

There will be a Meeting  
of the

**Seneca County IDA**

as follows:

**Thursday**  
**February 1, 2024**

**@**  
**12:00 P.M.**

**Heroes Conference Room**

One DiPronio Drive  
Waterloo NY 13165

The Meeting will also be livestreamed on IDA website at:

<https://www.senecacountyida.org/livestream>

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LOCAL VALUES. FORWARD VISION.

SENECA COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

Thursday, February 1, 2024  
12:00 P.M.  
Heroes Conference Room  
One DiPronio Dr, Waterloo NY

Agenda

1. Approval of IDA Meeting Minutes of January 4, 2024 V \_\_\_\_\_
2. Review of un-audited IDA Financial Statements thru December 2023
3. Announcement of IDA Committee Appointments for 2024
4. Presentation /Discussion/Approval of IDA Inducement Resolution No 2024-08 / Groggery Development LLC Project R \_\_\_\_\_
5. Standing Item – Update / Seneca County Chamber of Commerce– Jeff Shipley
6. Standing Item – Update / Seneca County Board of Supervisors – Ernie Brownell
7. Other Business
8. Consideration of Executive Session
9. Adjournment

SENECA COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY  
MEETING MINUTES

Annual Meeting  
Thursday, January 4, 2024  
12:00 Noon / Heroes Conference Room  
Waterloo, NY 13165

Attendance:

Board Members Present: Steven Brusso; Tom Murray; Ralph Lott; Ben Guthrie; Jeff Shipley; Thomas Kime; Ernie Brownell (*arriving at 12:09pm*)  
Board Members Absent: Tom Murray and Seth Kircher  
Staff Attending: Sarah Davis, Kelly Kline, David Hewitt  
Others Attending: Robert Kernan, CFO; Rob Halpin, The Halpin Law Firm; Marie Weiss, Carpenters Union 277

Chairman Brusso called the meeting to order at 12:00 p.m. A quorum of the Agency's members was present.

Election of Officers for 2024:

Chairman Brusso presented the 2024 slate of officers as follows:

- Bruce Murray as Chairman; Steve Brusso as Vice Chairman; Ralph Lott as Secretary and Ben Guthrie as Treasurer.

A motion was made by Mr. Guthrie approving the slate of officers for 2024. Seconded by Mr. Kime. Motion carried.

Approval of IDA Meeting Minutes of December 7, 2023:

The minutes of the Agency's meeting of December 7, 2023 had been sent to Board members prior to the meeting. A motion was made by Mr. Guthrie approving the minutes. Seconded by Mr. Brusso. Motion carried.

Approval of November 2023 Financial Statements:

The November 2023 financial statements had been mailed to board members prior to the meeting. Mr. Kernan summarized the financial statements for the board. A motion was made by Mr. Guthrie to accept the November 2023 financial statements. Seconded by Mr. Kime. Motion carried.

IDA Annual Financial Disclosure Forms:

PAAA requires the annual completion of the Financial Disclosure Form; Certification of No-Conflict of Interest form and Sexual Harassment Training. Blank forms had been mailed to board members prior to the meeting to be completed by each appointed member/employee/officer of the Seneca County IDA. Staff is requesting Board members to return the completed forms to the IDA office by the end of January. Evaluations were given to board members and are to be submitted confidentially. Results will be compiled by the Governance Committee.

RESOLUTIONS REQUIRED FOR AUDIT:

Group 1

IDA Resolution No. 2024- 1 / Designation of Banking Institutions:

Designating the Chemung Canal Trust Company; Community Bank, NA; M&T Bank; Five Star Bank; Lyons National Bank; Savannah Bank, NA, Generations Bank and Generations Commercial Bank as the institutions that can be used for IDA banking purposes during the year 2024.

A motion was made by Mr. Brusso approving IDA Resolution No. 2024-1. Seconded by Mr. Guthrie. Members Brusso, Lott, B. Murray, Guthrie; Brownell and Shipley voted "yea". Mr. Tom Murray and Mr. Kircher were absent. Mr. Kime abstained due to his employment with Lyons National Bank. Motion carried.

Group 2

IDA Resolution No. 2024- 2 / Designation of Persons Authorized to Sign Agency Checks:

Authorizing the following officers to sign checks for the IDA: Chairman; Vice-Chairman; Secretary; Treasurer; CFO; Executive Director.

IDA Resolution No. 2024-3 / Designation of Legal Counsel:

Designating The Halpin Law Firm as Legal Counsel and Bond Counsel.

IDA Resolution No. 2024-4 / Designation of Accountant/Bookkeeper:

Designating the accounting firm of Dermody, Burke, & Brown to be utilized as the IDA accountant and Eleanor Beattie to be the Bookkeeper for the year 2024.



**IDA Resolution No. 2024-5 / Designation of Auditor:**

Designating the audit firm of Raymond F. Wager, CPA, P.C., a division of Mengel Metzger Barr & Co. LLP to be utilized as the IDA audit firm for the year 2024.

**IDA Resolution No. 2024-6 / Appointment of Chief Executive Officer:**

Designating IDA Executive Director, Sarah R. Davis as CEO for the year 2024.

**IDA Resolution No. 2024-7 / Appointment of Chief Financial Officer:**

Appointing Robert E. Kernan, Jr. as the IDA Chief Financial Officer for the year 2024.

A motion was made by Mr. Shipley approving IDA Resolution No's. **2024-2; 2024-3; 2024-4; 2024-5; 2024-6 and 2024-7.** Seconded by Mr. Guthrie. Members Brusso, Lott, B. Murray, Guthrie, Brownell, Kime, and Shipley voted "yea". Mr. Tom Murray and Mr. Kircher were absent. Motion carried.

**Standing Item – Update / Seneca County Chamber of Commerce – Jeff Shipley:**

The Chamber is currently launching new technology for the new year. This technology allows the Chamber to pull data from the internet and transfer it to their site as a community event calendar. This innovative system scours Google, Facebook, and Eventbrite to compile events happening in the community. It aims to create a comprehensive, community-wide event calendar. The Chamber is impressed with the number of events it has already brought to their attention, enhancing awareness within the community. Alongside the event calendar, the Chamber has introduced a new job board using the newly implemented technology. This initiative is designed to raise awareness of job opportunities in local businesses and among Chamber partners. The goal is to address workforce issues by facilitating awareness of open positions. The Chamber's largest annual event, the Chamber Annual Dinner Meeting and Community Awards presentation, is scheduled for January 18th at Ventosa Vineyards. Three awards will be presented: Project of the Year, awarded to Northeast College of Health Sciences for implementing a new degree program and making upgrades to their facility; Humanitarian of the Year, awarded to the late Menzo Case for outstanding community work; Business of the Year, awarded to Lyons National Bank for their contributions to the community. The event provides an opportunity to network with leaders from the business sector, public sector, and the community. Overall, the Chamber is excited about the technological advancements and the upcoming awards ceremony, highlighting their commitment to promoting community engagement and recognizing noteworthy achievements.

**Standing Item – Update / Seneca County Board of Supervisors – Ernie Brownell**

The Board of Supervisors recently had their reorganizational meeting where Chairman Enslow was re-elected. Supervisor Brownell also retained the position of Majority Leader. It was also noted that this year marks the first time for two-year terms, allowing time for learning and introducing new perspectives. The focus is on getting committees organized and keeping things moving forward.

**Other Business:**

The board discussed a change in the schedule of board meetings, moving the March meeting to March 21st for better coordination with approval of the annual audit in March. Ms. Davis noted staff had a pre-audit meeting to ensure a smoother audit process than the previous year. Chairman B. Murray, in his new role, expressed the intent to meet with every Board of Supervisor member to understand their priorities. He emphasized the importance of keeping economic development and the Willard project in focus. His plan includes collaboration with new faces and meetings with town tax assessors to address understanding of potential projects that would receive tax breaks. These initiatives are aimed at ensuring a collaborative and effective approach to county development.

**Executive Session:**

Chairman B. Murray requested a motion to enter into Executive Session under Public Officers Law, Article 7, Section 105, for the proposed acquisition, sale or lease of real property, where publicity could substantially affect the value thereof. A motion was made by Mr. Lott at 12:23pm to enter into Executive Session. Seconded by Mr. Guthrie. Motion carried. A motion was made by Mr. Brownell at 12:48 pm to come out of Executive Session. Seconded by Mr. Brusso. Motion carried.

**Adjournment:**

A motion to adjourn the meeting was made by Mr. Brusso. Seconded by Mr. Guthrie. Motion carried. The meeting adjourned at 12:48 pm.

The next regular scheduled meeting will be held on **February 1, 2024 @ 12:00 Noon.**

**INDUCEMENT RESOLUTION**  
*(Grogger Development LLC Project)*

A meeting of the Seneca County Industrial Development Agency was convened on February 1, 2025.

The following resolution was duly offered and seconded, to wit:

**Resolution No. 2024-08**

**RESOLUTION OF THE SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") (i) ACCEPTING THE APPLICATION OF GROGGERY DEVELOPMENT LLC (THE "COMPANY") DATED JANUARY 17, 2024 WITH RESPECT TO A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW), (ii) AUTHORIZING A PUBLIC HEARING WITH RESPECT TO THE PROJECT, (iii) DESCRIBING THE FORMS OF FINANCIAL ASSISTANCE BEING CONTEMPLATED WITH RESPECT TO THE PROJECT, AND (iv) AUTHORIZING THE NEGOTIATION OF A LEASE AGREEMENT, LEASEBACK AGREEMENT, PILOT AGREEMENT AND RELATED DOCUMENTS**

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 63 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **GROGGERY DEVELOPMENT LLC**, a New York limited liability company, for itself or on behalf of an entity to be formed by it or on its behalf (the "Company") has submitted an application (the "Application"), a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project") consisting of: (i) the acquisition of a leasehold interest in property located at 2357 Poorman Road, Town of Fayette, Seneca County (the "Land"), (ii) the redevelopment of the existing facilities on the Land (the "Current Improvements") into six two-bedroom apartment units and a build-to-suit business space, and related amenities (collectively, the "Improvements"), and (iii) the acquisition and installation by the Company in and around the Improvements of certain items of equipment and other tangible personal property (the "Equipment" and, collectively with the Land and the Improvements, the "Facility"); and

WHEREAS, it is contemplated that the Agency will hold a public hearing and (i) negotiate and enter into an agent agreement, pursuant to which the Agency will appoint the Company as its agent for the purpose of undertaking the Project (the "Agent Agreement"), (ii)

negotiate and enter into a lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement"), and an agreement providing for a partial real property tax abatement (the "PILOT Agreement"), (iii) take a leasehold interest in the Land, the Improvements and personal property constituting the Facility (once the Agent Agreement, Lease Agreement, Leaseback Agreement and PILOT Agreement have been negotiated), and (iv) provide Financial Assistance to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the acquisition, construction and equipping of the Facility, and (b) a partial real property tax abatement structured within the PILOT Agreement, (collectively, the "Financial Assistance"); and

WHEREAS, pursuant to Article 18-A of the Act, the Agency desires to adopt a resolution describing the Project and the Financial Assistance that the Agency is contemplating with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE SENECA COUNTY INDUSTRIAL AGENCY AS FOLLOWS:

Section 1. The Company has presented an Application in a form acceptable to the Agency. Based upon the representations made by the Company to the Agency in the Company's Application and other materials provided by the Company to the Agency, and in furtherance of the foregoing recitals, which are hereby incorporated, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) The Agency has the authority to take the actions contemplated herein under the Act; and

(C) The action to be taken by the Agency will facilitate the undertaking of the Project, thereby enabling the Company's development of the Project, thereby increasing employment opportunities in Seneca County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) The Project will not result in the removal of a civic, commercial, industrial, or manufacturing plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other plant or facility to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(E) The Project will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of the County of Seneca and State of New York, improve their standard of living, and prevent economic deterioration in Seneca County. The Agency therefore determines that the Project constitutes a "commercial" facility as contemplated by the Act, and that the Agency's grant of assistance to the Project will thereby serve the public purposes of the Act; and

Section 2. The Agency is hereby authorized to prepare or cause to be prepared a cost-benefit analysis with respect to the Project prior to the Agency making its final determination with respect to the Project. The Agency is hereby authorized to negotiate the terms of the Lease Agreement, Leaseback Agreement, PILOT Agreement and Agent Agreement, and other such contracts and agreements as may be necessary in connection with the contemplated Financial Assistance.

Section 3. The Agency is hereby authorized to conduct a public hearing (the "Public Hearing") in compliance with the Act.

Section 4. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	Yea	Nay	Abstain	Absent
Bruce Murray				
Steven Brusso				
Thomas L. Kime				
C. Ernest Brownell				
Seth Kircher				
Jeffrey Shipley				
Thomas Murray				
Benjamin Guthrie				
Ralph Lott				

The Resolutions were thereupon duly adopted.



January 17, 2024

Board of Directors  
Seneca County Industrial Development Agency  
One DiPronio Drive  
Waterloo, NY 13165

RE: Grogger Development LLC Application for Financial Assistance

Dear Board of Directors:

We are pleased to submit the following application for your consideration for financial assistance.

Grogger Development LLC is a partnership of two local business owners identifying a need for permanent housing within our community. Redevelopment of the property, fka The Grogger, in the Hamlet of Fayette is our first venture within Seneca County but our goal is to make this the first of many. Identifying underutilized property within the county and repurposing to add economic and community value is our priority.

We look forward to discussing this project along with additional future ideas soon.

Please do not hesitate to reach out to us directly via phone or email below with any questions.

Sincerely,



Chris Stamberger  
Partner, Grogger Development LLC  
978-314-3775  
[chris@stambergerhvac.com](mailto:chris@stambergerhvac.com)



Kyle Mosher  
Partner, Grogger Development LLC  
607-342-6756  
[kjspropertycare@yahoo.com](mailto:kjspropertycare@yahoo.com)

## **Attachment A**

### **Statement Describing Project:**

GD LLC purchased the property located at above address, fka The Grogger, in September 2023. GD LLC is currently working with Town of Fayette to receive approval to remodel the structure into six two-bedroom apartments ranging from 800 – 1000 square feet each along with a 219 square foot business "build-to-suit" space with handicap access. Additionally, design calls for coin-op laundry on site for apartment residents. Improvements to the exterior of the building include construction of ample parking for residents and guests, BBQ grill stations and al fresco dining and green space to enjoy.

### **Purpose of Project:**

GD LLC recognized the shortage of long-term housing options in Seneca County especially in the southern towns. The completion of this project will provide permanent housing to six families within Seneca with proximal access to both the southern and northern ends of Seneca County based upon its central location.

### **Principal Use of Project Upon Completion:**

The redevelopment of the property, fka The Grogger, will serve as a building block for the "Hamlet of Fayette Revitalization Plan". The property will provide permanent housing for six families in Seneca County who can become active participants in the Hamlet of Fayette. The goal for the business space is not only to create job(s) opportunities but allow for the possibility of a coffee shop or barber shop gathering spot for residents within the hamlet and surrounding areas.

GD LLC would like to utilize available economic incentives to assist with exterior improvements of the project to coincide with goals for the "Hamlet of Fayette Revitalization Plan" and be a source of pride in community.

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## **Attachment B**

### **Likelihood of Undertaking Project without Receiving Financial Assistance:**

GD LLC recognized the need for permanent, long-term housing in Seneca County following the pandemic. The partnership is made up of two local business owners competing for qualified job candidates in a shrinking applicant pool. Our goal is to identify locations underserved in sections of Seneca County and develop them with the intention of attracting and retaining skilled professionals to fill jobs and bolster the local economy.

When GD LLC purchased "The Groggery", the intent was to complete the project with equity funds from the two principal partners over an extended timeframe. After purchasing the property and starting the development process, it became evident, that an accelerated timeframe would be ideal. "Housing Emergency" announcements from Seneca County has reinforced that construction of the apartment units as quickly as possible is in the best interest of county residents. Discussions with the Fayette Town Board and review of the "Hamlet of Fayette Revitalization Plan" has confirmed that enhanced exterior green space and exterior building remodel will align with community goals.

Our second reason for requesting economic assistance is to fast track a second project in downtown Ovid. The project concept is a three-story building with two-bedroom apartments on second and third floor with business "build-to-suit" spaces on ground floor. Location is empty lot located at the southwestern corner of Main Street and County Road 139. The economic incentives received for this project will allow us to move up the project start date from 2026 (and beyond) to 2025.



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APPLICATION TO  
SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
FOR FINANCIAL ASSISTANCE

I. APPLICANT INFORMATION:

Company Name: Groggery Development LLC  
Address: 3821 County Road 139, Ovid, NY 14847  
Phone No.: 607-532-9900 Email: kim\_stamberger@yahoo.com  
Fax No.: 607-532-9597  
Fed I.D. No.: 93-1888617  
Contact Person: Kim Stamberger

Principal Owners/Officers/Directors:  
(List owners with 15% or more in equity holdings with percentage ownership)

Kyle Mosher 50%  
Chris Stamberger 50%

*Corporate Structure (attach schematic if Applicant is a subsidiary or otherwise affiliated with another entity)*

Form of Entity:

- ☐ Corporation
- ☐ Partnership (General ☐ or Limited ☐; Number of General Partners \_\_\_\_\_ and, if applicable, Number of Limited Partners \_\_\_\_\_).
- ☒ Limited Liability Company/Partnership (number of members <sup>2</sup> \_\_\_\_\_)
- ☐ Sole Proprietorship



If a corporation, partnership, limited liability company/partnership:

What is the date of establishment 6/15/2023

Place of organization New York

and, If a foreign organization, is the Applicant authorized to do business in the State of New York? ☐ Yes ☐ No

APPLICANT'S COUNSEL:

Name: TBD

Address: \_\_\_\_\_

Phone No: \_\_\_\_\_ Email: \_\_\_\_\_

Fax No: \_\_\_\_\_

**II. PROJECT INFORMATION**

Project Address: 2357 Poorman Road, Fayette, NY 13065

Block(s) & Lot(s): 29-1-30

A) Are Utilities on Site? (Yes/No)

Water Yes Electric Yes Gas n/a Sanitary/Storm Sewer Yes

B) Present legal owner of the site: Groggery Development LLC

*If other than Applicant, by what means will the site be acquired for this project:*

C) Zoning of Project Site: Current: Commercial Proposed: Commercial / Multi-Family

D) Are any variances needed: MUO (Multi-Use Overlay)

E) Statement describing project (i.e. land acquisition, construction of manufacturing facility, etc.):  
see cover letter Attachment A

Location of Project: 2357 Poorman Road, Fayette, NY 13065

Purpose of Project: see cover letter Attachment A

Desired Closing Date:

4/15/2024

Estimated Construction Start and End Date: 5/1/2024 - 10/31/2024

F) Principal Use of Project upon completion: see cover letter Attachment A

Value of property to be acquired: \$ n/a

Cost of Construction/Reconstruction: \$ 650,000

Value of equipment to be purchased: \$ 0

Estimated cost of engineering/architectural services: \$ 10,000

Other: \$ 20,000

Total Capital Costs: \$ 680,000

*Sources of Funds for Project Costs:*

Equity (excluding equity that is attributed to grants/tax credits) \$ 500,000

Taxable Bond Issuance (if applicable) \$ N/A

Public Sources (Include sum total of all state and federal grants and tax credits) \$ n/a

\$            
0  
\$            
0  
\$            
0  
\$

\$ 680,000

**Seneca County Industrial Development Agency** One DiProhio Drive • Waterloo, NY 13165  
senecacountyIDA.org P 315.539.1725 F 315.539.4340

H) Inter-Municipal Move Determination

Will the project result in the removal of a plant or facility of the applicant from one area of the State of New York to another?

☐ Yes or ☒ No

Will the project result in the removal of a plant or facility of another proposed occupant of the project from one area of the State of New York to another area of the State of New York?

☐ Yes or ☒ No

Will the project result in the abandonment of one or more plants or facilities located in the State of New York?

☐ Yes or ☒ No

If Yes to any of the questions above, 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: \_\_\_\_\_

FINANCIAL ASSISTANCE BEING REQUESTED

A) Benefits Requested:

☒ Sales and Use Tax Exemption ( 8% )

☐ IRB

☐ Mortgage Recording Tax Exemption (0.75%)

☒ Real Property Exemption and Tax Agreement

B.) Value of Incentives:

Real Property Tax Exemption and Tax Agreement: Agency staff will calculate the estimated value of a requested real property tax exemption and tax agreement based on estimated Project costs as contained herein and current tax rates and assessed valuation, and the annual tax agreement payment amounts for each year of the tax agreement. This calculation is set forth on the addendum to this Application entitled "Real Property Tax Benefits (Detailed)," which addendum is incorporated herein by reference.

Estimated duration of Real Property Tax exemption: 10 years

Sales and Use Tax:

Estimated value of Sales Tax exemption for facility construction: \$ 28,000

Estimated Sales Tax exemption for fixtures and equipment: \$ 0

Estimated duration of Sales Tax exemption: 12 months



Mortgage Recording Tax Exemption Benefit:

Estimated value of Mortgage Recording Tax exemption: \$ \_\_\_\_\_

IRB Benefit:

☐ IRB inducement amount, if requested: \$ \_\_\_\_\_

Is a purchaser for the Bonds in place?

☐ Yes or ☐ No

Percentage of Project Costs financed from Public Sector sources:

Agency staff will calculate the percentage of Project Costs financed from Public Sector sources based upon Sources of Funds for Project Costs as depicted above under the heading "Estimated Project Costs" (Section II(G)) of the Application.

**C.) Likelihood of Undertaking Project without Receiving Financial Assistance:**

Is 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:

see cover letter Attachment B

see cover letter Attachment B



### III. EMPLOYMENT PLAN

	1	2	3	4	5
	Current # of jobs at proposed project location or to be relocated to project location	IF FINANCIAL ASSISTANCE IS GRANTED – project the number jobs to be RETAINED	IF FINANCIAL ASSISTANCE IS GRANTED – project the number jobs to be CREATED:	IF FINANCIAL ASSISTANCE IS GRANTED – project the number Construction Jobs to be CREATED:	Estimate number of residents of the *Labor Market Area that will fill the jobs described
<b>*Full Time</b>	0	0	Year 1: _____ Year 2: <u>2</u> Year 3: _____	5	2
<b>*Part Time</b>  <i>Calculated as .5 for every 1 part time Job</i>	0	0	Year 1: _____ Year 2: <u>.50</u> Year 3: _____		.50
<b>Total</b>				5	2.5

#### \*GUIDANCE ON JOB REPORTING

A Full-Time Employee shall work at least 35 hours per week. A part-time employee will count as a fraction of a Full-Time Employee (an employee working at least 17.5 hours per week will count as .5). A seasonal employee will also count as a fraction of a Full-Time Employee based on the number of full months worked in a year (an employee hired to work only for three months in a year will count as .25).

\*\* The Labor Market Area is defined as Seneca County, Ontario County, Wayne County, Cayuga County, Schuyler County and Tompkins County, New York.

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

Average Estimated Annual Salary of Jobs to be Created (at current market rates)	\$ <u>30,000</u> to \$ <u>60,000</u>
Annualized Salary Range of Jobs to be Created	\$ <u>\$45,000</u>
Estimated Average Annual Salary of Jobs to be Retained (at current market rates)	\$ <u>n/a</u>

#### IV. REPRESENTATIONS AND COVENANTS 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) **Compliance with N.Y. GML Sec. 862(1):** Applicant certifies 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.

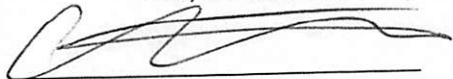


- F) **Compliance with Applicable Laws:** The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
- G) **False and Misleading Information:** 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.
- H) **Recapture:** Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.
- 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, officers or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Applicant, except as hereinafter described:

STATE OF NEW YORK )  
COUNTY OF ) ss.:

Chris Stamberger, being first duly sworn, deposes and says:

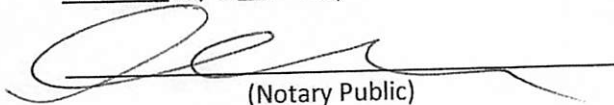
1. That I am the Partner (Corporate Office) of Grosser Development LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.



(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this

17<sup>th</sup> day of 1, 2024



(Notary Public)

AMANDA LYNN MORSEMAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01MO6430219  
Qualified in Schuyler County  
My Commission Expires 03-14-2026

This Application should be submitted with a \$350.00 Application fee to Seneca County Industrial Development Agency, One DiPronio Drive, Waterloo, New York 13165-1681 (Attn.: Sarah Davis, Executive Director).

## HOLD HARMLESS AGREEMENT

Applicant hereby releases the SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from 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 attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (ii) the Agency's acquisition, construction and/or installation of the Project described therein and (iii) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. Applicant hereby understands and agrees, in accordance with Section 875(3) of the New York General Municipal Law, that any New York State and local sales and use tax exemption claimed by Applicant and approved by the Agency in connection with the Project may be subject to recapture by the Agency under such terms and conditions as will be set forth in the Agent Agreement 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 New York State and local sales and use tax exemption benefits, is true, accurate and complete. If, for any reason, Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agent or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Applicant: Groggery Development LLC

By: Chris Stamberger  
(Print Name)

Title: Partner

Signature: 