

I. Eligibility Questionnaire - Applicant Background Information

Answer all questions. Use "None" or "Not Applicable" where necessary.

A) Applicant Information-company receiving benefit:

Applicant Name: Cimolai-HY LLC
Applicant Address: c/o Related Companies, 30 Hudson Yards, 82nd Floor
City/Town: New York State NY Zip: 10001
Phone: (302) 593-4921
E-mail: john.kelly@related.com

B) Business Organization (check appropriate category):

Corporation	<input type="checkbox"/>	Partnership	<input type="checkbox"/>
Public Corporation	<input type="checkbox"/>	Joint Venture	<input type="checkbox"/>
Sole Proprietorship	<input type="checkbox"/>	Limited Liability Company	<input checked="" type="checkbox"/>
Other (specify)			
Year Established:	<u>2022</u>	State in which Organization is established:	<u>DE</u>

C) Individual Completing Application:

Name: John Kelly
Title: Member Board of Managers
Address: c/o Related Companies, 30 Hudson Yards, 82nd Floor
City/Town: New York State: NY Zip: 10001
Phone: (302) 593-4921 E-Mail: john.kelly@related.com

D) Company Contact (if different from individual completing application):

Name: _____
Title: _____
Address: _____
City/Town: _____ State: _____ Zip: _____
Phone: _____ E-Mail: _____

E) Company Counsel:

Name of Attorney: Douglas Dimitroff
Firm Name: Phillips Lytle LLP
Title: Partner
Address: One Canalside, 125 Main St.
City/Town: Buffalo State: NY Zip: 14203
Phone: (716) 847-5408 E-Mail: DDimitroff@phillipslytle.com

F) Benefits Requested (select all that apply):

- | | |
|-------------------------------------|--|
| 1. Exemption from Sales Tax | <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No |
| 2. Exemption from Mortgage tax | <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No |
| 3. Exemption from Real Property Tax | <input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No |
| 4. Tax Exempt Financing* | <input type="checkbox"/> Yes or <input type="checkbox"/> No |

* (typically for not-for-profits & small qualified manufacturers)

G) Applicant Business Description:

Describe in detail company background, history, products and customers. Description is critical in determining eligibility:

Cimolai-HY LLC is a start-up formed as a joint venture between the Related Companies L.P. and Cimolai S.p.A. Each partner has significant experience in the fabrication of structural steel. Both companies are present in this market, as users and producers, and Cimolai-HY LLC was created to expand that presence and support the expansion and vertical integration of both organizations.

Cimolai-HY will pursue large infrastructure projects such as commercial buildings, bridges, schools, airports, sports stadiums, manufacturing facilities (e.g. microchip manufacturing), industrial facilities and projects in the clean energy sector (e.g. convertor stations and steel components for offshore wind projects).

RELATED COMPANIES OVERVIEW

Formed 50 years ago within the affordable housing sector, Related has grown into a fully-integrated and highly diversified company with expertise in every asset class and every aspect of real estate including development, construction, vertically integrated trade contracting and value engineering, acquisitions, management, finance and operations.

Related is the most prominent private real estate firm in the US with over \$60 billion of properties owned or under development. These properties include large and complex city center developments, such as the 28-acre Hudson Yards neighborhood on Manhattan's West Side, the Grand and Related Santa Clara in California, The 78 in Chicago and Rosemary Square and the Flagler Waterfront District in West Palm Beach. The company is also proud to be the largest private owner of affordable developments in the country, with a portfolio of over 50,000 units.

Related also owns and operates manufacturing, engineering, and construction resources that enable us to design innovative sustainable solutions, deliver on our cutting-edge design and architecture and secure our supply chain for our customers and end users. We established, built and operate New Hudson Facades, a national architectural facade company specializing in the design, engineering, manufacturing, and installation of facades on world class buildings, including the corporate headquarters of several Fortune 500 companies. Our 180,000 square foot manufacturing facility in Linwood, Pennsylvania is equipped with the industry's most advanced technology and is capable of fabricating over 1.5 million square feet of curtain wall per year, with 400 employees and annual sales of \$250 million. Related also owns and operates large-scale HVAC and mechanical contracting, renewable energy engineering, procurement, and construction (EPC), and cogeneration facility operations.

With a commitment to excellence, sustainability and diversity and a focus on innovation, wellness, culture and hospitality, Related fosters leading-edge technology and ideas to fulfill its vision and was recently named to Fast Company Magazine's list of the 50 Most Innovative Companies in the World.

Headquartered in New York City, Related has additional offices and major developments in Boston, Chicago, Los Angeles, San Francisco, West Palm Beach, Washington, D.C. and London, and boasts a team of over 4,000 professionals. Related has also developed integrated partnerships with leading lifestyle brands in fitness, beauty, hospitality, culinary, tech, finance, healthcare, retail and e-commerce. Please visit our website to learn more about our capabilities and experience: www.related.com

CIMOLAI GROUP OVERVIEW

Cimolai is an industrial group specializing in the realization of large, complex works and a world leader in the design, supply and erection of all types of steel structures. These range from bridges and stadiums, to architecturally complex buildings and structures for the Off-shore, Oil & Gas and Clean Energy sectors, either providing commodities such as pipes and plate girders or complete assemblies including modules, platforms and pressure vessels.

Cimolai also produces Curtain Wall and Facades, provides special coating systems and designs and manufactures Material Handling Systems for oversize components.

History of Company

In 1949 Armando Cimolai, after working as a labourer, decides that the time is ripe to start his own business; with Albina, his young wife, he opens a small plant workshop in North Italy. The economic boom in Italy during the 1960's greatly

encouraged the expansion of the family business with different plants in Region Friuli. During the years Cimolai had to adapt quickly to the needs of the market, and the name Cimolai became synonymous with professionalism and reliability throughout Europe and the rest of the world, thanks to the subsequent projects undertaken, such as famous stadiums, bridges and aircraft shelters.

With expansion into the foreign market came the necessity to consider transportation. With this in mind, after 2000 some plants with direct access of Adriatic Sea were constructed and equipped with a mooring quay for ocean going vessels. Production of large pipes began in 2003 and the fabrication of ship hulls in 2007. The company's growth continued with the acquisition, in 2012, of Zwahlen & Mayr SA, a leading Swiss structural steelwork company was bought.

In the following years various companies were set up dedicated to curtain wall, design and construction of cladding for civil and industrial buildings, Oil& Gas industry, and services for heavy structures. In the last few years the company has continued to grow and expand, above all internationally, reaching an annual consolidated sales volume of approximately \$500 million. Cimolai strengthened its presence in Central and South America with technologically advanced projects, while in Europe, as general contractor, it expanded its fields of operation.

Production capacity

Cimolai workshops are located in North Italy (6 shops) and in Switzerland with a total covered production area of 2.8 million squarefeet and are equipped with the most modern machines possible for the construction of steel structures. These include automatic cutting and drilling lines, laser cutting lines for profiles and automatic mechanical movement for plates, welding robots, automatic dimensional control to enable pipe production, new heat treatment furnaces. Secondly, in order to fulfill major project requirements, the conventional manual UT testing was replaced by a new automatic UT testing method. In addition, Cimolai completed the certification process for environmental ISO 14001 in all its production sites. With over 2,000,000 man hours worked annually, Cimolai produces 160,000 tons of steel per year.

Headquartered in Pordenone - Italy, Cimolai has additional offices and major developments in Europe (France, UK, Belgium, Swiss, Ireland, Croatia, Greece), US, South America (Chile, Peru), Middle East (Israel, Emirates, Qatar), Africa (Algeria, Morocco, Botswana) and boasts a team over 2.500 employees.
Please visit our website to learn more about our capabilities and experience: www.cimolai.com

Estimated % of sales within Cattaraugus County:	-
Estimated % of sales outside Cattaraugus County but within New York State:	30% **
Estimated % of sales outside New York State but within the U.S.:	70% **
Estimated % of sales outside the U.S.:	-
(*Percentage to equal 100%)	

** Estimated only. This project would cover a large geographic area between Boston and Chicago, and from Buffalo to Washington D.C. It is difficult to predict where exactly work would occur.

For your operations, company, and proposed project, what percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Cattaraugus County TBD %.

Identify vendors within Cattaraugus County for major purchases:

We have not operated in this market place, and it is not possible to determine percentages of raw materials and supplies that would be purchased in Cattaraugus County.

However, this plant would provide significant support to the local economy through utilization of the existing supply chain and small businesses that previously provided services to this plant, including processing of scrap metals, trucking and logistics, facilities management (snow removal, landscaping, HVAC, building maintenance, fire alarm and security etc), tools and hardware and industrial supply stores.

We have already contacted several local businesses in Cattaraugus County and Olean, including:

Alarm Monitoring
Access Control / Video Security
Life Safety Systems
HVAC Maintenance
Security Guards

Allied Alarm Services
Allied Alarm Services
Allied Alarm Services
Mazza Mechanical Services
OSS Inc.

II. Eligibility Questionnaire - Project Description & Details

A) Project Location

Address of Proposed Project Facility: 500 Paul Clark Drive
City/Town: Olean School District: Olean City
SBL Number(s) for proposed Project: 94.048-1-2.1 and 94.048-1.28

Current Address (if different): _____
City/Town: _____

What are the current real estate taxes on the proposed Project site? \$332,241

If amount of current taxes is not available, provide assessed value for each

Land: \$ _____ Building(s): \$ _____ *If available include a copy of current tax receipt.*

Are Real Property Taxes current at project location? ☒ Yes or ☐ No. If no, explain:

Yes – they appear to be based on publicly available information.

Does the Applicant or any related entity currently hold fee title have an option/contract to purchase the Project site? ☒ Yes or ☐ No. If No, indicate name of present owner of the Project site:

Describe the present use of the proposed Project site (vacant land, existing building, etc.):

The site was formerly a manufacturing facility for large, industrial compressors and their components, owned and operated by Siemens Energy, and prior to that by Dresser Rand. Operations were wound down between February 2021 and +/- April 2022 and the plant is currently idle and most of the machinery has been removed.

As such, the site consists of empty industrial buildings and office space, save for one floor of an office building still occupied by Siemens Energy with office personnel.

B) Project Description

Provide a narrative of the purpose of the proposed Project (new build, renovations, expansion), square footage of existing buildings (if any) and new construction contemplated and/or equipment purchases. Identify specific uses occurring within the project. Describe any and all tenants and any/all end users: (This information is critical in determining project eligibility. Add an attachment if necessary.):

This Project proposes to re-open an industrial manufacturing facility located in Olean, NY that has been closed by its current owner / operator. Manufacturing has occurred continuously at this site for over 110 years, and the plant is a large and generational employer in the community and surrounding areas. The closure has led to the loss of approximately 800 jobs. The facility is located on an 88 acre site and has approximately 950,000 sq-ft under roof. This consists of multiple buildings - 2 industrial plants, 1 large and 2 small office buildings and 7 satellite buildings for storage and testing (13 structures total).

The Project involves the acquisition and renovation of the existing plant in Olean, NY and outfitting it with the machinery, tools and equipment required for the fabrication of structural steel. The steel fabricated at this site will be used for large infrastructure projects such as buildings, bridges, schools, airports, sports stadiums, manufacturing facilities (e.g. microchip manufacturing), industrial facilities and projects in the clean energy sector (e.g. convertor stations and components for offshore wind projects). Cimolai-HY will also compete to provide NY based engineering and manufacturing support to Green Energy projects, such as Clean Path NY and Offshore Wind in the NY Bight.

Cimolai-HY will fabricate structural steel and pursue large infrastructure projects such as buildings, bridges, schools, airports, sports stadiums, manufacturing facilities (e.g. microchip manufacturing), industrial facilities and projects in the clean energy sector (e.g. convertor stations and components for offshore wind projects).

In addition, Siemens Energy will lease approximately 40,000 sq-ft of office space in the Technical Center (the large office building) on a short term basis.

Will the completion of the Project 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? ☐ Yes or ☒ No

If the Proposed Project is located in a different municipality within New York State in which current operations are being undertaken, is it expected that any of the facilities in any other municipality will be closed or be subject to reduced activity? ☐ Yes or ☒ No If Yes, you will need to complete Section V, *The Inter-municipal Move Determination*

Is the project reasonably necessary to prevent the project occupant from moving out of New York State? ☒ Yes or ☐ No. If yes, explain and identify out-of-state locations investigated, type of assistance offered and what competitive factors led you to inquire about sites outside of New York State? Provide supporting documentation if available:

If the project does not move forward at the Olean site, other project sites will be considered and evaluated.

Have you contacted or been contacted by other Local, State and/or Federal Economic Development Agencies?

☒ Yes or ☐ No. If yes, indicate the Agency and nature of the inquiry below:

Empire State Development
Governor Hochul's Office
Senate Majority Leader Schumer's Office

Describe the reasons why the Agency's financial assistance is necessary, and the effect the Project will have on the Applicant's business or operations. Focus on competitiveness issues, project shortfalls, etc... Your eligibility determination will be based in part on your answer (attach additional pages if necessary):

As this project would involve the re-opening and retrofitting of a shuttered manufacturing facility that would be used for a significantly different type of production, the applicant is seeking financial assistance to offset the needed renovations to the existing facility and the extremely significant capital cost required for the acquisition of machinery and equipment.

Significant re-training of employees is required to bring the plant to an operational state and then to improve efficiency of production to the point where the plant will be competitive in the market place. In addition, the anticipated labor costs for this facility are higher than in other markets that were evaluated, and the applicant is seeking assistance to help offset this higher expected operating cost for labor.

This project is not economically viable without assistance.

If this project moves forward, it will create approximately 215 highly-skilled and highly-paid manufacturing jobs and an additional 25 – 30 office jobs between 2023 and 2025. There is also future potential to grow at this site without the need for building expansion, or significant additional capital investment.

Confirm by checking the box, below, if there is likelihood that the Project would not be undertaken but for the financial assistance provided by the Agency? ☒ Yes or ☐ No

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

Not Applicable

If the Applicant is unable to obtain financial assistance for the Project, what will be the impact on the Applicant and Cattaraugus County?

The project will not move forward. This will negatively impact the applicant's ability to pursue this business opportunity in NY and will negatively impact Olean and the surrounding areas, specifically the 250 direct jobs that will not be created. In addition, the support that this plant would generate for the local economy would not occur, i.e. the utilization of the existing supply chain and small businesses that formerly provided services to this plant, including processing of scrap metals, trucking and logistics, facilities management (snow removal, landscaping, HVAC, etc), tools and hardware and industrial supply stores.

Of the 3 potential buyers that were interested in this property (to best of Applicant's knowledge), Applicant was the only one who intended to use this site for manufacturing. Other interested parties were looking to use the facility for data management or crypto currency mining which would not lead to the same level of job creation.

C) Site Characteristics

Will the Project meet zoning/land use requirements at the proposed location: ☒ Yes or ☐ No

Describe the present zoning/land use: Industrial

If a change in zoning/land use is required, provide details/status of any request for change of zoning/land use requirements:

Not Applicable

Has a project related site plan approval application been submitted to the appropriate planning department?

☐ Yes or ☒ No

If yes, include the applicable municipality's and/or planning department's approval resolution, the related State Environmental Quality Review Act ("SEQR") "negative declaration" resolution, if applicable, and the related Environmental Assessment Form (EAF), if applicable.

If No, list the CCIDA as, or ensure that the CCIDA is listed as, an "Involved Agency" on the related EAF that will be submitted to the appropriate municipality and/or planning department for site plan approval and provide to the EAF to the lead agency and to the CCIDA.

If No, because site plan approval is not otherwise required, complete and submit the EAF along with this Application to the CCIDA.

Is the proposed project located on a site where the known or potential presence of contaminants is complicating the development/use of the property? ☐ Yes or ☒ No If yes, explain:

Has a Phase I Environmental Assessment been prepared or will one be prepared with respect to the proposed project site? ☒ Yes or ☐ No If yes, provide a copy.

D) Project Type**Select Project Type/Use for all end users**

Acquisition of Existing Facility	<input checked="" type="checkbox"/>	Life Care Facility (CCRC)	<input type="checkbox"/>
Affordable/Workforce Housing	<input type="checkbox"/>	Market Rate Housing	<input type="checkbox"/>
Assisted Living	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>
Back Office	<input type="checkbox"/>	Multi-Tenant	<input type="checkbox"/>
Civic Facility (not for profit)	<input type="checkbox"/>	Renewable Energy	<input checked="" type="checkbox"/>
Commercial	<input type="checkbox"/>	Research/Design	<input type="checkbox"/>
Senior Housing	<input type="checkbox"/>	Retail	<input type="checkbox"/>
Facility for Aging	<input type="checkbox"/>	Warehousing	<input type="checkbox"/>
Industrial/Manufacturing	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>
Tourism Facility/Project	<input type="checkbox"/>		

Will customers personally visit the Project site for either of the following economic activities indicated below? If yes with respect to either economic activity indicated below, complete Section IV, Retail Questionnaire.

Retail Sales: ☐ Yes or ☒ No

Services: ☐ Yes or ☒ No

* For purposes of this question, the term “retail sales” means (i) sales by a registered vendor under Article 28 of the New York Tax Law (the “Tax Law”) primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the project.

For the proposed Project Facility, indicate the square footage for each of the uses outlined below:

****If applicant is paying for FFE for tenants, include in cost breakdown**

	Square Footage	Cost	% of Total Cost of Project
Manufacturing/Processing	774,965	\$6,341,487	82%
Warehouse			
Research & Development			
Commercial			
Retail (see retail questionnaire)			
Office	172,128	\$1,408,512	18%
Renewable Energy			
Specify Other			

What is the estimated project timetable (provide dates):

1. Start date: acquisition of equipment or construction of facilities: August 2022
2. Estimated completion date of project: July 2026
3. Project occupancy – estimated starting date of occupancy: January 2023

E) Overall Project Costs

Estimated costs in connection with Project:

1. Land and/or Building Acquisition			\$ 7,750,000
88.1	acres	947,093	square feet
2. New Building Construction	0	square feet	\$ -
3. New Building Addition(s)	0	square feet	\$ -
4. Infrastructure Work			\$ 0
5. Reconstruction/Renovation	N/A	square feet	\$ 1,500,000
6. Manufacturing Equipment			\$ 34,332,906
7. Non-Manufacturing Equipment (furniture, fixtures, etc.)			\$ 500,000
8. Soft Costs: (Legal, architect, engineering, etc.)			\$ 603,105
9. Other, Specify: Start Up, Commissioning & Training			\$ 11,169,533
TOTAL Costs:			\$ 55,855,544

Construction Cost Breakdown:

Total Cost of Construction	\$ 1,500,000	(sum of 2,3,4 and 5 above)
Cost of materials:	\$ TBD	
% sourced in Cattaraugus County	TBD	%

Have any of the above costs been paid or incurred as of the date of this application? ☐ Yes or ☒ No
If yes, describe: _____

Sources of Funds for Project:

Bank Financing	\$
Equity (excluding equity that is attributed to grants/tax credits)	\$ 55,855,544 **
Public Sources (Include sum total of all state and federal grants and tax credits)	\$
Identify each state and federal grant/credit: (i.e. Historic Tax Credit, New Market Tax Credit, Brownfield Cleanup Program, ESD, other public sources)	
Unknown	\$
	\$
	\$
Total Sources of Funds for Project Costs:	\$

**Equity to be refinanced with debt at a future time.

Have you secured financing for the project? ☐ Yes ☒ No. If yes, provide a copy of the loan commitment to the Agency.

Project refinancing estimated amount, if applicable (for refinancing of existing debt only): \$ 0

Sales and Use Tax Benefit: Gross amount of costs for goods and services that are subject to State and Local Sales and Use Tax - said amount to benefit from the Agency's sales and use tax exemption benefit: \$ 5,000,000

Estimated State and Local Sales and Use Tax Benefit (multiply 8.0% by the figure, above): \$400,000

*** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents 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 Agency may authorize with respect to this Application, unless otherwise amended and approved by the Agency. The Agency 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.*

Mortgage Recording Tax Exemption Benefit: Amount of mortgage, if any that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 10,000,000
Estimated Mortgage Recording Tax Exemption Benefit (multiply the mortgage amount as indicated above by 1.25 %): \$ 125,000

Real Property Tax Benefit:

Identify and describe if the Project will utilize a real property tax exemption benefit OTHER THAN the Agency's PILOT benefit (487, 485-b, other): None

IDA PILOT Benefit: See Section VI of this Application. Agency staff will indicate the amount of PILOT Benefit based on estimated Project Costs as contained herein and anticipated tax rates and assessed valuation, including the annual PILOT Benefit abatement amount for each year of the PILOT benefit year and the sum total of PILOT Benefit abatement amount for the term of the PILOT.

F) Job Retention and Job Creation

Is the project necessary to expand project employment? ☒ Yes or ☐ No

Is project necessary to retain existing employment? ☐ Yes or ☒ No

Employment Plan (Specific to the proposed project location):

	Current # of jobs at proposed project location or to be relocated at project location	If financial assistance is granted – project the number of FT and PT jobs to be retained	If financial assistance is granted – project the number of FT and PT jobs to be created upon 24 months (2 years) after Project completion	Estimate number of residents of the Labor Market Area in which the project is located that will fill the FT and PT jobs to be created upon 24 months (2 years) after project completion **
Full time (FT)	0	0	246	220 approx.
Part Time (PT)	0	0	0	0
Total ***	0	0	246	220 approx.

** The Labor Market Area includes the Counties of Cattaraugus, Erie, Allegany, Chautauqua and Wyoming. For purposes of this question, estimate the number of FT and PT jobs that will be filled, as indicated in the third column, by residents of the Labor Market Area, in the fourth column.

*** By statute, Agency staff must project the number of FT jobs that would be retained and created if the request for Financial Assistance is granted. Agency staff will project such jobs over the two-year time period following Project completion. Agency staff converts PT jobs into FT jobs by dividing the number of PT jobs by two (2).

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

Category of jobs to be retained and/or created	# of employees retained and/or created	Average salary for Full Time	Average fringe benefits for full time ***	Average salary for part time, if applicable	Average fringe benefits for part time, if applicable
Management	4	\$180,000	30%	-	-
Financing / Purchasing	10	\$92,500	30%	-	-
Sales & Technical Mgmt	7	\$105,000	30%	-	-
Quality, Health & Safety	5	\$105,000	30%	-	-
Production	215	\$54,080	30%	-	-
Production Management	5	\$111,250	30%	-	-
Other	-	-	-	-	-

** Note that the Agency may utilize the foregoing employment projections, among other items, to determine the financial assistance that will be offered by the Agency 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.

*** 30% is estimated percentage of salary to cover benefits (401K, healthcare etc), payroll taxes etc.

Payroll Information:

Annual Payroll at proposed project site upon project completion	\$ 15,088,450 ***
Estimated average annual salary of jobs to be retained (full time)	\$ -
Estimated average annual salary of jobs to be retained (part time)	\$ -
Estimated average annual salary of jobs to be created (full time)	\$ 61,335 ***
Estimated average annual salary of jobs to be created (part time)	\$ -
Estimated salary range of jobs to be created	\$ 54,080 - \$180,000 ***
From (full time) \$ 54,080	To (full time) \$ 180,000
From (part time) \$ -	To (part time) \$ -

*** Above figures do not include estimated additional 30% to cover payroll taxes and benefits.

III. Part A: Facility Type - Multi-Tenant Determination

If this is a Single-Use facility fill in section A. If this is a Multi-Tenant fill in section B.

A) For Single Use Facility (to be filled out by developer):

Occupant Name: Cimolai-HY LLC
Address: 30 Hudson Yards
City/Town: New York State: NY Zip: 10001
Contact Person: John Kelly
Phone: (302) 593-4921 Fax: _____
E-Mail: John.kelly@related.com
Federal ID #: _____ NAICS Code: 332312
Fabricated Structural Metal
Manufacturing

B) Multi-Tenant Facility (to be filled out by developer):

Have any tenant leases been entered into for this project ☒ Yes or ☐ No.

If yes, list below and provide square footage to be leased to tenant and NAICS Code for tenant and nature of business.

Tenant Name	Current Address (city, state, zip)	# of sq. ft. and % of total to be occupied at new project site	Briefly describe type of business, products services
Siemens Energy	500 Paul Clark Dr., Olean, NY 14760	43,910	Office
Note: Seller (Siemens) will maintain (lease back) some of the of the office space on the campus for a 3 year period.			

Part B: Tenant Form

**** This section must be completed for each proposed tenant ****

A Retail Questionnaire will need to be prepared for each proposed tenant if customers will personally visit the tenant to either participate in a retail sale transaction or pay for a service.

An Inter-Municipal Move Determination will need to be completed for each proposed tenant that is relocating from another municipality or abandoning an existing facility.

Property Address: 500 Paul Clark Dr.

City/Town: Olean, NY 14760

Tenant Name: Siemens Energy

Amount of space to be leased: 43,910 SF. What percentage of the building does this represent? 5 %

Are terms of the lease: ☐ GROSS or ☒ NET

If GROSS lease, explain how Agency benefits are passed to the tenant:

Estimated date of occupancy: August 31st, 20 22

Company Name: Siemens Energy

Current Address: 500 Paul Clark Dr

City/Town: Olean, NY 14760 State: _____ Zip: _____

Local Contact Person: John Mulryan Title: General Manager

Phone: _____ E-mail: John.Mulryan@siemens-energy.com

Company President/General Manager: _____

Number of employees to be relocated to new project location: N/A

Full-Time: _____ Part-Time: _____ Total: _____

List the square footage which the proposed tenant will lease at the Project location: 43,910 SF

List the square footage which the proposed tenant leases at its present location(s): New Lease / Same SF
Location

Will the project result in relocation from one municipality to another and/or abandonment from other tenant/user(s) facilities in New York State?

☐ Yes or ☒ No.

If Yes, fill out Inter-Municipal-Move Determination form.

What will happen to the existing facility once vacated?

T.B.D.

If leased, when does lease expire? August 31st, 20 25

Are any of the proposed tenant's current operations located in facilities which have received an Industrial Development Agency benefit? ☐ Yes or ☐ No. Unknown

If yes, provide details as to location, and amount of leased space, how long leased?

IV. Retail Questionnaire

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or to purchase services.

Answer the following:

A. Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

☐ Yes or ☒ No. If the answer is yes, continue below. If no, proceed to next section.

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

B. What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? ____%. **If the answer is less than 33% do not complete the remainder of the retail determination and proceed to Inter-Municipal Move Determination.**

If the answer to A is Yes AND the answer to Question B is greater than 33.33%, indicate which of the following questions below apply to the project:

1. Will the project be operated by a not-for-profit corporation? ☐ Yes or ☐ No.
2. Is the Project location or facility likely to attract a significant number of visitors from outside the economic development region (Cattaraugus, Erie, Allegany, Chautauqua and Wyoming counties) in which the project will be located? ☐ Yes or ☐ 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 proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services? ☐ Yes or ☐ 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 or ☐ No.

If yes, explain

5. Is the project located in a Highly Distressed Area? ☐ Yes or ☐ No.

V. Inter-Municipal Move Determination

If completion of a Project benefiting from Agency Financial Assistance results 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, then it must be shown that Agency Financial Assistance is required to prevent the project occupant from relocating out of the state, or is reasonably necessary to preserve the project occupant's competitive position in its respective industry.

Current Address: Not Applicable
City/Town: _____ State: _____ Zip: _____

Will the Project 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? ☐ Yes or ☐ No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the state? ☐ Yes or ☐ No

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

Does the Project involve relocation or consolidation of a project occupant from another municipality?

Within New York State? ☐ Yes or ☐ No

Within Cattaraugus County ☐ Yes or ☐ No

If Yes to either question explain:

What are some of the key requirements the project occupant is looking for in a new site (for example minimum of number of sq. ft., 12 foot ceilings, truck loading docks, thruway accessibility. etc.):

If the project occupant is currently located in Cattaraugus County and will be moving to a different municipality within Cattaraugus County, has the project occupant attempted to find a suitable location within the municipality in which it is currently located? ☐ Yes or ☐ No

What factors have led the project occupant to consider remaining or locating in Cattaraugus County?

If the current facility is to be abandoned, what is going to happen to the current facility that the project occupant is located in?

Provide a list of properties considered, and reason they were not adequate. (Some examples include: site not large enough, layout was not appropriate, did not have adequate utility service, etc.)

Property (Address)

Reason

VI. Estimate of Real Property Tax Abatement Benefits* and Percentage of Project Costs financed from Public Sector sources**

**** This Section of the Application will be: (i) completed by CCIDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application.**

PILOT Estimate Table Worksheet

CCIDA Staff will insert and/or prepare appropriate PILOT Benefit information.

Percentage of Project Costs financed from Public Sector Table Worksheet:

Total Project Cost	Estimated Value of PILOT	Estimated Value of Sales Tax Incentive	Estimated Value of Mortgage Tax Incentive	Total of Other Public Incentives (Tax Credits, Grants, ESD Incentives, etc.)

Calculate % (Est. PILOT + Est. Sales Tax+ Est. Mortgage Tax+ Other)/Total Project Costs: _____%

Attachment A: Representations, Certifications and Indemnification

John Kelly (name of CEO or other authorized representative of Applicant) confirms and says that he/she is a Member of the Board of Managers of Cimolai-HY LLC named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and 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. Copies of all filings shall be provided to the Agency.
- D. **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.
- E. 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.
- F. 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.

- G. **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.
- H. 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
- I. By executing and submitting this Application, the Applicant covenants and agrees to pay the following fees to the Agency:
- (i) a non-refundable \$1,500.00 application processing and publication fee (the "Application Fee") at time of application submission payable CCIDA;
 - (ii) Unless otherwise agreed to by the Agency, an amount equal to one and one quarter percent (1.0625%) of the total project costs, at the time of issuance of Financial Assistance/closing;
 - (iii) 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.
- J. 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.

- K. 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 H and I are obligations that are not dependent on final documentation of the transaction contemplated by this Application.
- L. 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.
- M. 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.**
- N. The Applicant has read and understands the Agency's Policy Respecting Recapture of Agency Benefits (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the 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 or modification of Agency financial assistance so provided and/or previously granted.
- O. 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:

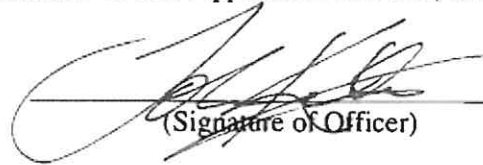
§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment 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.
- P. 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.
- Q. 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.
- R. 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.
- S. 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.


STATE OF NEW YORK)
COUNTY OF ~~CATTARAUGUS~~ ^{NEW YORK}) ss.:

JOHN KELLY, being first duly sworn, deposes and says:

1. That I am a Member of the Board of Managers (Corporate Office) of Cimolai-HY LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.


(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 31st day of August, 2022.


(Notary Public)

