# APPLICATION FOR FINANCIAL ASSISTANCE

## **Oneida County Local Development Corporation**

584 Phoenix Drive Rome, New York 13441-1405 (315) 338-0393 telephone (315) 338-5694 fax

Shawna M. Papale, Executive Director

A non-refundable application fee of \$500.00 must be submitted at the time of application along with a \$1,000 commitment fee; the \$1,000 commitment fee will be applied to closing fees.

Please submit the original and two (2) copies of the **signed and notarized** application, and **signed** SEQR form with the above fees. Cost benefit will be completed based on information from this application.

Please also deliver an electronic copy of all.

All applications must be submitted at least 10 days prior to meeting.

TRUSTEES OF THE EASTERN STAR HALL AND HOME OF THE STATE OF NEW YORK

Project Name Number (to be provided by the Corporation)

Date of Submission

## Note to Applicant:

The information requested by this application is necessary to determine the eligibility of your project for OCLDC benefits. Please answer all questions, inserting "none" or "not applicable" where appropriate. If you are providing an estimate, please indicate by inserting "est" after the figure. Attach additional sheets if more space is needed for a response than is provided.

Return the original signed and notarized application and two copies with a check in the amount of \$1500.00 made payable to: **Oneida County Local Development Corporation (OCLDC)**, 584 Phoenix Drive, Rome, New York 13441-1405, Attn.: Shawna M. Papale, Executive Director. \$1000 will be applied at closing against the IDA legal fees. In addition, an electronic version of the application (signed), and SEQR form (signed), to <a href="mailto:spapale@mvedge.org">spapale@mvedge.org</a>.

Upon the submission of this application to OCLDC, this applicant becomes a public document. Be advised that any action brought before the OCLDC is public information. All agendas for OCLDC are issued prior to full Corporation meetings and posted in public domain. If there is information that the applicant feels is proprietary please identity as such and that information will be treated confidentially to the extent permitted by law.

A project through OCLDC involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project. You will receive an engagement letter from the OCLDC legal counsel. You will be asked to sign the engagement letter acknowledging you will be responsible for all legal fees of OCLDC legal counsel and that you understand the process. Should you not close and legal services have been rendered by the OCLDC legal counsel, your company will be responsible for those costs.

If your project requires a public hearing, a representative of the applicant is required to be present. A date will be coordinated by the OCLDC legal counsel.

If you have questions how to calculate your company's OCLDC application fee please consult with the Memorandum to Companies Sale – Leaseback Transactions or please contact the OCLDC Executive Director.

Update:12/2017

### Part I: Applicant Information

**Note**: In responding to the following questions, please keep in mind that the Applicant will be party to all of the documents and is the individual or if entity will be formed which will receive the actual assistance from OCLDC.

## **Applicant**

1(a) Applicant's Legal Name:	TRUS	TEES OF THE EASTERN STAR HALL AND HOME OF THE STATE OF NEW YORK
1(b) Principal Address:	8290 S	TATE RTE 69
	РО ВОХ	X 959
	ORISK	ANY, NY 13424
1(c) Telephone/Facsimile Numbers:	315-736	3-9311 / 315-736-3047
	<u>.                                    </u>	·
1(d) Email Address:	jfrench(	@eshomeny.org / mgetchell@eshomeny.org
1(e) Federal Identification Number:	13-2683	3047
1(f) Contact Person:	JEFF F	RENCH / MARY BETH GETCHELL
1(g) Is the Applicant a	(X)	Corporation:  If yes, Public Private [x]  If public, on which exchange is it listed?
		Subchapter S Sole Proprietorship General Partnership Limited Partnership Limited Liability Corporation/Partnership Single-Member LLC (name and EIN below):
		Name:
	×	EIN: DISC Other(specify) NONPROFIT 501 (e) 3
1(h) State of Organization (if applicable	) NEW	YORK

#### **Applicant's Stockholders, Directors and Officers (or Partners)**

2(a) Provide the following information with respect to parties with 15% or more in equity holdings:

Percentage of Name

Address

Ownership

2(b) Is the Applicant, or any of the individuals listed in 2(a) above, related directly or indirectly to any other entity by more than 50% common ownership? If so, indicate name of such entity and the relationship.

N/A

2(c) Is the Applicant affiliated with any other entity, directly or indirectly, other than as listed in the response to 2(a) above? If yes, please indicate name and relationship of such other entity and the address thereof:

APPLYING ENTITY HAS A SHARED SERVICES CONTRACT WITH POUNDER HALL SENIOR CARE FACILITY (ENRICHED HOUSING/SENIOR APARTMENTS) IN WHICH APPLYING ENTITY PROVIDES GOOD AND SERVICES FOR A FEE. THIS CONTRACT IS ADJUSTED ANNUALLY BY AGREEMENT OF BOTH PARTIES.

## **Applicant's Counsel and Accountant**

## 3(a). Applicant's Attorney

	Name/Title:	RICHARD COOK
	Firm:	HANCOCK ESTABROOK, LLP
	Address:	1500 AXA TOWER 1, 100 MADISON STREET
		SYRACUSE, NY 13202
	Telephone/Fax:	315-565-4514
	Email:	rcook@hancocklaw.com
3(b)	Applicant's Account	ant
	Name/Title:	RICHARD ZWEIFEL, CPA
	Firm:	THE BONADIO GROUP
	Address:	7936 SENECA TURNPIKE
		CLINTON, NY 13323
	Telephone/Fax:	315-292-6750 / 315-570-9511

rzweifel@bonadio.com

#### **Business Description**

Email:

4(a) Describe the nature of your business and principal products and/or services. Attach additional sheets if necessary.

WE ARE A SKILLED NURSING FACILITY (NURSING HOME) PROVIDING 24 - HOUR SKILLED SERVICES TO BOTH INDIVIDUALS WITH CHRONIC CONDITIONS AS WELL AS SHORT-TERM REHABILITATION AND SERVICES FOR ACUTE EPISODIC NEEDS. WE OFFER A FULL ARRAY OF SERVICES INCLUDING PHYSICIAN COVERAGE 24/7, PODIATRY, DENTAL, PSYCHIATRY, PSYCHOLOGY, OCCUPATIONAL THERAPY, PHYSICAL THERAPY, SPEECH THERAPY, ACTIVITIES AND TRANSPORTATION.

Part II: Project Information
5(a) Explain your project in detail. This description should include explanation of all activities which will occur due to this project. Attach additional sheets if necessary.
SEE ATTACHED
•
Reasons for Project
6(a) Please explain in detail why you want to undertake this project.
SEE ATTACHED
6(b) Why are you requesting the involvement of the Corporation in your project?
SEE ATTACHED

` '	Please confirm by checking the box, below, if there is likelihood that the Project would undertaken but for the Assistance provided by OCLDC?
	XYes or No
a state	If the Project could be undertaken without Assistance provided by OCLDC, then provide ement in the space provided below indicating why the Project should be undertaken by C:
	SEE ATTACHED
grante	How will the Applicant's plans be affected or scaled back if Corporation approval is not d?
6(d) Is	the proposed project reasonably necessary to discourage the Applicant from removing such other plant or facility to a location outside the State of New York?  [ Yes [x] No If yes, please explain briefly.
6(e) W	/ill financing by the Corporation result in the removal or abandonment of a plant or other facility of the applicant or any related entity presently located in another area of New York State?  Yes [x] No
	If yes, is the proposed project reasonably necessary to preserve the competitive position of the Applicant in its respective industry? [ Yes [ No
	If yes, please provide a statement and evidence supporting the same. Include the name of all taxing jurisdictions in which the abandoned facility or plant lies, and whether Applicant has had any discussions with said taxing jurisdictions regarding the abandonment. Please provide as much detail as possible.

6(†)	Coun		iously secured financial assistance in Oneida he Empire State Development Corporation, or
	<b>if yes</b> balan	s, please explain (indicate date of bene ce).	efit, location of facility and outstanding
	MULT	·	ONDS (EASTERN STAR HALL AND HOME PROJECT-LETTER
	OUTS	TANDING BALANCE = \$4,060,000	
6(g)	Unite receiv		ured financial assistance anywhere within the es the Applicant or any related entity anticipate at 90 days? [] Yes [_x] No
site	(you m	ay check more than one; if check	rpe of project for all end users at projecting more than one indicate percentage of
squa		age the use represents):	
		Manufacturing	Percentage of sq. footage of each use (if more than one category):
	4 <u> </u>	Industrial Assembly or Service  Back office operations	
		Research and Development	
		Technology/Cybersecurity	
		Warehousing	
		Commercial or Recreational	
		Retail	
	H	Residential housing (specify)	
	H	Pollution Control (specify)	
	Ħ	Environmental (e.g., Brownfield) (spe	
		Civic Facility	
	[x]		ng, Short Term Rehabiliation, Memory Care, Senior Living

6(i)	Chec	k all categories best describing the <b>scope of tl</b>	ne project:			
		Acquisition of land				
		Acquisition of existing building				
	[x	Renovations to existing building				
		Construction of addition to existing building				
		Demolition of existing building orpart of	f building			
		Construction of a new building				
		Acquisition of machinery and/or equipment				
		Installation of machinery and/or equipment		,		
	×	Other (specify)				
6(j)	the es	indicate the financial assistance you are requestimated value of said assistance. Attach a she nnual utilization of the Real Property Tax ction.	eet labeled Annual PILOT	that shows		
		Assistance	Estimated Value			
		Assistance Real Property Tax Abatement	Estimated Value			
			\$			
		Real Property Tax Abatement	\$			
		Real Property Tax Abatement  Mortgage Tax Exemption (.75%) \$	\$			
		Real Property Tax Abatement  Mortgage Tax Exemption (.75%) \$  Amount of mortgage: \$	\$			
		Real Property Tax Abatement  Mortgage Tax Exemption (.75%) \$  Amount of mortgage: \$  Sales and Use Tax Exemption ** (8.75%) \$	\$ sales tax:\$			
T	the fin	Real Property Tax Abatement  Mortgage Tax Exemption (.75%) \$  Amount of mortgage: \$  Sales and Use Tax Exemption ** (8.75%) \$  Value of goods/services to be exempted from	\$sales tax:\$onds \$_5,265,801 onsistent with the OCLDC'	s Uniform		

<sup>\*\*</sup> 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 will include a covenant by the Applicant that the estimate, above, represents the maximum amount of sales and use tax benefit currently authorized by the Corporation with respect to this Application. The Corporation 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. It is the responsibility of the applicant to inform the LDC within 10 days if the project amount changes.

### Part III: Facility Information

Facility (Physical Information) If multiple locations please provide information on all.

7(a)	Street Address of Facility:
	8290 STATE RTE 69
7(b)	City, Town and/or Village (list ALL incorporated municipalities):
	ORISKANY
7(c)	School District:
	ORISKANY
7(d)	Tax Map Number(s):  276.014-1-83
	ch copies of the most recent real property tax bills. Include copies for all taxing dictions for the site/ facility that LDC assistance is being sought.
7(e)	For what purpose was the facility site most recently used (i.e., light manufacturing, heavy manufacturing, assembly, etc.)?
	SKILLED NURSING FACILITY
7(f)	Zoning Classification of location of the project:
	COMMERCIAL

7(g) Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings, square footage, number of floors, type of construction,) and attach plot plans, photos or renderings, if available. If there are infrastructure improvements (water, sewer, gas, electrical, etc.) please provide details along with who will carry out those improvements and who will fund them. *Please be as specific as possible*.

The facility to be renovated was built in three different time periods: 1971, 1984, and 2011. The 1971 section is 15,140 gross sq. ft, the 1984 section is 53,188 gross sq. ft., and the 2011 section is 45,000 gross sq. ft. The three sections are all connected and considered in general as one building, the Eastern Star Home and is currently licensed as one building containing 84 skilled nursing home beds. The majority of the building is comprised of 2 levels; however, due to the slope of the property, the newest portion (2011) contains three levels. The entire building has a masonry exterior (brick/stucco/efis), studded behind that. We have both stone and rubber roof sections. Building is fully sprinklered and has two emergency generators.

Renovations that will take place will be in all three sections (1971, 1984, and 2011). Two of the older sections will be significant renovations including new room configuration, new larger private bathrooms with showers. The newer building will include developing the lowest floor into usable space (currently it is an unfinished envelope), along with completely renovating the second level into new program/living space. There are no external infrastructure improvements to take place.

7(h)	Has construction or renovation co	ommenced? [] Yes [[x] No
	<b>If yes</b> , please describe the work i date of commencement.	in detail that has been undertaken to date, including the
	If no, indicate the estimated date	s of commencement and completion:
	Construction commencement:	JUNE 2018
	Construction.completion:	19 MONTHS
	If a more detailed schedule exists	s please attach.
7(i) V	require any local ordinance or	of the facility or any activity which will occur at the site variance to be obtained or require a permit or prior corporation or body (other than normal occupancy and/or
	Has the Project received site plan Yes No x N/A	approval from the planning department?
		ation with a copy of the planning department approval onmental Quality Review (SEQR) determination. If no, oval:
7(j)	Will the project have a significant	effect on the environment? [ Yes[x] No
	Important: please attach and sig to this Application.	gn Part 1 of the long Environmental Assessment Form
7(k)	What is the useful life of the facilit	y? <u>40</u> years
7(I)	Is the site in a former Empire Zon If yes, which Empire Zone: Is project located in a Federal HU Provide detail	

## Part IV: Retail Project Questionnaire

To ensure compliance with Section 862 of the New York General Municipal Law, the Corporation 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.

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 x No. If the answer is yes, please continue. 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.
3.	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?
	the answer to A is Yes <u>AND</u> the answer to Question B is greater than <u>33.33%.</u> dicate 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.
	<b>2.</b> Is the Project location or facility likely to attract a significant number of visitors from outside Oneida County?
	Yes or No
	If yes, please provide a third party market analysis or other documentation supporting your response.
	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
	If yes, please provide a third party market analysis that demonstrates that a majority of the project's customers are expected to come from outside of Oneida County and the

project will not directly compete with existing businesses located in Oneida County.

## All applicants answer the following questions.

		serve permanent, private sector jobs or increase the overall vate sector jobs in the State of New York?
	Yes or	·
	If yes, explain	
		a Highly Distressed Area? Yes or No
Part	V: Facility (Legal Informat	ion)
8(a) provi (Note:	de a brief statement regardi	nt owner of the facility, please give the following information and ng the status of the acquisition.: essarily the user of the facility, but that party which holds legal title to the facility.
	Legal Name:	TRUSTEES OF THE EASTERN STAR HALL AND HOME OF THE STATE OF NEW YORK
	Address:	PO BOX 959, 8290 STATE RTE 69
		ORISKANY, NY 13424
	Telephone:	315-736-9311
	Balance of Mortgage:	\$4,060,000
	Holder of Mortgage:	CURRENT BOND ISSUE BY ONEIDA COUNTY IDA
		he present owner of the facility, please attach any written ts concerning the acquisition of the real property and/or
8(b)	r <u>ela</u> ted perso <u>ns,</u> between	o, directly or indirectly, by virtue of common control or through the Applicant and the present owner of the facility? es, please explain.
8(c)	ownership structure of the	olding company, partnership or other entity, be involved in the transaction?  ves, please explain.
8(d)		acility/property also be the user of the facility? please explain.

8(e)	is the Applicant c	urrently a tenant in the	facility?	Yes [x] No		
8(f)	Are you planning to use the entire proposed facility?  [x] Yes [] No					
		the following informa ne completion of the p				
	Name of <u>Tenant</u>	Floors <u>Occupied</u>	Square Feet <u>Occupied</u>	Nature of <u>Business</u>		
8(g)	Are any of the ten Yes [x] If yes, please exp		ner of the facility?			
8(h)	Yes X	other users utilizing the No oplain. Provide detail of for the use of the site	of the contractual	arrangement incl	uding any	
Part \	VI: Equipment					
9(a)	If you are request a complete list is r to final authorizing covered.) Attach a	ENT IS CURRENTLY ON THE PE	on it is important to be application, as soon bmit a detailed inven	e as detailed as p as one is availabl tory of said equipr	ossible. (If e but prior nent to be	
0/5)		IALIZE THE SCOPE OF THE PRO				
9(b)	or ordered, attacl	brief description of an n all invoices and pu Attach a sheet if nee	rchase orders, list			
9(c)	What is the useful	life of the equipment?	TO BE DETERM	<sub>NED</sub> years		

## Part VII: Employment Information

10(a) Estimate how many construction jobs will be created or retained as a result of this project.

Construction Jobs:

OUR CONSTRUCTION MANAGEMENT COMPANY ESTIMATES 15 FULL TIME POSITIONS CREATED FOR THE ENTIRE DURATION OF THE PROJECT.

DURATION OF THE PROJEC

10(b) Job Information related to project \*\*\*

Estimate below how many jobs will be created and retained as a result of this project, if OCLDC assistance is granted --sum each category

Number of Jobs BEFORE Project	Location 1	Location 2	Location 3	Location 4	Location 5	Total
Address in NYS	same					
Full-Time Company	101					0
Full-Time Independent Contractors	9					0
Full-Time Leased						0
Total Full-Time BEFORE	0 110	0	0	0	0	0
Part-Time Company	59					0
Part-Time Independent Contractors	31					0
Part-Time Leased						0
Total Part-Time BEFORE	0 90	0	0	0	0	0

<sup>\*</sup>Continued on next page

## - sum each category

Number of Jobs AFTER Project (within 3 years of project completion)	Location 1	Location 2	Location 3	Location 4	Location 5	Total
Full-time Company	67				***************************************	0
Full-Time Independent Contractors	3					0
Full-Time Leased						0
Total Full-Time AFTER	0 70	0	0	0	0	0
Part-Time Independent Company	43					0
Part-Time Independent Contractors	20					0
Part-Time Leased						0
Total Part-Time AFTER	0 63	0	0	0	0	0

Estimate the number of residents from the Labor Market Area** in which the Project is located that will fill the jobs created within three years of project completion	Location 1	Location 2	Location 3	Location 4	Location 5	Total
Full-Time						0
Part-Time						0
Total AFTER	0	0	0	0	0	0

<sup>\*</sup>Continued on next page

## - sum each category

	Retai	ned Jobs	Created Jobs		
SALARY AND BENEFITS	Average Annual Salary	Average Fringe Benefits (as a percentage of wages)	Average Annual Salary	Average Fringe Benefits (as a percentage of wages)	
Management	\$ 104,667	<sup>%</sup> 11.63	\$	%	
Administrative	\$ 34,035	<sup>%</sup> 13.97	\$	%	
Production	\$	%	\$	%	
Independent Contractor	\$ <sub>48,750</sub>	%	\$	%	
Other	<sup>\$</sup> 33,753	<sup>%</sup> 74.4	\$	%	
Overall Weighted Average	\$ 42,020	%	\$	%	

<sup>\*\*</sup> Labor Market Area includes Oneida, Lewis, Herkimer, and Madison Counties

10(c) Please list NIC codes for the jobs affiliated with this project:

63119,69201,78300,81100,81210,81300,82110,87100,87300,70100,623110,623311.

<sup>\*\*\*</sup> By statute, Corporation staff must project the number of Full-Time Jobs that would be retained and created if the request for Financial Assistance is granted. A Full-Time Job works 35 hours or more per week. Corporation staff converts Part-Time Jobs into Full-Time Equivalents (FTE) by dividing the number of Part-Time Jobs by two (2). Corporation staff will project such jobs over the THREE (3)-year time period FOLLOWING Project Completion.

## Part VIII: Estimated Project Cost and Financing

11(a) List the costs necessary for the construction, acquisition or renovation of the facility.

Acquisition of Land (if vac		
Acquisition of Existing Building(s)		
Renovation Costs of Existing Building(s)		7,227,751
New Construction of Build	ings	
Machinery and Equipment	t	
(other than furniture costs)	)	
Fixtures		
Installation Costs		
Fees & Permits (other than	n your own	516,300
broker and legal fees)		310,300
Legal Fees (IDA legal fees	s, Applicant	229,417
legal fees)		
Architectural/Engineering	Interest on	
Financing Charges		7,500
Other (specify)		281,900
CONSTRUCTION MONITORING PROJECT MANAGEMENT Subtotal		0 8,262,868
CON & LICENSING APPLICATIONS COMMUNITY EDUCATION	Corporation Fee <sup>1</sup>	26,329
	Total Project Cost	0 8,289,197

<sup>&</sup>lt;sup>1</sup>See Attached Fee Schedule (Page 25) for Corporation Fee amount to be placed on this line

## 11(b) Sources of Funds for Project Costs:

Bank Financing:	\$
Equity (excluding equity that is attributed to grants/tax credits)	\$ 26,329
Tax Exempt Bond Issuance (if applicable)	\$ 5,265,801
Taxable Bond Issuance (if applicable)	\$
Public Sources (Include sum total of all state and federal grants and tax credits)	\$
Identify each state and federal grant/credit:	
NEW YORK STATE STATEWIDE TRANSFORMATION GRANT	\$ 2,997,067
	\$
	\$
·	\$
Total Sources of Funds for Project Costs:	\$ _8,289,197

#### **Real Estate Taxes**

12(a) For each tax parcel which comprises the facility, please provide the following information, using figures from the most recent tax year.

Tax Map #	Current Assessed Value (Land)	Current Assessed Value (Building)	Real Estate Taxes
276.014-1-83	192,000	6,155,800	

12(b)	Address of Receiver of Town and/or Village Taxes:	·
	MARGARET HARDY, RECEIVER OF TAXES	
	8539 CLARK MILLS ROAD	
	WHITESBORO, NY 13492	
12(c)	Address of Receiver of School Taxes:	
	SAME AS ABOVE	
12(d)	Will the completion of the proposed project result in the increasing any of the parcels named above? [X] Yes [] No  If yes, please indicate which tax account numbers will be affected.	
Finan	cial Information	
13(a) l	Has the Applicant contacted any bank, financial/lending institutes respect to the financing of the proposed project?  [x] Yes [] No	ition or private investor with
	If yes, please provide details.  CITIZEN'S BANK, LETTER OF CREDIT BANK FOR EXISTING BOND ISSUE.	
13(b)	Has the Applicant received a commitment letter for said finan	cing?
	If yes, please submit a copy of said commitment letter along	with this Application.
	SEE ATTACHED	
	Please complete the Cost/Benefit Analysis form and attach to	

#### REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that this Application be submitted for review to the Oneida County Local Development Corporation (the "Corporation") and its Board of Directors.

Approval of the Application can be granted solely by this Corporation's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Corporation and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Corporation as follows:

- 1. Annual Sales Tax Filings. 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 sales tax exemptions as part of the Financial Assistance from the Corporation, 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.
- 2. Annual Employment, Tax Exemption & Bond Status Reports. The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Corporation, the Applicant agrees to file, or cause to be filed, with the Corporation, on an annual basis, reports regarding the number of people employed at the project site as well as tax exemption benefits received with the action of the Corporation. For Applicants not responding to the Corporation's request for reports by the stated due date, a \$500 late fee will charged to the Applicant for each 30-day period the report is late beyond the due date, up until the time the report is submitted. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Corporation and Applicant. In addition, a Notice of Failure to provide the Corporation with an Annual Employment, Tax Exemption & Bond Status Report may be reported to Corporation board members, said report being an agenda item subject to the Open Meetings Law.
- 3. **Absence of Conflict of Interest**. The Applicant has consulted the Corporation website of the list of the Corporation members, officers and employees of the Corporation. No member, officer, or employee of the Corporation has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
- 4. Hold Harmless. Applicant hereby releases the Corporation and its members, officers, servants, agents and employees from, agrees that the Corporation shall not be liable for and agrees to indemnify, defend and hold the Corporation harmless from and against any and all liability arising from or expense incurred by (A) the Corporation'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 Corporation, (B) the Corporation's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Corporation 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. If, for any reason, the 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 Corporation or the Applicant are unable to reach final

(22) Updated: 12/2017

- agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Corporation, its agents or assigns, all costs incurred by the Corporation in the processing of the Application, including attorneys' fees, if any.
- 5. The Applicant acknowledges that the Corporation has disclosed that the actions and activities of the Corporation are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
- 6. The Applicant acknowledges that the Corporation 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.
- 7. The Applicant acknowledges that it has been provided with a copy of the Corporation's recapture policy (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 Corporation 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 Corporation financial assistance and/or recapture of Corporation financial assistance so provided and/or previously granted.
- 8. 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 Corporation. (1) No funds of the Corporation 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 Corporation 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.
- 9. 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.
- 10. 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 Corporation's involvement the Project.
- 11. 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.
- 12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Corporation will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material

(23) Updated: 12/2017

misleading. STATE OF NEW YORK COUNTY OF ONEIDA ) ss.: JEFFREY S. FRENCH , being first duly sworn, deposes and says: 1. That I am the CEO/ADMINISTRATOR \_(Corporate Office) of TRUSTEES OF THE EASTERN STAR HALL AND HOME OF THE STATE OF NEW YORK (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. Subscribed and affirmed to me under penalties of perjury KAREN M. REECE this 1b day of May, 20. Notary Public in the State of New York Qualified in Cheida County 01RE6327664 My Commission Expires July 13, 20 19 If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity: Title: \_\_\_\_\_

fact and do not omit to state a material fact necessary to make the statements contained herein not

Return the original signed and notarized application and two copies with a check in the amount of \$1500.00 made payable to: **Oneida County Local Development Corporation (OCLDC)**, 584 Phoenix Drive, Rome, New York 13441-1405, Attn.: Shawna M. Papale, Executive Director. \$1000 will be applied at closing against the LDC closing fee. In addition, please send an electronic version of the application (signed), and SEQR form (signed), to <a href="mailto:spapale@mvedge.org">spapale@mvedge.org</a>.

Date:

## **OCLDC Application for Financial Assistance**

#### **Eastern Star Home Project Information**

5(a)

Trustees of the Eastern Star Hall and Home of the State of New York (ESH) long term care facilities are located at 8290 State Route 69 in Oriskany, NY (Oneida County). Under a Transformation Grant ESH will right size, renovate and re-purpose its 84-bed nursing home into 14 beds of Memory Care, a 40 bed ALP (approved July 2016), 24 beds of ALR, leaving a 17-bed skilled nursing unit for sub-acute care. A related organization, Pounder Hall, currently has 17 beds of enriched housing which will be decertified at the completion of the whole project. The facility will be operated by ESH and will be named Eastern Star Home. The organization is currently an 84 bed RHCF and is a member of the Central New York Care Collaborative (CNYCC) DSRIP PPS. ESH is a not-for-profit corporation that has benefited from its relationship with the Order of the Eastern Star of the State of New York, a charitable organization that has supported ESH since its inception. ESH is affiliated with Pounder Hall, Inc. an enriched housing program of 17 beds and independent living of 28 beds located on the same campus. The campus also supports 2 child day care centers that offer care for 90 children from 6 months to 4 years old since 1984. The campus also has a Children's Learning Center for children with Dyslexia in operation for 9 years. This program is supported by a separate foundation.

The existing nursing home, owned by ESH, will be renovated to accommodate the 40 ALP, 14 SNALR, and 24 ALR beds. The contractor for the renovation project is AOW Associates of Latham, NY. They have extensive experience constructing adult care facility projects including Judson Meadows in Glenville, NY and the Valley Health assisted living project in Herkimer. They also have experience in medical buildings, nursing homes and senior housing facilities. The total cost of the project is estimated at \$8,174,622. This project is phased and is projected to be completed in November 2019.

ESH is located in Oriskany, NY an economically depressed semi-rural area in Oneida County between Rome and Utica. ESH derives 83.8% of its residents from Oneida County, primarily from a twenty-minute drive. The population to be served by the ESH project consists of chronic care and disabled adults in Oneida County. Oneida County has Medicaid enrollment rates higher than upstate average. Further, dual eligible make up a greater proportion of Medicaid beneficiaries in Oneida County than the NY state average.

#### **Reasons for Project**

6(a)

The next nearest skilled nursing home is Presbyterian Home for Central New York located in the affluent suburb of New Hartford 8.2 miles from ESH. In the Berger Commission report NYSDOH determined that Oneida County was over-bedded by 330 beds (for year 2016). ESH plans to decertify 67 beds to address this over capacity. The next nearest enriched housing/adult home facility is the Rome Home 7.7 miles from ESH. The Rome Home is an older facility with shared bathrooms and no ALR or ALP beds. There is

currently a lack of ALP beds in Oneida County. The 40 ALP beds granted to Eastern Star in July 2016 will address the need for affordable adult care services.

The population to be served by the ESH project consists of chronic care and disabled adults in Oneida County. As reported in the Central New York Care Collaborative Community Health Assessment (CNA) the population distribution by age in skewed toward older adults. Oneida County has the highest proportion of older adults (65+) 16.3% of all the CNY counties. Oneida County also has the highest percentages of Hispanic/Latino and foreign born populations of the six CNY counties.

Table 1 Demographics of Oneida County and CNYCC (6 counties)<sup>1</sup>

Population Characteristics	Oneida County	CNYCC
2012 Population	234,336	1,002,605
Percent Age 65 and over	16.3%	14.6%
Percent Hispanic	4.6%	3.6%
Percent Black	5.6%	7.0%
Percent Foreign Born	7.2%	5.6%
% Unemployed	7.7%	7.6%

Oneida County has the second highest of those at <100% of the Federal Poverty Level and has the highest proportion of residents receiving SSI compared to the other CNY counties. The 66,647 Medicaid enrollees in Oneida County make up a high percentage of the population 28.4%, as compared to the CNYCC area 24.3%.

Table 2 Socio-Economics of Oneida County and CNYCC (6 counties)<sup>2</sup>

Socio-Economic Characteristics	Oneida County	CNYCC
Median Income	\$49,148	\$51,254
Percent Individuals at or below Poverty Line	15.6%	14.4%
Percent on SSI	3.5%	2.9%
Percent Uninsured	7.7%	8.7%
Medicaid Enrollees	66,647	243,634
Percent of Population	28.4%	24.3%
Dual Eligible as % of Medicaid Recipients	18.0%	14.6%

There are 45 skilled nursing homes and assisted living facilities in the CNYCC area, with 16 nursing homes in Oneida County with 2,606 beds. The average occupancy in Oneida County nursing homes is 90.3% as of January 2018. In the Berger Commission report NYSDOH determined that Oneida County was over-bedded by 330 beds (for year 2016). ESH will reconfigure its services decertifying 67 nursing home beds. The provision of a small post-acute care nursing unit combined with ALP, enriched housing and memory care will meet a broad range of needs and allow for care at the proper level post discharge.

<sup>&</sup>lt;sup>1</sup> CNYCC Community Needs Assessment

<sup>&</sup>lt;sup>2</sup> Ibid

The ultimate goal will be to keep residents at the lowest level of care and ultimately return them home. Those facing the end of life will receive care in either the nursing unit or in assisted living if they cannot remain home, again avoiding ED visits, hospitalizations and re-hospitalizations.

A market feasibility study was performed in 2013 and recently updated showing the need for additional ALP, EALR and SNALR beds. The study focusing concluded that the market could support the additional beds of market rate ALR/EALR beds and up to 93 ALP beds.

ESH, an essential safety net provider, will reconfigure its services decertifying 67 nursing home beds in order to provide more options to shift patients from the hospital to less intensive settings such as assisted living. The provision of a small post-acute care nursing unit combined with ALP, enriched housing and Alzheimer's care will meet a broad range of needs and allow for care at the proper level post discharge. The ultimate goal will be to keep residents at the lowest level of care and ultimately return them home. Those facing the end of life will receive care in either the nursing unit or in assisted living if they cannot remain home, again avoiding ED visits, hospitalizations and re-hospitalizations.

The ESH project expands the capacity to address the high rates of chronic disease, improve overall health status, increase quality and reduce costs, including the cost of inappropriate hospital utilization.

6(b)

Since 2007 we have had a very positive experience with the IDA, this project much like out prior project that you approved is predicated upon community need and restructuring our operation to align our services with that of the NYS Department of Health and our community collaborative the Central New York Care Collaborative (CNYCC).

6(c)

Yes,

If funding is not approved, it would jeopardize both the scope and likelihood of the transition project overall. By our receiving approval for the ALP beds in a very competitive process and then being awarded almost \$3,000,000 in a very competitive grant process to assist in renovations for this project the New York State Department of Health has demonstrated that there is a great need in our community for a transition of this magnitude. We have almost all of the Certificate of Need(CON) and licenses in place including the building permit, we are just finalizing the remainder of the financing in order to begin transformation.

## Short Environmental Assessment Form Part 1 - Project Information

#### **Instructions for Completing**

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information	
TRUSTEES OF THE EASTERN STAR HALL AND HOME OF THE STATE OF NEW YORK	
Name of Action or Project:	
EASTERN STAR HOME TRANSFORMATION PROJECT	
Project Location (describe, and attach a location map):	
8290 STATE RTE 69, ORISKANY, NY 13424	
Brief Description of Proposed Action:	
Conversion of three existing skilled nursing buildings into assisted living (no increase in b	uilding
floor area or volume, no increase in intensity of use) the project does not involve an incre	
existing utility services and does not increase the imperious area nor does it result in an i	ncrease
in the volume of storm or sanitary flow.	
Name of Applicant or Sponsor:  Telephone: 315-736-9311	
TRUSTEEES OF THE EASTERN STAR HALL AND HOME OF THE STATE OF NEW YORK  E-Mail:  jfrench@eshomeny.org	
Address:	·····
PO BOX 959, 8290 STATE RT 69	
City/PO: State: Zip C	ode:
ORISKANY NEW YORK 13424	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?	O YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that	$\mathbf{X}$
may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	
	O YES
If Yes, list agency(s) name and permit or approval:	
New York State Health Department and Village of Oriskany Building Department	
3.a. Total acreage of the site of the proposed action?  8.68 acres	
b. Total acreage to be physically disturbed?  c. Total acreage (project site and any contiguous properties) owned	
or controlled by the applicant or project sponsor? <u>8.68</u> acres	
1.4. Check all land uses that occur on adjoining and near the proposed action	
4. Check all land uses that occur on, adjoining and near the proposed action.  ☐ Urban ☐ Residential (suburban) ☐ Urban ☐ Residential (suburban)	

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?		X	
b. Consistent with the adopted comprehensive plan?			X
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar		NO NO	YES
If Yes, identify:	<del></del>		1123
			L
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?		X	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act	ion9	X	
	ion?		X
9. Does the proposed action meet or exceed the state energy code requirements?  If the proposed action will exceed requirements, describe design features and technologies:		NO	YES
			X
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
			X
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:		П	X
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES
b. Is the proposed action located in an archeological sensitive area?		X	
		X	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	n	NO X	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		X	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check al	l that ar	plv:	
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-succession		F-5.	
☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		X	
16. Is the project site located in the 100 year flood plain?		NO	YES
		X	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	-	NO	YES
a. Will storm water discharges flow to adjacent properties?		X	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain	s)?		
If Yes, briefly describe:			
The project will not alter any existing storm drainage systems (no increase in runo	ff)		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?		
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste?  If Yes, describe:		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE I	BEST O	FMY
KNOWLEDGE	ø	
Applicant/sponsor name: JEFFREY S. FRENCH, CEO/ADMINISTRATOR Date:	0	
Signature:		

## ONEIDA COUNTY Local DEVELOPMENT Corporation COST/BENEFIT ANALYSIS Required by §859-a(3) of the New York General Municipal Law

Date

5/11/2018

Name of Applicant:	Trustees of the Eastern Star Hall and Home of the State of New York		
Name of All Sublessees or Other Occupants of Facility:		,	
Principals or Parent of Applicant:	NA		
Products or Services of Applicant to be produced or carried out at facility:			
Estimated Date of Completion of Project:			
Type of Financing/ Structure:	X	Tax-Exempt Financing Taxable Financing Sale/ Leaseback Other:	
Type of Benefits being Sought by Applicant:	X	Taxable Financing Tax-Exempt Bonds Sales Tax Exemption on Eligible Expenses Until Completior Mortgage Recording Tax Abatement Real Property Tax Abatement	

#### **Project Costs**

Land Existing Building Existing Bldg. Rehab Construction of New Building Addition or Expansion Engineering/ Architectural Fees installation Fees and Permits
Equipment
Legal Fees (Bank, Bond, Transaction, Credit Provider, Trustee Finance Charges (Title Insurance, Environment Review, Bank Commitment Fee, Appraisal, Etc.

Legal Fees (Bank, Bond, Transaction, Credit
Provider, Trustee
Finance Charges (Title Insurance, Environmental
Review, Bank Commitment Fee, Appraisal, Etc.)
Other Subtotal

Agency Fee\*

\$ 516,300.00				
\$ 229,417.00		]		
\$ 7,500.00				
\$ 281,900.00				
\$ 8,262,868.00				
\$ 26,329.00	DA Agency Fee: PILOT, Mortgage Recording Exemption, Sales Ta Exemption:			
	o Up to a \$1.0 Million project - \$5,000	o. Above \$1.0 Million project up to \$10.0 Million project - ½ of 1% of total project cost.	o Above \$10.0 Million project – ½ of 1% of total project cost up to \$10.0 Million plus incremental increase of ¼ of 1% of total project above \$10.0 Million.	
\$ 8,289,197.00			110000000000000000000000000000000000000	

7,227,751.00

#### TOTAL COST OF PROJECT

#### Assistance Provided by the Following:

EDGE & RIDC Loan:

MVEDD Loan:

NYS Statewide Transformation Grant

Other Loans - Please indicate source & Amount:

#### **Company Information** Average Salary of these **Positions Existing Jobs** 135.00 42,020 FTE Created Jobs (over three years) 102.00 42,020 Retained Jobs **Earnings Information for Oneida County** Average Salary of Direct Jobs for Applicant 42,020.00 Average of County Indirect Jobs 25,000.00 Average of Construction Jobs 32,000.00 Note: \$1,000,000 in construction expenditures generates 15 person - years of employment Construction Person Years of Employment: Calculation of Benefits (3 Year Period) **Total Earnings** Revenues **Direct Jobs** Created \$ o Existing \$ 17,018,100.00 723269.25 Indirect Jobs Created \$ Existing \$ 25,312,500.00 1075781.25 Construction - only one year Person Years \$ 1,156,440.16 49149

43,487,040.16

TOTALS Calculation of Benefits (3 Year Period) \$

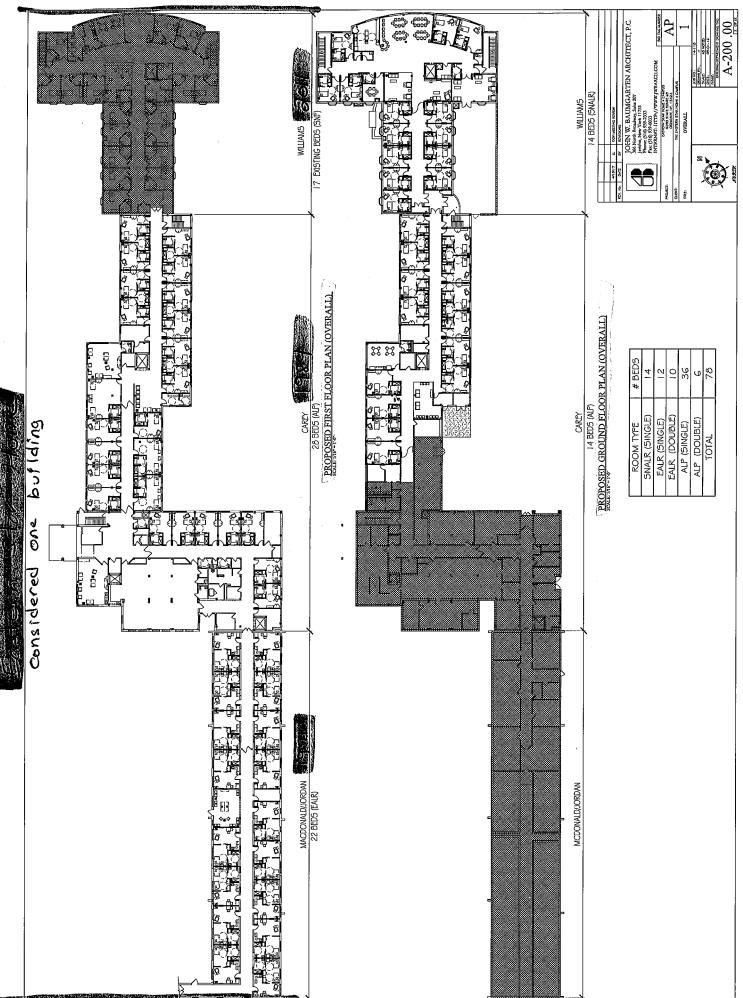
FTE

1848199

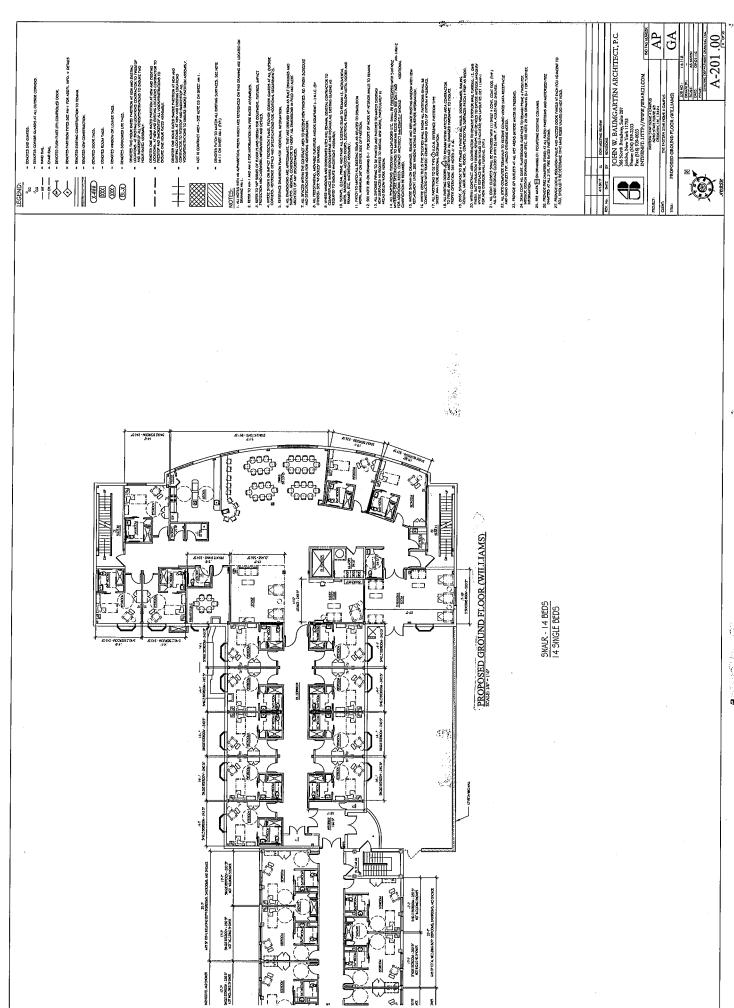
#### **TAXABLE GOODS & SERVICES**

	Spending Rate		Expenditures	State & Local Sales Tax Revenues			
Direct Jobs Created Existing	•	0.36 0.36	0 6126516	0 536070.15			
Indirect Jobs Created Existing	•	0.36 0.36	0 9112500	0 797343.75			
Construction - only one year Person Years	s \$	0.36	416318	36428			
TOTAL TAXABLE GOODS & SERVICES			15655334	1369842			
Local (3 year) real property tax benefit (assuming 60% of jobs existing and created own a residence) with an average assessment of \$80,000 and the remainder of jobs existing created pay real property taxes through rent based on an average assessment per apartment of \$50,000.							
Tax Rate for School District where facility is located	l:		29.019057				
Tax Rate for Municipality where facility is located:			3.704716				
Tax Rate for County:			9.84164				
Real Property Taxes Paid:		Total 50.49	42.565413				
COSTS:							
Real Property Taxes Abated on Improvements Onl	y (10 yr. Period):		0	Amount of Taxes that would be abated by applying PILOT.			
Mortgage Tax Abated (.075%)			0				
Estimated Sales Tax Abated During Construction F	Period (8.75%)		0				

NOTE: If there is a tax-exempt financing of all or a portion of the project cost, there is a neutral cost/benefit because of lower interest rates by reason of exclusion of interest from gross income of bondholders for purposes of Federal and State income taxes. Taxable financing carries the same cost/benefit for State Income Tax purposes. Such cost/benefits cannot be quantified.



P3.2



Ps. 2

P. 20 3

