

Application for Assistance Introduction

- I. Each applicant seeking financial assistance through the Niagara County Industrial Development Agency must complete and return the accompanying Application and Environmental Assessment forms. This information is necessary to determine project and/or applicant eligibility.
- II. Subject to the applicable statute, information provided by applicant will be treated confidential until such time as the Agency takes action on the request. In accordance with Article 6 of the Public Officers Law, all records in possession of the Agency are open to public inspection and copy.
- III. The Niagara County Industrial Development Agency has a one thousand dollar (\$1000.00) non-refundable application fee that must accompany the application submission. Additionally, the applicant is responsible for all public hearing expenses.
- IV. At the time of the project closing, project applicant is required to pay certain costs associated with the project financing, including, but not limited to, Agency costs actually incurred. The applicant shall be responsible for the payment of an Agency fee in the amount of one percent (1.00%) of the face value of the project, together with Agency counsel fees as set forth in the Agency fee policy schedule, together with various related costs. Upon request, a fee summary will be provided to the Applicant.
- V. One (1) original signed copy of the Application and Environmental Assessment form should be returned to the Niagara County Industrial Development Agency at 6311 Inducon Corporate Drive, Suite One, Sanborn, New York 14132.
- VI. The following information may 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; and
 2. Projections for the next three (3) years including Balance Sheets, Profit and Loss Statements, Cash Flow Statements by quarters, etc.
- VII. Upon the closing of the Project, the Agency shall have the right to erect a sign at the site indicating the Agency's involvement with the Project. The sign shall be placed in a public viewing area at the direction of the applicant and shall be removed within 30 days of project completion.

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

NCIDA

APPLICATION FOR ASSISTANCE

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Each applicant seeking assistance must complete the accompanying application material which includes the Application for Assistance and Environmental Assessment form. A non-refundable application fee of \$1,000.00 must be included with this application, payable to the Niagara County Industrial Development Agency. Every project seeking NCIDA assistance must use best efforts to use local labor for the construction of new, expanded or renovated facilities.

Please answer all questions. Use "none" or "not applicable" where necessary. Information in this application may be subject to public review under New York State Law, except for information that is considered deniable by the Freedom of Information Law. This form is available online at our web page at www.nccedev.com.

I. APPLICANT DATA

- A. **APPLICANT NAME** **Diversified Manufacturing, Inc.**
- ADDRESS 410 Ohio Street
- CITY/STATE/ZIP Lockport, New York 14094_
- B. **APPLICANT'S OFFICER RESPONSIBLE FOR COMPLETING THIS APPLICATION**
- NAME Brian F. Costello
- TITLE President
- MAILING ADDRESS 410 Ohio Street
- CITY/STATE/ZIP Lockport, New York 14094
- TELEPHONE 716-434-5585
- FAX 716-478-0340
- E-MAIL bcostello@dmimfg.com
- APPLICANT'S TAX
ID NUMBER 16-1478631

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

- C. **BUSINESS TYPE**
- Sole Proprietorship
 - Partnership
 - Privately-held Corporation
 - Public Corporation
 - Not-for-Profit Corporation
 - LLC
 - Other

D. **STATE OF INCORPORATION:**

_____ New York _____

E. **IS APPLICANT AUTHORIZED TO DO BUSINESS IN NEW YORK STATE?**

Yes No

F. **PRINCIPAL STOCKHOLDERS** (Owners of 20% or more of Stock Outstanding)

Name	%	Corporate Title
Brian F. Costello	100%	President

G. **Has the Applicant (or any related entity) received previous NCIDA assistance?**

Yes No.

If yes, please give year(s) and project location

Equipment financing at 410 Ohio Street in 2012 and 2007

H. **APPLICANT'S LEGAL COUNSEL**

FIRM NAME Hiscock & Barclay

ADDRESS 1100 M&T Center

CITY/STATE/ZIP Buffalo, New York 14203-1414

TELEPHONE 716-566-1418

ATTORNEY'S NAME Arnold Zelman

E-MAIL
 azelman@hiscockbarclay.com _____

II. PROJECT & OCCUPANCY DATA

A. LOCATION OF PROPOSED PROJECT FACILITY

ADDRESS 410 Ohio Street, Lockport, New York 14094
PRINCIPAL USE Manufacturing
SBL # 29000108.20-3-32/33 & .20-3-76.1
ZONING Manufacturing

B. INDICATE MUNICIPAL JURISDICTION

TOWN _____
VILLAGE _____
CITY Lockport
SCHOOL DISTRICT Lockport City Schools

C. CURRENT OWNERSHIP OF PROPERTY

CURRENT OWNER Costello Investors LLC
CURRENT ASSESSMENT \$1,270,600
CURRENT TAXES (ANNUAL) \$62,000

D. Who are the principal user(s) of the facility (the "Company")? If there are multiple users, please indicate on attached sheet. If same as Applicant indicate the "same" below.

COMPANY NAME Diversified Manufacturing, Inc.
ADDRESS 410 Ohio Street
CITY/STATE/ZIP Lockport, New York 14094
CONTACT Brian F Costello
TELEPHONE 716-434-5585
TAX ID NO. 16-1478631
% OF FACILITY TO BE OCCUPIED BY COMPANY 100%

E. Are other facilities or related companies located within New York State:

Yes No

LOCATION 155 Pineview Drive
Amherst, New York 14228

If there are other company facilities within the State, will any of these close or be subject to reduced activity?

Yes No

F. Has the company actively sought sites and/or facilities in another country or state?

Yes No

If yes, please describe on separate sheet.

G. Description of project (check one or more)

<input type="checkbox"/>	New Construction	Sq. Footage	_____
<input checked="" type="checkbox"/>	Addition to existing facility	Sq. Footage	37,000
<input type="checkbox"/>	Renovation and modernization of existing facility		
<input type="checkbox"/>	Acquisition and modernization of existing facility		
<input checked="" type="checkbox"/>	New machinery and equipment	Production <input checked="" type="checkbox"/>	Non-Production <input type="checkbox"/>
<input type="checkbox"/>	Other (specify)	_____	

H. Provide a general narrative description of the project, including history and background on user(s) of the facility. Provide information on (Appendix A) for user(s) of the facility. Describe reasons why this project is necessary and its effect it will have on Applicant. Include site plans, renderings, photos, etc.

Diversified Manufacturing has been in business at this location over 50 years. Company is in the metal fabrication business with a full range of welding, machining and assembly services. This project will expand manufacturing space so that another facility at 155 Pineview Drive in Amherst, NY can be moved into and consolidated with the existing facility, such consolidation resulting in substantial operating cost reductions. This will make the financial results of the business stronger, helping to protect employee jobs.

III. COMPANY EMPLOYMENT INFORMATION

A. **Total current employment within Niagara County is**

99 Full-Time 7 Part-Time

**Current Annual Payroll
Including benefits** \$5,850,000

B. **Projected Employment:**

Applicant or principal user(s) must complete Appendix A.

IV. EMPLOYMENT IMPACT

Every project seeking NCIDA assistance must use best efforts to use Niagara County labor for the construction of new, expanded or renovated facilities. This requirement includes all project employees of the General Contractor, Subcontractor or sub to a Subcontractor, working on the project. Applicant agrees and understands the obligations herein, and agrees to transmit and convey in a timely fashion this requirement to all applicable contractors, subcontractors, suppliers and materialmen.

A. Will Niagara County contractors and/or subcontractors be utilized for the construction project?

Yes No

B. What is the estimated number of construction jobs to be created at the project site from

Niagara County: 65 Erie County: _____ Other Areas _____

V. APPLICANT PROJECT COSTS AND FINANCING

A. **Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the applicant.**

Estimated Costs Eligible for Sales Tax Exemption Benefit

a.	Building Construction or Renovation Costs	a.	\$ 3,027,000
b.	Sitework	b.	\$ 1,245,000
c.	Non-manufacturing Equipment	c.	\$ _____
d.	Furniture, Fixtures	d.	\$ _____
e.	Other (specify)	e.	\$ _____
f.	Subtotal	f.	\$ 3,247,000

Estimated Costs Not Subject to Sales Tax

g.	Land and/or Building Purchase	g.	\$ _____
h.	Manufacturing Equipment	h.	\$ 495,000
i.	Soft Costs (Legal, Architect, Engineering)	i.	\$ 27,000
j.	Other (specify) _____	j.	\$ _____
k.	Subtotal	k.	\$ 512,000

Total Project Costs **f + k** \$ 4,794,000

B. **Indicate how the project will be financed**

a.	Tax-Exempt IRB	a.	\$ _____
b.	Tax-Exempt Bond	b.	\$ _____
c.	Taxable Industrial Revenue Bond	c.	\$ _____
d.	Bank Financing	d.	\$ 3,400,000
e.	Public Financing	e.	\$ 400,000
f.	Equity	f.	\$ 994,000

TOTAL SOURCES \$ _____

Estimated Amount of Mortgage **\$ 4,794,000**

C. If applicant expects the Tax-Exempt IRB to exceed \$1,000,000, what is the dollar value of "capital expenditures" that the applicant and company, or any related company or person, has expended within the last three years in the municipality in which the proposed project is to be located and expects to expend in that municipality three years after the bond issue?

D. Has the applicant made any arrangements for the financing of the project?

Yes No

If so, please specify bank, underwriter, etc.

M&T Bank _____

VI. PROJECT CONSTRUCTION INFORMATION

A. What is the proposed commencement date of construction or acquisition of the project?

April 22, 2013 _____

B. Outline the timetable for the project, indicating when project will be in full use.

Construction is planned to be completed by August 15, 2013 with full occupancy by September 15, 2013

VII. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

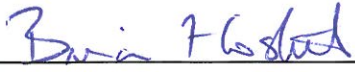
- A. Job Listings. In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created 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: _____.
- F. Local Labor: The Applicant understands that the residents of Niagara County will be providing assistance to the project. The Applicant further understands that every project seeking NCIDA assistance must use best efforts to use Niagara County labor for the construction of new, expanded or renovated facilities. This requirement includes all project employees of the General Contractor, Subcontractor or sub to a Subcontractor, working on the project. Applicant agrees and understands the obligations herein, and agrees to transmit and convey in a timely fashion this requirement to all applicable contractors, subcontractors, suppliers and materialmen.

VIII. ENVIRONMENTAL ASSESSMENT

New York State law requires that an Environmental Assessment Form (EAF) must be completed and submitted along with this application. Attach the EAF which was submitted to the municipality.

Name of Applicant's Officer Responsible for Completing Application:

(Please Print) Brian F. Costello

Signature  _____

Date of Application 03/06/2013

CERTIFICATION

Brian F. Costello

Name of chief executive of the company submitting application

Deposes and says that he/she is the President _____

of Diversified Manufacturing Inc _____, the corporation named in the

attached application; that he/she has read the foregoing application and knows the contents thereof; that the same is true to

his/her knowledge. Deponent further says the reason this verification is made by the deponent and not by _____

____Diversified Manufacturing Inc. _____, (company name) is because the said company is a corporation. The grounds of deponent's belief relative to all matters in the said 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 this 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.

As officer of said corporation (hereinafter referred to as the "applicant") deponent acknowledges and agrees that applicant shall be and is responsible for all costs incurred by the nonprofit Niagara County Industrial Development Agency (hereinafter referred to as the "Agency") acting on behalf of the attached application whether or not the application, the project it describes, the attendant negotiations and ultimately the necessary issue of bonds and/or completion of the lease/leaseback transaction are ever carried to successful conclusion. If, for any reason whatsoever, the applicant fails to act within a reasonable or specified period of time to take reasonable, proper, or requested actions or withdraws, abandons, cancels, or neglects the application or if the Agency or applicant are unable to identify buyers willing to purchase the total bond issue required or facilitate the lease/leaseback transaction, then upon presentation of invoice, applicant shall pay to the Agency, its agents, or assigns all actual costs involved in conduct of the application, up to that date and time, including but not necessarily limited to fees of bond counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion and sale of the required bond issue or completion of the lease/leaseback transaction, the applicant shall pay to the Agency an administrative fee set by the Agency. The cost incurred by the Agency and paid by the applicant, including bond counsel and the Agency's general counsel's fees and the administrative fee, may be considered as a cost of the project and included as part of the resultant bond issue or lease/leaseback transaction.

Brian F. Costello

Print Name of Chief Executive



Signature

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

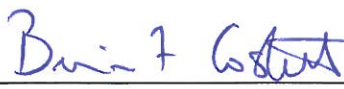
PROJECTED EMPLOYMENT*

	Full-Time		Part-Time	Total	Total Payroll*
Total number of employees within Niagara County at the date of application	99	+	7	116	5,850,000
Total number of employees to be directly <u>IMPACTED</u> by the project:	99	+	7	116	5,850,000
ADD: Number of new jobs to be created During the first year after completion:	46	+	6	52	2,600,000
Total end of first year:	145	+	13	158	8,450,000
ADD: Number of new jobs to be created During the second year after completion: _____	_____	+	_____	_____	_____
Total end of second year:	145	+	13	158	8,650,000
ADD: Number of new jobs to be created During the third year after completion: _____	_____	+	_____	_____	_____
Total end of third year:	145	+	13	158	8,850,000
Estimated average annual salary of <u>new</u> jobs to be created:	40,800				
Expected high salary of <u>new</u> jobs to be created:	70,000				
Expected low salary of <u>new</u> jobs to be created:	25,000				

List types of jobs (i.e. production, managerial, clinical, engineering, etc.) to be created.
Production, managerial and clerical

*Applicant or principal user(s) as noted in Section III B of application (includes benefits)

Brian F. Costello
Print Name



Signature

03/06/2013
Date