121	215.30
	2011 Town Tax	204,821	-14.9	27,500.00	.451450	12.41
	Pen Ncsd1 Cap	2,992,633	0.9			28.56
	Pen Ncsd1 Nuser SECUN C			1.00	14.670000	14.67
	Pendleton Fire TOTAL	476,713	3.6	27,500.00	1.007401	27.70
	County Refuse TOTAL	939,178	-0.3	27,500.00	.106734	2.94
	Pendleton Refuse UNITS M			0.00	183.000000	0.00
	Pend Water 1	131,900	1.2			8.06
	County Water Dist TOTAL C	4,617,049	1.1	27,500.00	.634134	17.44

PENALTY SCHEDULE	Penalty/Interest	Total Due
Pay By: 01/31/2011	0.00	327.08
02/28/2011	3.27	330.35
03/31/2011	6.54	333.62

**TOTAL TAXES DUE \$327.08**

Last day to pay without penalty 01/31/2011

Taxes paid by \_\_\_\_\_ CA CH

-----FOLD ALONG PERFORATED LINE & REMOVE, RETURN BOTTOM PORTION WITH AMOUNT DUE -----

**2011 COUNTY/TOWN TAX, TOWN OF PENDLETON**  
**COUNTY OF NIAGARA, STATE OF NEW YORK**

Bill No. 000324

Bank Code

293200 136.00-1-46.11

Town of: Pendleton  
 School: Starpoint  
 Property Address: Campbell Blvd

**RECEIVER'S STUB**

Brown Sharon K  
 7367 Bear Ridge Rd  
 N Tonawanda, NY 14120

PENALTY SCHEDULE	Penalty/Interest	Total Due
Pay By: 01/31/2011	0.00	327.08
02/28/2011	3.27	330.35
03/31/2011	6.54	333.62

\* IMPORTANT NOTE:  
 "If New York State financed its MEDICAID program like most states, the County property tax would go down by 59.38%


**TOTAL TAXES DUE \$327.08**

Last day to pay without penalty 01/31/2011

RECEIVER'S STUB MUST BE RETURNED WITH PAYMENT. FOR A RECEIPT OF PAYMENT, PLACE A CHECK MARK IN THIS BOX [ ] AND RETURN THE ENTIRE BILL WITH PAYMENT AND A SELF-ADDRESSED STAMPED ENVELOPE.

Taxes paid by \_\_\_\_\_ CA CH

253

	<b>BROWN ELECTRIC, INC.</b> 7367 BEAR RIDGE ROAD NORTH TONAWANDA, NY 14120 (716) 694-7622	HSBC BANK USA, N.A. 10-2220	26070
	1/21/2011		
PAY TO THE ORDER OF Terry Pienta, Pendleton Town Clerk		\$ **327.08	
Three Hundred Twenty-Seven and 08/100*****		DOLLARS	
Terry Pienta, Pendleton Town Clerk c/o First Niagara Bank PO Box 91007 Rochester, NY 14692-9107			

MEMO

Details on Back. City Features included



*Mapleton*



*New location*

WEST LINE LOT - 76

*Donovan*

**CAMPBELL**

**BOULEVARD**

**(WIDTH VARIES)**

COUNTY OF NIAGARA  
L-480, P-145

L-1311  
P-276

L-1171  
P-553 & 556

400.0' D. & MS.

450.0'

400.0' D.

360 ± D.

337.45' MS.

400.0' MS.

377.85' C.

4.5 ± Ac.

692.47' Calc.

20' WIDE WATERLINE  
EASE. L-1396, P-255

934.20' MS.

297.03' MS.  
277.33' MS.  
260.0' D.

161°-41'

43°-29'

209.75' MS.

453.88' MS.

33'

782 ± D.

333.0'

61°-48'

MS.

174.1'

90°

90°

90°

Parallel

Parallel

SO

7. Identify school district pertaining to Proposed Project location:  
**Starpoint School**

**C. Proposed Project Facility and Equipment**

1. Does part of the Project consist of the acquisition or construction of a new building or buildings? Yes XX; No .

If yes, indicate number and size of new buildings:

**100 x 60 with 50 x 50 attached = 8500 sq feet**

2. Does part of the Project consist of additions and/or renovations to existing buildings located on the Project site? Yes ; NO XX

3.

If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:

\_\_\_\_\_

3. Describe the principal uses to be made by the Company of the building or buildings to be acquired, constructed or expanded:

**Electrical office and warehouse space with possible retail/office area in 50 x 50 building**

4. Will machinery and equipment be acquired and installed?

New:  No  Yes Type \_\_\_\_\_

Used:  No  Yes Type \_\_\_\_\_

Describe the principal uses to be made by the Company of the Equipment to be acquired or installed:

\_\_\_\_\_

5. Project Use

- a. What are the principal products to be produced at the Project?  
**Industrial and Commercial electrical service**

5. Project Use

b. What are the principal activities to be conducted at the Project?

	%		%
Warehousing	75%	Manufacturing	
Processing		Pollution control	
Office/Commercial	25%	Research & Development	
Retail*		Commercial	
Recreational		Other:	

\* A retail business activity shall mean (i) sales by a registered vendor under article twenty-eight of the New York tax law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section eleven hundred one of the tax law; or (ii) sales of a service to such customers.

c. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? Yes ; NO XX.

**If yes, please see Addendum A attached hereto.**

d. Will the completion of the Project result in the removal of a plant or facility of the Company or another proposed occupant of the Project (a "Project Occupant") from one area of the State of New York to another area of the State of New York? Yes  NO XX If yes, please explain: \_\_\_\_\_

e. Will the completion of the Project result in the abandonment of one or more plants or facilities of the Company located in the State of New York? Yes  NO XX

If yes, please provide detail: \_\_\_\_\_

i. If the answer to either question (d) or question (e) is yes, indicate whether any of the following apply to the Project:

(1) Is the Project reasonably necessary to preserve the competitive position of the Company or such Project Occupant in its industry?  
Yes XX No

If yes, please provide detail: **need to expand for growing business**



(2) Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes  No

If yes, please provide detail: \_\_\_\_\_

6. Is this a single phase or multi-phase project?  Single  Multi

Phase I Activities: \_\_\_\_\_

Phase II Activities: \_\_\_\_\_

Phase III Activities: \_\_\_\_\_

D. Utilities and services presently serving site. Provide name of utility provider.

Gas:	<b>National Fuel</b>	Size:
Electric:	<b>National Grid</b>	Power:
Water:	<b>Municipal</b>	Size:
Sewer:	<b>Municipal</b>	Size:
Other (specify):		

E. What is your project timetable? (Provide dates)

1. Start date: acquisition or construction of facilities: **May**
2. Completion of project facilities: **July**
3. Project occupancy – starting date of operations: **August**

F. Have any contracts or purchases been made, committed and/or executed toward the project?  No  Yes,

If yes, please provide detail: **Architect/Engineering, land purchase, deposit on Parco Building**

G. Has any work toward the completion of the project been initiated?  No  Yes,

If yes, please provide detail: \_\_\_\_\_

H. Will the project require any government actions, permits or clearances (other than IDA requirements)? If yes, please provide the following details:

Action	Issuing Agency	Date of Issuance
<b><u>Building Permit</u></b>	<b><u>Town of Pendleton</u></b>	<b><u>Approved</u></b>

- I. Include any site plans, drawings or blueprints that have been developed.
- J. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes XX; No . If yes, please complete the following for each existing or proposed tenant or subtenant: may lease front portion to commercial tenant.

Sublessee name: \_\_\_\_\_  
 Present Address: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Employer's ID No.: \_\_\_\_\_

Sublessee is:  Corporation       Partnership       Sole Proprietorship

Relationship to Company: \_\_\_\_\_

Percentage of Project to be leased or subleased: \_\_\_\_\_%

Use of Project intended by Sublessee: \_\_\_\_\_

Date of lease or sublease to Sublessee: \_\_\_\_\_

Term of lease or sublease to Sublessee: \_\_\_\_\_

Will any portion of the space leased by this sublessee be primarily used in making retail sales of goods or services to customers who personally visit the Project?  
 Yes       No XX.

**If yes, please provide on a separate attachment:** (a) details, and (b) the answers to questions III(D)(6)(c) through (f) with respect to each such sublessee.

K. Describe the reasons why this project is necessary and what effect it will have on your company: **To accommodate our current growth and provide room for our future expansion.**

**IV. Employment Impact**

- A) Will Niagara County contractors and / or sub contractors be utilized for the construction project?      Yes XX      No .
- B) What is the estimated number of construction jobs to be created at the project site from Niagara County: \_\_\_\_\_,      Erie County \_\_\_\_\_,      Other Areas \_\_\_\_\_,

- C) Indicate below the number of people presently employed at the Project site and the number that will be employed at the Project site at end of the first and second years after the Project has been completed (Do not include construction workers). Also indicate below the number of workers employed at the Project site representing newly created positions as opposed to positions relocated from other project sites of the applicant.

TYPE OF EMPLOYMENT				
	PROFESSIONAL OR MANAGERIAL	SKILLED OR SEMI- SKILLED	UNSKILLED	TOTALS
<b>Present Full Time</b>	3	2		5
<b>Present Part Time</b>		2		2
<b>Present Seasonal</b>				
<b>First Year Full Time</b>		1		1
<b>First Year Part Time</b>		1		1
<b>First Year Seasonal</b>				
<b>Second Year Full Time</b>		2		2
<b>Second Year Part Time</b>				
<b>Second Year Seasonal</b>				

#### V. Project Cost Data

- A. Give breakdown of project costs:

<b>Land</b>	<b>\$15,000.00</b>
<b>Buildings: Acquisition</b>	\$
<b>Renovation</b>	\$
<b>New Construction</b>	<b>\$237,600.00</b>
<b>Demolition</b>	\$
<b>Utilities and Road</b>	\$
<b>Site work and preparation</b>	<b>\$132,500.00</b>
<b>Acquisition of machinery &amp; equipment</b>	\$
<b>Installation</b>	<b>\$8,000.00</b>
<b>Architectural and engineering fees</b>	<b>\$20,000.00</b>
<b>Legal fees</b>	<b>\$1,000.00</b>
<b>Interest during construction</b>	\$
<b>Other</b>	<b>\$1,000.00</b>
<b>TOTAL</b>	<b>\$415,100.00</b>

Have any of these expenditures been incurred to date?  No  Yes If yes, identify: **Already paid: Land, Attorney, Engineering/Architect, Deposit on Parco Building, Town Review Meeting, NYS Dept of Health for Sewer request and a Percolation Test. Value to Date \$50,002.00 [Copy Attached]**



B. Summary of Financing

<b>Total Project Costs</b>	<b>\$415,100.00</b>
<b>Amount of Bond or Leaseback financing</b>	<b>\$</b>
<b>Amount of Conventional financing</b>	<b>\$365,100.00</b>
<b>Equity</b>	<b>\$50,000.00</b>

C. Will any part of the project be financed with funds of the company?  No  Yes, If yes, please provide detail:

<b>Item</b>	<b>\$</b>
<b>Equity – soft costs</b>	<b>50,000.00</b>

D. Will other forms of government financing be used to undertake the project:  No  Yes  
If yes, please provide detail:

<b>Program</b>	<b>Amount</b>	<b>Status</b>
<b>NCDC Loan</b>	<b>\$120,000.00</b>	<b>To be applied for</b>

E. Have financial institutions or potential bond purchasers been approached?  No  Yes

If yes, please provide detail: **Banks – Citizens, 1<sup>st</sup> Niagara and Key Bank**

F. List capital expenditures of the company:

	<b>Past 3 years</b>	<b>Next 3 years</b>
<b>Real Property</b>	<b>\$</b>	<b>\$</b>
<b>Buildings</b>	<b>\$</b>	<b>\$</b>
<b>Equipment</b>	<b>\$</b>	<b>\$</b>

VI. **Financial and Feasibility Data**

A. Describe the need or demand for the product or services to be provided as a result of the project: **Expansion necessary to fulfill demand for services and products.**

B. Has the company utilized bond financing before?  No  Yes.  
If yes, describe when, where and amount: \_\_\_\_\_

- C. Provide any marketing, economic and/or feasibility studies that have been developed, particularly for tourist destination facilities. N/A
- D. The following information will be required by the Agency and returned once an action of the Agency has been taken:
  - 1. Financial statements for the last three (3) years;
  - 2. Projections for the next three (3) years including Balance Sheets, Profit and Loss Statements, Cash Flow Statements by quarters, etc.

**VII. Financial Assistance Expected From The Agency**

A. Tax Benefits.

- 1. Is the applicant requesting any real property tax exemption in connection with the Project that would not be available to a project that did not involve the Agency?  
 Yes  No

If yes, is the real property tax exemption being sought consistent with the Agency's Uniform Tax Exemption Policy? Yes  No

- 2. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? Yes  No

If yes, what is the approximate amount of financing to be secured by mortgages?  
\$365,100.00

- 3. Is the applicant expecting to be appointed agent of the Agency for purposes of avoiding payment of N.Y.S. Sales Tax or Compensating Use Tax? Yes  No .

If yes, what is the approximate amount of purchases which the applicant expects to be exempt from the N.Y.S. Sales and Compensating Use Taxes? \$200,000.00.

- 4. What is the estimated value of each type of tax-exemption being sought in connection with the Project? Please detail the type of tax-exemption and value of each exemption.

- a. N.Y.S. Sales and Compensating Use Taxes: \$16,000.00
- b. Mortgage Recording Taxes: \$ 3,600.00
- c. Real Property Tax Exemptions: \$40,000.00
- d. Other (please specify):

\_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_



5. Are any of the tax-exemptions being sought in connection with the Project inconsistent with the Agency's Uniform Tax-exemption Policy?  
Yes  No  XX.

If yes, please explain how the request of the applicant differs from the Agency's Uniform Tax-Exemption Policy: \_\_\_\_\_

### VIII. Representations By The Applicant

The applicant understands and agrees with the Agency as follows:

- A. Job Listings. In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "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. 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, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described: \_\_\_\_\_



## CERTIFICATION

(to be executed by the principal of the applicant and acknowledged by a notary public)

- I. **Sharon K. Brown** (name of chief executive officer or other authorized representative of applicant) deposes and says that he/she is the **President** (title) of **Brown Electric, Inc.** (name of corporation or other entity) named in the attached Application (the "Applicant"); that he/she has read the foregoing Application and knows the contents thereof, and that the same is true to his/her knowledge.
- II. The grounds for deponent's belief relative to all matters in the Application which are not stated upon his/her own personal knowledge, are investigations which deponent has caused to be made concerning the subject matter of the Application, as well as information acquired by deponent in the course of his/her duties as an officer of and from the books and papers of said corporation or other entity.
- III. As an officer of the Applicant deponent acknowledges and agrees that the Applicant shall be and is responsible for all costs incurred by the Agency and all legal counsel for the Agency, including its general counsel and/or bond/transaction counsel, whether or not the Application, the proposed project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the proposed project described herein and (C) any further action taken by the Agency with respect to the proposed project; including without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing.
- IV. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel, the same to be paid at the times indicated:
  - (a) The sum of **\$1,000.00** as a non-refundable processing fee, plus the sum of **0** if Agency assistance in retaining professionals is requested, to be paid upon submission of the Application;
  - (b) Unless otherwise agreed to by the Agency, an amount equal to **1%** of the total project costs to be paid at transaction closing;
  - (c) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel and/or the



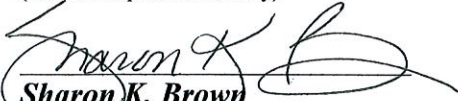
Agency's bond/transaction counsel, thus note that the Applicant is entitled to receive a written estimate of fees and costs of the Agency's general counsel and the Agency's bond/transaction counsel; and (2) other consultants retained by the Agency in connection with the proposed project; with all such charges to be paid by the applicant at the closing.

- V. By executing and submitting this Application, and in the event the closing does not occur, the Applicant further covenants and agrees to pay the following fees to the Agency and the Agency's general counsel and/or the Agency's bond/transaction counsel:
- (a) If the Applicant fails to conclude or consummate the 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, the Applicant shall pay to the Agency, its agents, or assigns, upon presentation of an invoice, a sum of one and one quarter percent (1.25%) of (i) the amount of bond financing requested; or (ii) the amount on which the financial assistance for the proposed project was determined, and upon presentation of an invoice, all actual costs involved with respect to the Application, including but not necessarily limited to fees of the Agency's general counsel and/or the Agency's bond/transaction counsel; or
  - (b) If the Applicant is unable to find buyers willing to purchase the bond issue requested, or if the Applicant is unable to facilitate the sale/leaseback transaction, then upon presentation of an invoice, all actual costs involved with respect to the Application, up to that date and time, incurred by the Agency including but not necessarily limited to fees of the Agency's general counsel and/or the Agency's bond/transaction counsel.
- VI. The Applicant acknowledges and agrees that all payment liabilities to the Agency and the Agency's general counsel and/or the Agency's bond and/or transaction counsel as expressed in Sections IV and V are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- VI. The cost incurred by the Agency and paid by the Applicant, including bond/transaction counsel fees and the Agency's general counsel's fees and the processing fees, may be considered as a costs of the project and included in the financing of costs of the proposed project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.
- VI. The Applicant is aware and acknowledges that according to the New York Public Officer's Law, Article 6, Freedom of Information, the public has the right to request information about the project and the Applicant, and that in accordance with Public Officer's Law Article 7, all meetings of the Agency are open to the public.

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 and, if applicable, made in Addendum A, when acting hereon and hereby represents

that the statements made herein and therein 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 or therein not misleading.

Brown Electric, Inc.  
(name of corporation or entity)

  
**Sharon K. Brown**  
(name of officer)

President, Owner, WBE  
(title)

NOTARY

Sworn to before me this 24 day of March, 20 11

  
(Signature)


SHARON M. DEMERS  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires 01/13/2014



**SHORT ENVIRONMENTAL ASSESSMENT FORM**

for UNLISTED ACTIONS Only

**PART 1 - PROJECT INFORMATION** (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Sharon K. Brown	2. PROJECT NAME Brown Electric, Inc.
3. PROJECT LOCATION: 6421 Campbell Blvd., Pendleton, NY 14094 Municipality	Niagara County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map 6421 Campbell Boulevard, Pendleton, NY [Between Main St and Mapleton St., Pendleton, NY]	
5. IS PROPOSED ACTION : <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: New Parco Building, 8,500 square feet to expand and move existing business from the City of Tonawanda, NY to Pendleton, NY. 6,500 sq feet for Brown Electric, Inc. warehouse and offices with 2,500 sq feet for possible retail/office space.	
7. AMOUNT OF LAND AFFECTED: Initially 1 acres Ultimately acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: Approval by Town of Pendleton Planning Board	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant / Sponsor Name	Date: 3/23/2011
Signature 	

If the action is a Coastal Area, and you are a state agency,

complete the Coastal Assessment Form before proceeding with this assessment.

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN <b>ANY</b> ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:  C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:  C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/>	Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide, on attachments as necessary, the reasons supporting this determination.	
	Name of Lead Agency	Date
	Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency		_____ Signature of Preparer (If different from responsible officer)