

**Steuben County Industrial Development Agency
7234 Route 54 North
PO Box 393
Bath, NY 14810
July 27, 2023**

Regular Meeting Notice

The Steuben County Industrial Development Agency will hold a Regular Business Meeting at 12:00 pm on July 27, 2023. This meeting is open to the public and those wishing to view the meeting as it is held may do so by visiting:

<https://us02web.zoom.us/j/85157029900?pwd=Ym11MFF1N0JSM2FaNXUyZjgyOXILQT09>

Sincerely,

Mark Alger
Board Chair

STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY
REGULAR MEETING OF THE BOARD OF DIRECTORS
AGENDA
JULY 27, 2023, 12:00 PM

1. Call to Order – Quorum Present Alger
2. Secretary’s Report:
June 22, 2023 Minutes Strobel
3. Treasurer’s Report:
June 2023 Financials Russo
4. New Business:
 - a) Empire Long Distance Corporation Application Staats
 - b) Private Activity Bond Allocation Johnson
 - c) B&H Railroad/Urbana Johnson
5. Old Business:
 - a) ARC Railroad Upgrades Johnson
 - b) Facility Update Johnson
6. Project Updates Johnson
7. Executive Session: Alger
Public Officers Law, Article 7, Open Meetings Law
Section 105, Paragraph 1g, proposed acquisition of real property
Public Officers Law, Article 7, Open Meetings Law
Section 105, Paragraph 1f, the employment history of a particular person
8. Adjournment Alger

Steuben County Industrial Development Agency
7234 Route 54N, P.O. Box 393, Bath, NY 14810
Minutes of the Regular Meeting June 22, 2023

- I. CALL TO ORDER:** The Regular Meeting of the Steuben County Industrial Development Agency (SCIDA) was called to order at 12:02 pm, by Chairman Mark Alger. Chairman Alger confirmed that there was a quorum present.

Present:	Mark Alger	Chairman
	Dean Strobel	Secretary
	Mike Davidson	Member
	Christine Sharkey	Member
	Michelle Caulfield	Member
Absent:	Scott VanEtten	Vice Chair
	Tony Russo	Treasurer
Staff:	James Johnson	Executive Director
	Jill Staats	IDA Staff
	Stacy Housworth	IDA Staff
	Russ Gaenzle	SCIDA Counsel
Guests:	Kam Keeley	Three Rivers Development
	WETM	WETM News (Zoom)

II. SECRETARY'S REPORT:

A motion to approve the April 27, 2023, Regular Meeting Minutes of the Steuben County Industrial Development Agency as presented in the board materials was made by Chris Sharkey, seconded by Michelle Caulfield. All in favor. Approved.

III. TREASURER'S REPORT: April and May 2023 Financial Statements:

The April and May 2023 financial statements were reported to the board. A motion to approve the financial statements as presented and included in the board materials was made by Mike Davidson, seconded by Dean Strobel. All in favor. Approved.

IV. 2022 Final Performance Report:

Executive Director Johnson reported on the annual performance report for all active IDA projects in 2022. Executive Director Johnson walked through each project that had not reached or maintained project goals and reviewed the reasoning why before making individual recommendations. A motion to accept the report and approve staff recommendations was made by Dean Strobel, seconded by Chris Sharkey. All in favor. Approved.

V. New Business:

a) Updated Sexual Harassment Policy:

Executive Director Johnson presented the board with an updated sexual harassment policy as written by NYS and approved for the IDA by Harris Beach. A memo is included in the board packet detailing the changes per NYS. A motion to accept this updated policy was made by Michelle Caulfield, seconded by Mike Davidson. All in favor. Approved.

b) Sky Corning Pulteney Plaza:

The Pulteney Plaza owners requested via letter to have the jobs creation numbers from the original application reduced from 80 to 40 employees. The original estimate included employees needed to operate Top's Food Market on a 24-hour basis. Top's Food Market never established a 24-hour operation. After board discussion, it was recommended to maintain the project's current numbers and monitor project performance in a year.

VI. Old Business:

a) TJA-NY Cohocton Solar Farm Final Resolution:

A motion to approve the final resolution for TJA-NY Cohocton Solar Farm as presented in the board packet was made by Chris Sharkey, seconded by Dean Strobel. All in favor. Approved.

b) Senator Skoufis Response:

Executive Director Johnson gave the board an overview of the second request for information from Senator Skoufis. Executive Director Johnson shared the response by the IDA as presented in the board packet.

c) Facilities Maintenance:

- i. Larry's Paving Quote:** The IDA solicited Request for Quotes from qualified vendors for replacing the parking lot. Larry's Paving was the only vendor to respond. A motion to accept this quote was made by Mike Davidson, seconded by Dean Strobel. All in favor. Approved.
- ii. Tom Sestak Construction:** The IDA contacted a local contractor to address a few minor issues that came out of the Building Conditions Study. A motion to accept this quote was made by Chris Sharkey, seconded by Michelle Caulfield. All in favor. Approved.

- iii. **Insurance deductible replacement of basement French door:** The IDA has received the insurance check to replace the broken French door in the basement, which totaled cost of replacement minus a \$500 deductible.

VII. Other Business:

a) Legislative Update:

Executive Director Johnson updated the board on the 2023 Legislative Session. A detailed memo outlining changes in legislation is included in the board packet materials.

Executive Session: – Public Officers Law, Article 7 Open Meetings Law – Section 105, Paragraph 1f - The employment history of a particular person. Public Officers Law, Article 7 Open Meetings Law – Section 105, Paragraph 1g, proposed acquisition of real property. The board entered Executive Session at 1:07pm. A motion to enter Executive Session was made by Dean Strobel, seconded by Chris Sharkey. All in favor. Approved. The board left Executive Session at 1:24pm. A motion to leave Executive Session was made by Chris Sharkey, seconded by Dean Strobel. All in favor. Approved.

a) Part-Time Employment Contract:

A motion to accept the part-time employment contract between Stacy Housworth and the IDA was made by Dean Strobel, seconded by Chris Sharkey. All in favor. Approved.

b) Acquisition of Real Property:

A motion to approve the sale agreement for vacant land in the Town of Bath was made by Mike Davidson, seconded by Dean Strobel. All in favor. Approved.

VIII. ADJOURNMENT

With no further business to discuss, a motion was made by Chris Sharkey to adjourn the meeting at 1:27 pm, seconded by Mike Davidson. All in favor. Approved.

Respectfully submitted,

Dean Strobel
Secretary

SCIDA
Balance Sheet
As of June 30, 2023

	Jun 30, 23
ASSETS	
Current Assets	
Checking/Savings	
200 · Five Star Bank checking	1,487,268.72
209 · Escrow Project Account	12,316.15
210 · Petty cash	100.00
213 · Five Star CD 225274906	606,034.33
215 · Chemung Canal Trust Company	1,469,822.53
218 · Five Star CD 225343789	1,009,500.00
Total Checking/Savings	4,585,041.73
Total Current Assets	4,585,041.73
Fixed Assets	
100 · Land - B&W Railroad	380,250.00
101 · B&H Railroad	102,653.00
102 · B&H Railroad Equipment	14,250.00
103 · Building - Office	161,544.00
104 · Engine House - Livonia	100,000.00
106 · Land - Railroad	39,979.00
107 · Office Equipment	33,968.35
108 · B&W Railroad	380,250.00
109 · Building Improvements	15,100.00
111 · B & H Railroad	922,522.80
112 · Accumulated Depreciation	-946,831.24
150 · Website Design	30,000.00
Total Fixed Assets	1,233,685.91
Other Assets	
151 · Accumulated Amortization	-30,000.00
180 · Pension Asset	72,419.00
199 · Deferred Outflows of Resources	164,578.00
Total Other Assets	206,997.00
TOTAL ASSETS	6,025,724.64
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2100 · Payroll Liabilities	1,152.96
261 · Deferred Inflows of Resources	260,359.00
Total Other Current Liabilities	261,511.96
Total Current Liabilities	261,511.96
Total Liabilities	261,511.96
Equity	
1110 · Retained Earnings	5,393,453.36
1120 · Temp Restricted-Millennium	153,557.41
1125 · Temp. Restricted Infrastructure	12,316.27
Net Income	204,885.64
Total Equity	5,764,212.68
TOTAL LIABILITIES & EQUITY	6,025,724.64

SCIDA Profit & Loss Budget Performance June 2023

	Jun 23	Budget	Jan - Jun 23	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
2140 · Administrative Income	0.00	130,886.25	418,125.00	785,317.50	1,570,635.00
2401 · Interest Income	132.58	708.33	10,766.49	4,250.02	8,500.00
2770 · Miscellaneous Income	1,800.00	166.67	1,867.25	1,000.02	2,000.00
2810 · Business Development Support	0.00	0.00	75,000.00	75,000.00	75,000.00
2813 · Grant Income Site Development	0.00	16,000.00	0.00	96,000.00	200,000.00
Total Income	1,932.58	147,761.25	505,758.74	961,567.54	1,856,135.00
Gross Profit	1,932.58	147,761.25	505,758.74	961,567.54	1,856,135.00
Expense					
6145 · Continuing Education	2,365.00	743.00	4,009.35	4,458.00	8,927.00
6160 · Dues and Subscriptions	212.67	766.00	6,705.28	4,596.00	9,200.00
6180 · Insurance					
6181 · Health Insurance	3,135.75	3,750.00	27,350.25	22,500.00	45,000.00
6182 · Dental Insurance	0.00	186.50	1,225.92	1,119.00	2,238.00
6183 · Allowances	975.50	975.50	5,365.25	5,853.00	11,706.00
6185 · Liability Insurance	872.89	833.33	2,344.89	4,999.98	10,000.00
6190 · Disability Insurance	0.00	141.66	1,459.60	849.96	1,700.00
6195 · Life Insurance	0.00	112.50	1,254.99	675.00	1,350.00
6196 · Workers' Compensation	0.00	145.83	2,961.00	874.98	1,750.00
Total 6180 · Insurance	4,984.14	6,145.32	41,961.90	36,871.92	73,744.00
6240 · Miscellaneous Office Expenses	50.65	250.00	333.23	1,500.00	3,000.00
6250 · Postage and Delivery	0.00	250.00	775.16	1,500.00	3,000.00
6270 · Professional Fees					
6650 · Accounting	0.00	0.00	9,500.00	9,500.00	9,500.00
6655 · Consulting	0.00	1,250.00	0.00	7,500.00	15,000.00
Total 6270 · Professional Fees	0.00	1,250.00	9,500.00	17,000.00	24,500.00
6276 · Infrastructure Development Fees	0.00		752.82		
6277 · Site Development	0.00	20,833.33	0.00	124,999.98	250,000.00
6340 · Telephone	293.73	312.50	1,937.46	1,875.00	3,750.00
6350 · Travel & Ent	212.59	666.66	361.53	3,999.96	8,000.00
6390 · Utilities	145.28	358.33	1,372.22	2,149.98	4,300.00

SCIDA
Profit & Loss Budget Performance
June 2023

	Jun 23	Budget	Jan - Jun 23	YTD Budget	Annual Budget
6465 · Community Engagement	0.00	541.66	0.00	3,249.96	6,500.00
6495 · Cleaning	230.00	250.00	1,380.00	1,500.00	3,000.00
6505 · Conferences	768.00	541.66	4,253.76	3,249.96	6,500.00
6515 · Copier	183.14	208.33	1,287.93	1,249.98	2,500.00
6535 · Internet access	60.00	65.00	360.00	390.00	780.00
6540 · Legal Services	0.00	375.00	4,000.00	2,250.00	4,500.00
6545 · Maintenance	13,303.33	4,166.66	23,995.83	24,999.96	50,000.00
6550 · Office Supplies	248.17	397.91	669.28	2,387.46	4,775.00
6560 · Payroll Expenses	28,092.24	27,466.66	169,996.89	164,800.04	329,600.00
6561 · Payroll Taxes	2,212.02	2,145.83	13,349.34	12,875.02	25,750.00
6576 · Project Costs	275.15	2,083.33	6,218.01	12,500.02	25,000.00
6590 · Refuse	36.00	36.00	222.50	221.00	437.00
6595 · Retirement	0.00	0.00	0.00	0.00	36,988.00
6625 · Technology upgrades	170.00	416.66	873.75	2,500.04	5,000.00
6645 · Marketing	425.00	2,083.33	6,307.75	12,500.02	25,000.00
6647 · Manufacturing Day Video & Event	0.00	679.41	0.00	4,076.54	8,153.00
6651 · Payroll Fees	324.07	223.16	1,877.72	1,339.04	2,678.00
Total Expense	54,591.18	73,255.74	302,501.71	449,039.88	925,582.00
Net Ordinary Income	-52,658.60	74,505.51	203,257.03	512,527.66	930,553.00
Net Income	-52,658.60	74,505.51	203,257.03	512,527.66	930,553.00

Project Summary Sheet

Empire Long Distance Corporation

July 2023

Project Description

Empire Long Distance Corporation (Empire), headquartered in Prattsburgh, is part of a fiber optic telecommunications company providing telephone, internet, alarm, and digital TV services to residential and commercial customers across the Southern Tier and Northern Pennsylvania. The company is best known for its Internet and cable TV services available through Empire Access.

Empire Telephone Corporation received IDA assistance in 2019 to renovate a building adjoining its headquarters office that now houses the company's state-of-the-art customer service and network operations center.

Due to the rapid growth of its services, Empire needs to expand an existing warehouse and storage facility site in Prattsburgh to house inventory, supplies, and service vehicles. The investment will support the purchase of adjoining land on which a 20,000 sq. ft. warehouse and 4,000 sq. ft. of administrative space will be built, along with associated infrastructure upgrades at the new and existing sites. The company will also be purchasing about \$2.5 million in new service trucks of various sizes.

Total Project Investment	\$4,390,000
Jobs Retained	46
Job Created	2
Benefit to Cost Ratio	1:1 (Retained jobs are not included in the analysis)
Estimated PILOT Savings	\$39,760 based on \$300,000 assessment
Estimated Mortgage Tax Savings	\$0
Estimated Sales Tax Savings	\$316,000
Total Savings	\$355,760
Comments	The entire telecommunications company was sold to a foreign private equity firm in January 2023. While management has advised that the company's headquarters will remain in Prattsburgh, there are now other players influencing decisions.
Estimated Project Start Date	November 2023
Estimated Project Completion Date	September 2024

Evaluative Criteria for Manufacturing/Warehouse/Distribution:

1. Private Sector Investment – The project will result in a \$4.4 million investment into buildings and vehicles. The construction activity will induce direct and indirect financial benefits for Steuben County, while the purchase of trucks will require additional need for auto repair services.
2. Regional Wealth Creation – The company's constant expansion into markets outside the region and state has supported the investments into people, plant, and equipment in Prattsburgh we have seen over the past ten years.
3. Create or Retain Jobs – The company will be retaining 46 jobs at an average wage of \$53,880 with an additional \$20,000 in benefits. Two jobs will be created at a salary of \$52,500 with over \$18,000 worth of benefits.
4. Retention/Flight Risk – The possibility for company relocation outside the region has increased as a result of the company's sale to a private equity firm.



Application for Financial Assistance

Please complete the application and mail the *original, signed copy*, along with the **\$1,000 application fee**, to:

Steuben County IDA
PO Box 393
7234 State Route 54
Bath, NY 14810

Information in the application is subject to public review under the New York State Freedom of Information Law. Please contact the IDA with any questions at 607-776-3316.

Section 1: Applicant Information (company receiving benefit)

Applicant Name: Empire Long Distance Corporation

Applicant Address: 34 S. Main Street, Prattsburgh, NY 14873

Phone: (607) 522-3712

Federal Tax ID: 20-2384681

NAICS Code: 517111

Will a real estate holding company be used to own the property? Yes No

Name of real estate holding company: Type here to enter text

Federal Tax ID: Type here to enter text

Type of Entity: Privately-held Corporation

Year Established: 2/9/2005

State in which entity is established: New York

Stockholders, members, or partners with 20% or more in ownership:

Name	% Ownership
Endurance Parent, Inc.	100%
Type here to enter text.	Type here to enter text.
Type here to enter text.	Type here to enter text.

Is the Applicant or any of its owners involved in any lawsuits which could have a financial impact on the company?

Yes No

Has the Applicant or any of its owners ever been involved in a bankruptcy? Yes No

Are all owners noted above citizens of the United States? Yes No

Provide a brief history of the Applicant, including operations, operating performance, changes in operations, current size and locations, products and/or services, major accounts, principal competitors, and major events affecting sales/services.

Empire Long Distance is part of the Empire Access family of companies, a Fiber Optic Telecommunications provider that has been locally operated for over 100 years. We have over 185 employees in NY & PA, and have added 125 employees over the last 8 years. In January the company was acquired by Antin Infrastructure Partners, allowing us to grow even faster in the markets we serve in NY & PA.

Estimated % of sales (equal to 100%):

Within Steuben County: 16%

Outside Steuben County but in NY State: 75%

Outside New York but in U.S.: 100%

Outside U.S.: 0%

What % of annual supplies, raw materials, and vendor services are purchased from firms in Steuben County?

10%

Authorized Signatory Name: James E. Baase

Title: Chief Executive Officer

Phone: (607) 522-3712

Email: jbaase@etcnpt.com

Name of Corporate Contact (if different from Authorized Signatory): Russell E. Eliason

Title: Chief Financial Officer

Phone: (607) 522-4484

Email: russ.eliason@empireaccess.com

Name of Attorney: Thomas Anderson

Firm Name: Harter Secrest & Emery LLP

Phone: (585) 231-1106

Email: tanderson@hselaw.com

Section 2: Project Description and Details

Municipality(s) of current operations:

Prattsburgh, NY

Will the Project result in the abandonment of one or more plants/facilities of the Applicant located in New York?

Yes No

If Yes, explain how, notwithstanding the aforementioned closing or activity reduction, the IDA's Financial Assistance is required to prevent the Project from relocating out of the State, or is reasonably necessary to preserve the Applicant's competitive position in its respective industry.

Type here to enter text.

Property address(es) of Project location:

10631 County Rte. 74, Prattsburgh, NY 14873

Tax map number(s) of Project location:

047.0-01-095.000; 048.05-01-018.120; 048.05-01-026.000; 048.05-01-021.000; 048.05-01-022.000; 048.05-01-024.000; 047.00-01-002.200

Town/Village/City taxes are paid to:

Prattsburgh, NY

School district taxes are paid to:

Prattsburgh Central School District

Are property tax payments current? Yes No

If no, please explain: Type here to enter text.

Does Applicant or any related party currently hold fee title to the Project property?

Yes No

If no, provide the name of the current owner: Steve J. Kula

If no, does Applicant or any related party have an option to purchase the Project property?

Yes No

What is the present use of the property? Agriculture on new parcel; Commercial warehouse and garage on existing parcels

What is the present zoning/land use? Agricultural on new parcel; no zoning on existing parcels

Description of the project: (check all that apply)

<input checked="" type="checkbox"/> New construction	<input type="checkbox"/> Acquisition of existing building
<input type="checkbox"/> Addition to existing building	<input type="checkbox"/> Purchase of machinery and/or equipment
<input type="checkbox"/> Renovation of existing building	<input type="checkbox"/> Other

Please provide a narrative description of the project, including specific uses and activities that will occur at the site, products to be made or services to be offered, as well as markets for the goods/services. Please include the impact of this project on Applicant in terms of operations and profitability, or other factors affecting operations.

The facility will be used as a warehouse for storing and distributing inventory to work crews, as well as for the storage and maintenance of work vehicles, all in order to accommodate our growth in New York State.

Select the project type for all end users at the site; you may check more than one box:

<input type="checkbox"/> Industrial	<input type="checkbox"/> Multi-tenant
<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Not-for-profit
<input type="checkbox"/> Back Office	<input type="checkbox"/> Healthcare
<input type="checkbox"/> Retail	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Housing	<input type="checkbox"/> Other: Type here to enter text.
<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Other: Type here to enter text.

Has or will Applicant enter into any tenant leases for this Project? Yes No

If yes, please complete the chart below:

Tenant Name	Current Location	# sq. ft.	% of total sq. ft.	Business type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type
Name	Address	Type here to enter text.	Type here to enter text.	Type

What is the Project's start date when equipment will be ordered or construction begins?

11/1/23

What is the Project's estimated completion?

1/31/24

When will operations commence?

2/1/24

Have construction contracts been signed? Yes No

Has financing been finalized? Yes No

Is this part of a multi-phase project? Yes No

If Yes, please explain: Type here to enter text.

Have site plans been submitted to the appropriate planning board? Yes No

If Yes, has the Project received site plan approval? Yes No

If the Project has received site plan approval, please provide a copy of the Environmental Assessment Form including the Negative Declaration.

Please provide the IDA with the status of any other required approvals:

Type here to enter text.

Will customers personally visit the Project site for Retail Sales or Services? The terms refer to (a) sales by a registered vendor under Article 28 (Section 1101(b)(4)(i)) of the Tax Law of the State of New York primarily engaged in the retail sale of tangible personal property or (b) sales of a service to customers who personally visit the Project site.

Retail Sales Yes No

Services Yes No

If either question above is answered Yes, please complete the questions below. If not, please move on to the Financial Assistance and Project Budget section.

Retail/Service Industry-Only Questions

What percentage of the cost of the Project can be tied to the retail or service portion of the business?

Type here to enter text.

If the answer is less than 33%, do not complete the remainder of this section and move on to Section 3: Financial Assistance and Project Budget.

For Projects where 33% or more is tied to retail sales or service:

1. Will the Project be operated by a not-for-profit corporation?

Yes No

2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region in which the project will be located?

Yes* No

3. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the municipality within which the Project is to be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

Yes* No

4. Will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

Yes No

5. Is the Project located in a highly distressed area, as defined by the US Census Bureau?

Yes No

*If the answer to question 2 or 3 is **Yes**, please provide a third-party market analysis or other documentation supporting the response.

Section 3: Financial Assistance and Project Budget

Choose the type of assistance being requested: (check all that apply)

Sales Tax Exemption Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Property Tax Exemption Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Mortgage Tax Exemption Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Tax Exempt IR Bond Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Describe the reasons why the IDA's assistance is necessary, and the effect the Project will have on Applicant's operations. Focus on competitiveness issues, Project shortfalls, etc.

Assistance from the IDA is necessary to make the project cost-competitive as compared with alternatives in surrounding counties or in Pennsylvania. It is our preference to make it cost-effective to do the project here in Steuben county rather than to pursue those alternatives, because it is far more efficient for us to continue to operate out of the existing location (new property for this project and the adjacent property that we already own).

Is there likelihood that the Project would not be undertaken but for the financial assistance provided by the IDA?

Yes No

If the Project could be undertaken without financial assistance provided by the IDA, explain below why the Project should be provided financial assistance.

Type here to enter text.

What would be the impact on the Applicant and the associated municipalities if the IDA does not provide financial assistance?

Without the assistance of the IDA, we would likely be forced to seek out other opportunities to locate the facility elsewhere, which would be less efficient for us and, depending on the alternate location, might lead to the loss of some jobs in the effected municipalities.

List below the Sources and Uses of funds for the Project:

<u>Use of Funds</u>	<u>Amount</u>
Land Acquisition:	\$180,000
Building Purchase:	\$0
Construction or Renovation – Labor:	\$260,000
Construction or Renovation – Materials:	\$350,000
Site Work/Infrastructure:	\$700,000
Machinery, Equipment, Fixtures – Taxable:	\$2,900,000
Machinery, Equipment, Fixtures – Non-Taxable:	\$0
Soft Costs, Professional Fees:	\$0
Refinance of existing debt:	\$0
Other: Type here to enter text.	\$0
Total Uses:	\$4,390,000
<u>Source of Funds</u>	<u>Amount</u>
Equity:	\$4,390,000
Financial Institution:	\$0
Public Sector Assistance:	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
Other: Type here to enter text.	\$0
Total Sources:	\$4,390,000

% Public Sources Used to Finance Project:	
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Have any of the above costs been paid or incurred as of the date of this application? Yes No

If Yes, please describe:

If applying for a **Mortgage Recording Tax Exemption**, please list:

Mortgage Amount: \$0

Mortgage Recording Tax Exemption requested (multiply mortgage amount by 1.25%): \$0

If applying for a **Sales Tax Exemption***, please list:

Total cost of goods and services that are subject to NY State and Local Sales Tax: \$3,950,000

Sales Tax Exemption requested (multiply total cost by 8%): \$316,000

*The estimated sales tax amount listed above will be provided to the New York State Department of Taxation and Finance. Applicant acknowledges that the transaction documents may include a covenant by the Applicant to undertake the total amount of investment as proposed within this Application, and that the estimate, above, represents the maximum amount of sales and use tax benefit that the IDA may authorize with respect to this Application. The IDA may utilize the estimate, above, as well as the proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered.

If applying for a **Property Tax Exemption**, IDA staff will use the information contained in this application to create an estimate of real property tax abatement, based on current property tax rates and assessed values, which will be provided to the Applicant and attached to this application.

Section 4: Project Employment

Is the Project necessary to retain existing employment? Yes No

Is the Project necessary to expand employment? Yes No

Please complete the following chart with new and retained jobs using the definitions below:

- A** – Retained Jobs are those that exist at the time of application.
- B** – Jobs Created are those that will be created as a result of the Project in the first year
- C** – Jobs Created are those that will be created as a result of the Project in the second year
- D** – Jobs Created are those that will be created as a result of the Project in the third year
- E** – The sum of jobs to be created during the first three years of the Project.
- F** – The average wage of those existing and created jobs for each Job Type.
- G** – The average cost of benefits offered for existing and created jobs for each Job Type.

Full Time – Any regularly-scheduled employee who works 30 hours or more each week.

Part Time – Any employee who works less than 30 hours per week or who is employed on a temporary basis.

Job Type	A Retained Jobs	B # Jobs Created Year 1	C # Jobs Created Year 2	D # Jobs Created Year 3	E Total New Jobs Created	F Average Annual Wage	G Average Annual Benefit Cost
Full Time							
Management	1	0	0	0	0	\$85,000	\$29,750
Professional	0	0	0	0	0	\$0	\$0
Administrative	2	0	0	0	0	\$68,000	\$23,800
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Field Technicians	43	2	0	0	0	\$52,500	\$18,375
Total FT	46	2	0	0	0	\$2,583,500	\$904,225
Part Time							
Management	0	0	0	0	0	\$0	\$0
Professional	0	0	0	0	0	\$0	\$0

Administrative	0	0	0	0	0	\$0	\$0
Production	0	0	0	0	0	\$0	\$0
Independent Contractor	0	0	0	0	0	\$0	\$0
Other: Type here to enter text.	0	0	0	0	0	\$0	\$0
Total PT	0	0	0	0	0	\$0	\$0
Total FTE	46	2	0	0	0	\$2,583,500	\$904,225

How many of the new, FTE jobs to be created within three years will be filled by residents of the Labor Market Area that includes Steuben, Schuyler, Chemung, Yates, Allegany, and Livingston Counties?

All

The IDA may utilize the foregoing employment projections, among other items, to determine the Financial Assistance that will be offered by the IDA to the Applicant. The Applicant acknowledges that the transaction documents may include a covenant by the Applicant to retain the number of jobs and create the number of jobs with respect to the Project as set forth in this Application.

Please complete the chart below if Applicant provides employment at other sites in New York State:

	Address: 34 & 45 S. Main St., Prattsburgh	Address: 1325 College Ave., Elmira	Address: Type here to enter text.
Total FTEs	80	16	0

Section 5: Representations, Certifications, and Indemnification

Before completing this section, has IDA staff reviewed all previous sections of the Application and acknowledged that they are complete? Yes No

As an authorized representative of Applicant, **James E. Baase** confirms that he/she is the **CEO** of **Empire Long Distance Corporation** named in the Application, and that he/she has read the foregoing Application and knows

the contents thereof, and hereby represents, understands, and otherwise agrees with the IDA, also known as the "Agency," and as follows:

1. 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.
2. 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.
3. 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. Copies of all filings shall be provided to the Agency.
4. 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, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
5. The Applicant acknowledges that certain environmental representations will be required at closing. The Applicant shall provide with this Representation, Certification, and Indemnification Form copies of any known environmental reports, including any existing Phase I Environmental Site Assessment Report(s) and/or Phase II Environmental Investigations. The Agency may require the Company and/or owner of the premises to prepare and submit an environmental assessment and audit report, including but not necessarily limited to, a Phase I Environmental Site Assessment Report and a Phase II Environmental Investigation, with respect to the Premises at the sole cost and expense of the owner and/or the Applicant. All environmental assessment and audit reports shall be completed in accordance with ASTM Standard Practice E1527-05, and shall be conformed over to the Agency so

that the Agency is authorized to use and rely on the reports. The Agency, however, does not adopt, ratify, confirm, or assume any representation made within reports required herein.

6. The Applicant and/or the owner, and their successors and assigns, hereby release, defend and indemnify the Agency from any and all suits, causes of action, litigations, damages, losses, liabilities, obligations, penalties, claims, demands, judgments, costs, disbursements, fees or expenses of any kind or nature whatsoever (including, without limitation, attorneys', consultants' and experts' fees) which may at any time be imposed upon, incurred by or asserted or awarded against the Agency, resulting from or arising out of any inquiries and/or environmental assessments, investigations and audits performed on behalf of the Applicant and/or the owner pursuant hereto, including the scope, level of detail, contents or accuracy of any environmental assessment, audit, inspection or investigation report completed hereunder and/or the selection of the environmental consultant, engineer or other qualified person to perform such assessments, investigations, and audits.
7. Hold Harmless Provision: The Applicant acknowledges and agrees that the Applicant shall be and is responsible for all costs of the Agency incurred in connection with any actions required to be taken by the Agency in furtherance of the Application including the Agency's costs of general counsel and/or the Agency's 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: (i) 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; (ii) the Agency's acquisition, construction and/or installation of the proposed Project described herein; and (iii) 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. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law and the policies of the Agency that any New York State and local sales and use tax exemption claimed by the Applicant and approved by the Agency, any mortgage recording tax exemption claimed by the Applicant and approved by the Agency, and/or any real property tax abatement claimed by the Applicant and approved by the Agency, in connection with the Project, may be subject to recapture and/or termination by the Agency under such terms and conditions as will be established by the Agency and set forth in transaction documents 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 the New York State and local sales and use tax exemption benefit, the amount of the mortgage recording tax exemption benefit, and the amount of the real property tax abatement, if and as applicable, to the best of the Applicant's knowledge, is true, accurate and complete.
8. This obligation includes an obligation to submit an Agency Fee Payment to the Agency in accordance with the Agency Fee policy effective as of the date of this Application.
9. 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. a non-refundable \$1,000 application and publication fee (the “Application Fee”);
 - b. an amount equal to one percent (1%) of the total project costs, unless otherwise agreed to by the Agency; and
 - 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.
10. 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, or 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 or lease/leaseback transaction, then, upon the presentation of an invoice, Applicant shall pay to the Agency, its agents, or assigns all actual costs incurred by the Agency in furtherance of the Application, up to that date and time, including but not necessarily limited to, fees of the Agency’s general counsel and/or the Agency’s bond/transaction counsel.
11. 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 8 and 9 are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
12. The cost incurred by the Agency and paid by the Applicant, the Agency’s general counsel and/or bond/transaction counsel fees and the processing fees, may be considered as a cost 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.
13. The Applicant acknowledges that the Agency is subject to New York State’s Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
14. The Applicant acknowledges that it has been provided a copy of the Agency’s Policy for Termination of Agency Benefits and Recapture of Agency Benefits Previously Granted (the “Termination and Recapture Policy”). The Applicant covenants and agrees that it fully understands that the Termination and Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Termination and Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
15. The 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.

16. 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.
17. 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, as well as may lead to other possible enforcement actions.
18. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
19. In the event that (a) the Company does not proceed to final IDA approval within six (6) months of the date of the initial resolution and/or (b) close with the IDA on the proposed Financial Assistance within twelve (12) months of the date of the initial resolution, the IDA reserves the right to rescind and cancel all approvals provided.
20. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants 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.
21. The Applicant and the individual executing this Application on behalf of Applicant acknowledge receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)(a) of the New York Labor Law.

STATE OF NEW YORK)
COUNTY OF) ss.:

_____, being first duly sworn, deposes and says:

1. That I am the _____ (Corporate Office) of _____ (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 ___ day of _____, 20__.

(Notary Public)

Empire Telephone

Steuben County IDA PILOT - Proposed

	New Construction	Existing 6 Properties	
Assessment	\$300,000	\$282,900	
Prattsburgh Tax Rate/\$1,000	\$7.54	\$7.54	27.0%
County Tax Rate/\$1,000	\$7.78	\$7.78	27.9%
Prattsburgh School District Tax Rate/\$1,000	\$12.59	\$12.59	45.1%
Total Tax Rate/\$1000	\$27.91	\$27.91	
Town Tax Payment	\$2,262	\$2,133	
County Tax Payment	\$2,334	\$2,201	
School District Tax Payment	\$3,777	\$3,562	
Total Estimated Revenue	\$8,373	\$7,896	

Payment In Lieu of Tax Savings Over 10 Years **\$39,760**

Abatement Year	Taxes without PILOT	PILOT on New Construction	Taxes on Existing 6 Properties	Proposed PILOT with New and Existing	Town Portion PILOT	County Portion PILOT	School Portion PILOT	PILOT Savings
Year 1	\$16,269	\$837	\$7,896	\$8,733	\$2,359	\$2,434	\$3,939	\$7,536
Year 2	\$16,594	\$1,708	\$8,054	\$9,762	\$2,637	\$2,721	\$4,403	\$6,832
Year 3	\$16,926	\$2,613	\$8,215	\$10,828	\$2,925	\$3,018	\$4,884	\$6,098
Year 4	\$17,265	\$3,554	\$8,379	\$11,933	\$3,224	\$3,326	\$5,383	\$5,331
Year 5	\$17,610	\$4,532	\$8,547	\$13,078	\$3,533	\$3,646	\$5,899	\$4,532
Year 6	\$17,962	\$5,547	\$8,718	\$14,264	\$3,854	\$3,976	\$6,434	\$3,698
Year 7	\$18,321	\$6,601	\$8,892	\$15,492	\$4,185	\$4,319	\$6,989	\$2,829
Year 8	\$18,688	\$7,694	\$9,070	\$16,764	\$4,529	\$4,673	\$7,562	\$1,924
Year 9	\$19,061	\$8,829	\$9,251	\$18,080	\$4,884	\$5,040	\$8,156	\$981
Year 10	\$19,443	\$10,007	\$9,436	\$19,443	\$5,253	\$5,420	\$8,770	\$0
	\$178,138	\$51,922	\$86,456	\$138,378	\$37,383	\$38,573	\$62,421	\$39,760

Steuben County Industrial Development Agency

MRB Cost Benefit Calculator



Date: July 1, 2023
 Project Title: Empire Long Distance Corporation
 Project Location: Prattsburgh

Economic Impacts

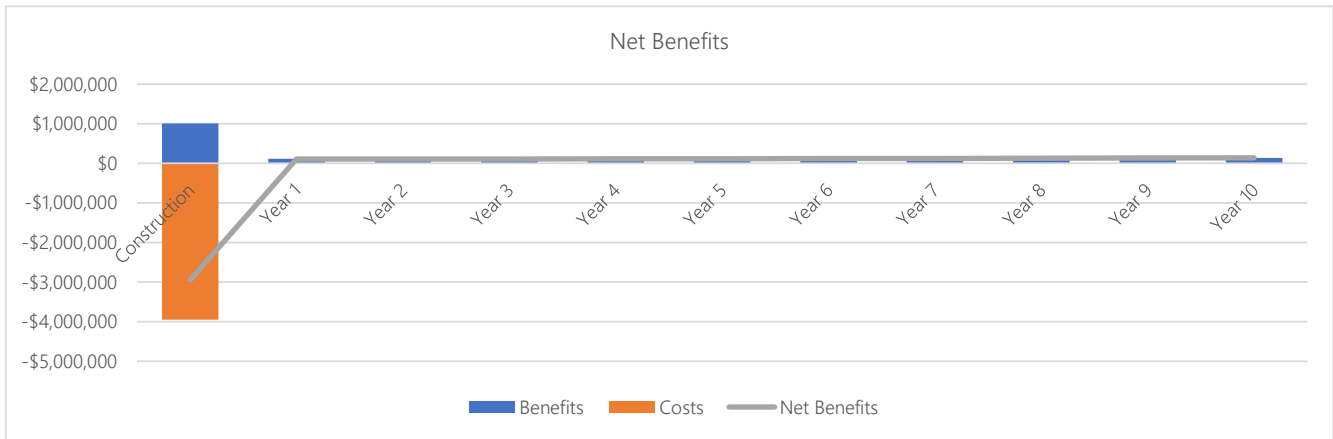
Summary of Economic Impacts over the Life of the PILOT

Project Total Investment
 \$4,390,000

		Temporary (Construction)		
		Direct	Indirect	Total
Jobs		14	3	17
Earnings		\$781,541	\$165,899	\$947,440
Local Spend		\$1,889,895	\$532,675	\$2,422,570

		Ongoing (Operations)		
		Direct	Indirect	Total
Jobs		2	0	2
Earnings		\$1,111,212	\$0	\$1,111,212

Figure 1



Net Benefits chart will always display construction through year 10, irrespective of the length of the PILOT.

Figure 2

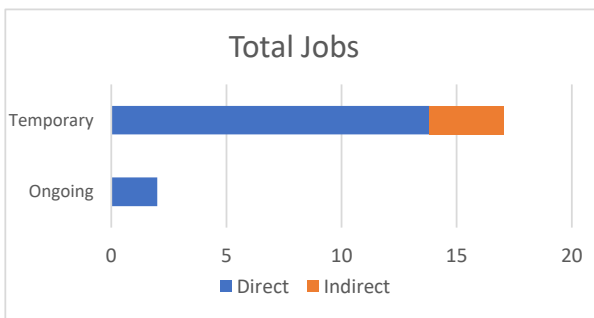
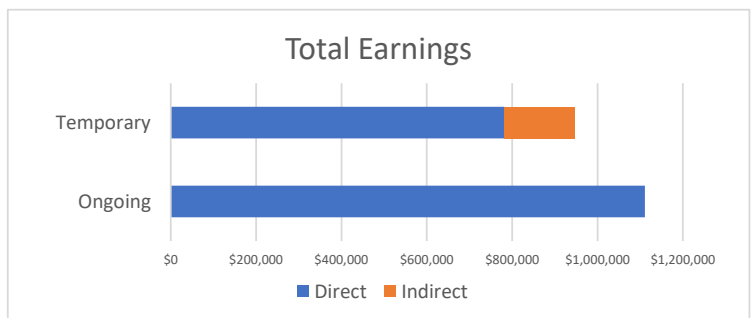


Figure 3



Fiscal Impacts



Cost-Benefit Analysis Tool powered by MRB Group

Estimated Costs of Exemptions

	Nominal Value	Discounted Value*
Property Tax Exemption	\$39,760	\$36,940
Sales Tax Exemption	\$3,950,000	\$3,950,000
Local Sales Tax Exemption	\$1,975,000	\$1,975,000
State Sales Tax Exemption	\$1,975,000	\$1,975,000
Mortgage Recording Tax Exemption	\$0	\$0
Local Mortgage Recording Tax Exemption	\$0	\$0
State Mortgage Recording Tax Exemption	\$0	\$0
Total Costs	\$3,989,760	\$3,986,940

State and Local Benefits

	Nominal Value	Discounted Value*
Local Benefits	\$2,124,981	\$2,001,601
To Private Individuals	\$2,058,652	\$1,942,855
Temporary Payroll	\$947,440	\$947,440
Ongoing Payroll	\$1,111,212	\$995,415
Other Payments to Private Individuals	\$0	\$0
To the Public	\$66,330	\$58,746
Increase in Property Tax Revenue	\$51,919	\$45,146
Temporary Jobs - Sales Tax Revenue	\$6,632	\$6,632
Ongoing Jobs - Sales Tax Revenue	\$7,778	\$6,968
Other Local Municipal Revenue	\$0	\$0
State Benefits	\$107,050	\$101,028
To the Public	\$107,050	\$101,028
Temporary Income Tax Revenue	\$42,635	\$42,635
Ongoing Income Tax Revenue	\$50,005	\$44,794
Temporary Jobs - Sales Tax Revenue	\$6,632	\$6,632
Ongoing Jobs - Sales Tax Revenue	\$7,778	\$6,968
Total Benefits to State & Region	\$2,232,031	\$2,102,629

Benefit to Cost Ratio

	Benefit*	Cost*	Ratio
Local	\$2,001,601	\$2,011,940	1:1
State	\$101,028	\$1,975,000	:1
Grand Total	\$2,102,629	\$3,986,940	1:1

*Discounted at 2%

Additional Comments from IDA

In addition to the two jobs to be created, the company will be retaining 46 jobs at an average wage of \$53,880 plus \$20,000 in benefits.

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

ELECTION TO SURRENDER ALLOCATION

Pursuant to Section 895-i of Chapter 178, Laws of 1972, as amended, the Steuben County Industrial Development Agency, hereby elects to surrender all or a portion of its private activity bond volume allocation for calendar year 2023, an amount equal to \$ 3,394,700 to the County of Monroe Industrial Development Agency, a local agency , and agrees that such election is effective immediately.

Date:

By: _____
Name: James C. Johnson
Title: Executive Director

For: Steuben County Industrial Development Agency

Political Subdivision
Electing to Surrender

By: _____
Name: Ana J. Liss
Title: Executive Director

For: County of Monroe

Industrial Development Agency
Recipient of Surrender Allocation

NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT

PRIVATE ACTIVITY BOND
ALLOCATION ADJUSTMENT REPORT

Name of Agency Steuben County Industrial Development Agency

Address 7234 Route 54 North, P.O. Box 393, Bath, New York 14810

A. ALLOCATIONS

1. Initial \$ 3,394,700
2. From Statewide Bond Reserve \$ 0
3. Transfers FROM Other IDA \$ 0
4. Sum of Allocations Received \$ 3,394,700
(add lines 1, 2 and 3)
5. Minus Transfers TO Other IDA(s) \$ 3,394,700
6. TOTAL ALLOCATION \$ 0

B. BONDS ISSUED

1. Dollar Total of Bonds Issued Subject \$ 0
to Allocation (January 1 to date)
2. Dollar Total of BONDS TO BE ISSUED \$ 0
September 1 - December 31 SUBJECT
TO ALLOCATION
3. BOND ISSUES, TOTAL \$ 0

C. ALLOCATION ADJUSTMENT (SUBTRACT A FROM B)

1. Allocation Surrendered to Reserve
(B LESS THAN A): N/A
2. Additional Allocation Required
(B GREATER THAN A): N/A

SIGNED

PRINTED NAME

DATE