

# CONSOLIDATED FUNDING APPLICATION

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(finalizer)

APPLICATION NUMBER 42658 - QUESTIONS & ANSWERS  
JBICKLE@NIAGARAWATER.COM

## Threshold

### Empire State Development Grant Funds

**Q\_3115** Does the proposed project budget only include capital expenditures? By selecting yes, you are confirming that project funding will only be used for one or more of the following categories:

- Acquisition of land, building, machinery and/or equipment
- Acquisition of existing business and/or assets;
- Demolition and environmental remediation;
- New construction, renovation or leasehold improvements;
- Acquisition of furniture and fixtures;
- Soft costs up to twenty-five percent (25%) of total project costs; and
- Planning and feasibility studies related to a specific capital project

Yes

**Q\_3116** Have any of the expenses for this project (or, in the case of a multi-phase project, the phase of the project for which funds are being requested) been incurred or are expected to be incurred prior to an award of funding?

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No

**Q\_2325** Is the Applicant aware that ESD grants generally fund no more than 20% of total projects costs?

Yes

**Q\_3118** Does the proposed project budget include a 10% cash equity contribution from the Applicant?

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Yes

## Basic

### General Project Information

**Q\_550** If you are a DBA, what is your DBA name?

No Answer

**Q\_549** Type of Applicant (select all that apply)

LLC

Q\_556

Select an applicant ID type from the list below that you normally use to identify your organization on application forms.

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Federal Tax ID Number

Q\_969

If you are a business, have you been certified as a New York State Minority or Women-owned Business Enterprise (MWBE)?

N/A

Table

[Show Help](#)**Applicant**

	Answer
Legal Name	<div>Q_546</div> <div>Niagara Bottling, LLC</div>
Street Address	<div>Q_551</div> <div>2560 E. Philadelphia Street</div>
City	<div>Q_552</div> <div>Ontario</div>
State	<div>Q_553</div> <div>CA</div>
Zip Code (use ZIP+4 if known)	<div>Q_554</div> <div>91761</div>
Email Address	<div>Q_555</div> <div>jbickle@niagarawater.com</div>
Telephone Number (include area code)	<div>Q_651</div> <div>9099578274</div>

Table

[Show Help](#)**Contacts**

	Primary Contact	Additional Contact
First Name	Q_547 Justin	Q_1052 Kent
Last Name	Q_1049 Bickle	Q_970 Ratzlaff
Title	Q_1050 Economic Development Specialist	Q_1051 Executive VP, Finance
Street Address	Q_3688 1700 Eastgate Parkway	Q_3693 2560 E. Philadelphia Street
City	Q_3689 Gahanna	Q_3694 Ontario
State	Q_3690 OH	Q_3695 CA
ZIP Code	Q_3691 43230	Q_3696 91761
Email Address	Q_3692 jbickle@niagarawater.com	Q_561 kratzlaff@niagarawater.com
Telephone Number	Q_562 9099578274	Q_3697 9093543306

Q\_3656 Is the project included in a NY Rising Community Reconstruction Program plan or a NY Rising Countywide Resiliency Plan?

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No

Q\_3744 If the project is included in a NY Rising Community Reconstruction Program plan or a NY Rising Countywide Resiliency Plan, please indicate the planning committee name, project name, and location.

No Answer

Q\_3762 Does your project directly address the needs of people in your region who are living in poverty and who seek resources for inclusion in the economic life of New York State?

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No

Q\_3763

How does your project seek to apply CFA funds for the purpose of eliminating barriers to skilled employment by poor people in your region, as identified by the Opportunity Agenda? Please describe any efforts to collaborate at the local or regional level (i.e. public, private, labor, philanthropic sectors).

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No Answer

Q\_3764

How does your project build workforce development programs, improve physical infrastructure, and/or establish social services that connect people living in poverty in your region with skilled employment, in correspondence with the economic revitalization priorities, distressed community targets, and the industry growth areas identified in the Opportunity Agenda and Strategic Plan?

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No Answer

Q\_3766

Is this a Global NY Project?

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No

Q\_3768

If this is a Global NY Project, please describe how this project relates to the identified goals of your region's Global Marketing and Export Strategies as part of the Global NY initiative?

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No Answer

## Project Description

Q\_575

Project Description. Concisely describe the project, indicating the location, what will be planned, designed, acquired, and/or constructed, the issues/opportunities to be addressed, and expected outcomes and deliverables. Additional details will be collected later in the application process.

Niagara Bottling is considering purchase of land in the Town of Ulster, adjacent to the vacant IBM campus and Bank of America offices. Niagara plans to build a 358,000sf manufacturing facility, in which it will produce bottles and caps. A significant investment into M&E will be made, as Niagara utilizes the fastest bottling line technology in the world (1800 BPM). Initial 1-line investment carries M&E investment of [REDACTED] for the bottling line alone.

One of the challenges with this site are significant off-site infrastructure improvement that include, but not limited to: road construction, traffic signaling, and water/sewer infrastructure upgrades. Also, with the extended vacancy of the IBM campus and pending expiration of Bank of America's lease in 2015, the real estate in the general vicinity of the prospective Niagara site could suffer.

Q\_930

Explain what makes your project a regional economic priority - for example creates jobs, economic investment, sustainability and community revitalization, government efficiency or consolidation etc.

Niagara approaches expansions as a decades-long decision, because each facility we build or acquire is purchased and owned by the company. Our investment is long-term, which is why it's so important for the company to find a home that fits not only for Niagara, but especially the community. Niagara plants are built to sustain what is often rapid, future growth, and although his plant is being planned for 1-initial line that will create 41 new jobs, full build-out could reach 4-lines and 120 employees.

The only site being evaluated by Niagara in the Town of Ulster is in an area that has been experienced difficulty. Niagara envisions this as an opportunity (if it's decided this is the location for the company) to



create excitement throughout the community by bringing significant investment [REDACTED] well-paying jobs and becoming a corporate citizen of the Town.

**Q\_929** Current State of Project Development (i.e. planning, preliminary engineering, final design, etc. You may enter N/A for non-project related applications)

Real estate evaluation (New York, Massachusetts & Connecticut)

**Q\_975** Estimated Project Timeline: including project start/completion dates, estimates for design, permitting and construction or other major steps. (You may enter N/A for non-Project related applications)

Site location decision/real estate transaction - Late June/early July 2014

SEQRA Approval - Being determined whether or not this is going to be a requirement. If so, could take 6-8 months, but can be done concurrently w/ planning process. Note that if other site in New York were selected, permitting could be complete and ready within 90-120 days. If SEQRA approval necessary, potential process completion could come in Q2 of 2015.

Equipment purchase - 2015

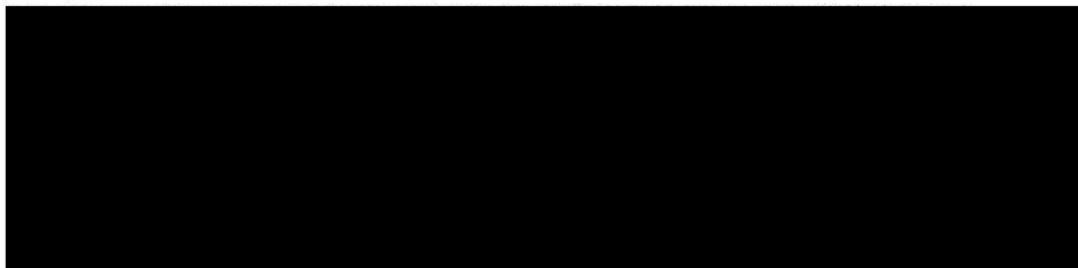
Construction, off-site improvements, etc. - mid-late Q2 2015

Operational/production - early 2016

\*\*\*Note that these are moving targets, dependant on necessity and/or length of SEQRA approval process.

**Q\_976** Statement of Need

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**Q\_580** Provide a list of all federal, state, and local reviews, approvals, or permits needed or completed, including the dates when they are expected to be completed or were completed. If Not Applicable, indicate "NA".

Mentioned previously, but SEQRA approval could be necessary for Ulster site/Niagara currently evaluating. Permitting/planning can be run concurrently, but SEQRA process could take 6-8 months, meaning possible Q2 approval.

**Q\_2364** What is the status of State and/or Federal Environmental Review? If review of the project is underway or completed pursuant to the State Environmental Quality Review Act (SEQRA) or National Environmental Policy Act (NEPA), please indicate the lead agency (if applicable).

TBD; SEQRA process concerning site under consideration in Town of Ulster is yet to be determined. Currently, Niagara is evaluating, and expect due diligence on SEQRA work to commence in the near future.

**Q\_1054** If National Environmental Policy Act (NEPA) Record of Decision has been issued, please explain (include date of Record of Decision).

No Answer

#### Prior CFA Funding

**Q\_2362** If funding was awarded in prior CFA rounds, what were the CFA numbers for which funding was awarded? (separate multiple CFA numbers with commas)

No Answer

#### Empire State Development Grant Funds

##### Required Supporting Documentation

**Q\_3123** Attach 2011 financial documents.

For any business or organization other than publicly traded companies, please provide audited or reviewed financials or compiled financials with signed tax returns for 2011. For publicly traded companies please provide Form 10-K for 2011.

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**Q\_3122** Attach 2012 financial documents.

For privately owned companies, IDAs, not-for-profits, educational institutions, start-ups, municipalities, or any business or organization other than publicly traded companies, please provide audited or reviewed financials, or compiled financials with signed tax returns, for 2012. For publicly traded companies please provide Form 10-K for 2012.

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**Q\_3121** Attach 2013 financial documents

For privately owned companies, IDAs, not-for-profits, educational institutions, start-ups, municipalities, or any business or organization other than publicly traded companies, please provide audited or reviewed financials, or compiled financials with signed tax returns, for 2013. For publicly traded companies, please provide Form 10-K for 2013.

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**Q\_3120** Attach interim financials for 2014

For privately owned companies, IDAs, not-for-profits, educational institutions, start-ups, municipalities, or any business or organization other than publicly traded companies, please provide interim financials for 2014, certified by a company officer. For publicly traded companies, please provide the most recent Form 10-Q.

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**Q\_2165** For Start-up companies, in addition to the documents listed above provide: 1) Financial projections (5 years) 2) Personal financial statements from a personal guarantor(s) of the start-up company 3) Principal resumes

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**Q\_2331** Attach an organizational chart and/or description of ownership structure including the percentage of ownership for each individual entity.

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**Q\_3119** Attach all letters of support or other information for the project.

Complete Occupation & Wage Data (1-line investment).pdf

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**Q\_2332** Attach a short or long Environmental Assessment Form

Project review pursuant to the State Environmental Quality Review Act (SEQRA) must be completed prior to the award of any state funds. For projects classified as Type I or Unlisted actions, submit a short or long Environmental Assessment Form. See "View Help" for links to forms.

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No attachment, cannot upload

**Q\_2333** If review of the project has been completed pursuant to State Environmental Quality Review Act (SEQRA) or National Environmental Policy Act (NEPA), please submit the Negative Declaration or Findings Statement, or Finding of No Significant Impact or Record of Decision.

No attachment, cannot upload

**Q\_2334** Provide a list of all other federal, state, and local reviews, approvals, or permits needed or completed, including the dates when they are expected to be completed or were completed. If Not Applicable, please upload an attachment that indicates "NA".

NA.pdf

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## Standard Question

### General Project Questions -

In the beginning of the Application, you were asked to describe your overall project, which may include multiple phases, such as in the case of a major infrastructure project or redevelopment of a specific geographic area. Please note that this section of the Application is specific to the phase of the project for which ESD grant funds are being requested through this CFA, NOT the overall project.

**Q\_2164** Please concisely describe the proposed project, indicating the location, what will be planned, designed and/or constructed, the issues/opportunities to be addressed and expected outcomes and deliverables.

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Niagara will purchase land and construct a 358,000 square-foot manufacturing facility to house one, high-speed bottling line (initially). The project, considering location in the the Town of Ulster (Ulster County), among [REDACTED] could create 41 jobs initially. Future phases of the project would add three additional bottling lines and create up to 120 jobs.

**Q\_3140** Please provide a concise narrative describing the applicant's history and current operations. Include information about company/organization size, products, services, market share, position within the industry, competitors, etc.



Niagara has made significant developments as a vertically integrated manufacturer with innovative bottle design, and high speed manufacturing, which has positioned the company as the industry leading private label bottled water supplier in the Western United States. Niagara's family owned and operated status continued with Andy Peykoff, II becoming President and CEO in 2002. Since then, Niagara has established itself as a National leader in high quality affordable bottled water with geographically diversified production facilities throughout the United States. The dedication to operational improvements, a consistent recipe of hard work, integrity, attention to detail, and the relentless quest for perfection has driven Niagara to become the largest family owned and operated bottled water company in the United States. [REDACTED] continues to challenge competitors such as Nestle, Coke and Pepsi.

Q\_2336

Briefly describe the activity that the project involves in terms of product(s) or services(s) that will be provided at the project location.

[REDACTED]

[REDACTED] however, it is always in need of incentives to help offset start-up costs. This project would create 41 jobs initially and up to 120 at full build out.

Q\_1142

Indicate the Primary North American Industrial Classification System (NAICS) Code at the PROJECT LOCATION.

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312112

Q\_2219

Describe how the capital investment for which you are seeking funding will make it possible to reach your business or organizational goals, such as changes to profitability, productivity, market share, product offerings, or other results relevant to your goals.

Niagara does not prioritize incentives as the primary driver of our projects. Finding a location where Niagara can get product to market in a timely manner, employ and train a skilled workforce, competitive cost of doing business, and the "fit" for both the community and our company are of the utmost importance. Financial support in the form of incentives is portrayed internally as important, and at times, a game-changer. We view our projects as significant initial and long-term investments, as Niagara does not lease real estate, yet either purchase an existing building (rare) or build-to-suit. Niagara places a high priority on educating and training their workforce with the skillset required for our advanced technology and continuously growing business. Concerning the importance of financial assistance (incentives), mitigating/minimizing up-front costs is important to our company. Often, and in this particular case, infrastructure upgrades are required to water/sewer/power access, roadways, etc. Additionally, a significant investment into a single bottling line [REDACTED] is made at the onset of each project, making incentive packages and proposals for this applicable use attractive and appreciated, as well. Each aforementioned area directly impacts Niagara's goals, ability to open a new plant in a timely manner and operate efficiently and effectively, and financial assistance enhances these capabilities.

Q\_3134

Is a third party being used to complete this application such as consultant, accountant or attorney?

No

Q\_3136

If you are a third party completing this application you must disclose your name, company and contact information.

No Answer



**Q\_1233** What tasks and steps need to be completed before the project can begin (e.g. obtaining permits, licenses, hiring staff, etc.)

Project is still in due diligence phase (real estate decision being made in next couple of weeks). In midst of evaluating what the timeline of potential SEQRA process will be, post-potential real estate transaction. Typical grading, construction/building, TI, etc. permitting will also be natural requirements in process.

**Q\_1409** What is the first project year? (e.g. the year equipment will be ordered or when first expenditures are expected to be made)

2014 (real estate acquisition); 2015 (equipment purchase, begin construction); late 2015/early 2016 (operational)

**Q\_3133** Is the proposed project located in a highly distressed area? If so, please provide information that will help ESD confirm that the area is highly distressed.

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No; however, the neighboring entity, Kingston, is a distressed community. Thus, it is assumed that Niagara will receive employment interest/applicants from not only Ulster (and Ulster County), but Kingston, as well. Furthermore, it is likely that specific to the potential project location, access to public transportation and proximity to a workforce that could consist of distressed, unemployed workers, would be applicable and beneficial to the company and community as a whole.

**Q\_3175** Should the full amount of the Applicant's ESD funding request not be awarded, at what minimum level of ESD funding does the project become unfeasible?

Multiple states and sites are being evaluated/considered, including New York and Massachusetts.

**Project Costs by Year:** Please enter the annual anticipated Project Costs based on the year that the investment will be made. These Project Costs should match the information in the Program Budget section.

Table

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*Qualified Investments*

	Year 1	Year 2	Year 3	Year 4	Year 5
Building Acquisition	Q_3006	Q_3017	Q_3030	Q_3042	Q_3053
	No Answer	No Answer	No Answer	No Answer	No Answer
Building Renovation	Q_3007	Q_3018	Q_3031	Q_3043	Q_3054
	No Answer	No Answer	No Answer	No Answer	No Answer
New Construction					
Production Machinery & Equipment	Q_3009	Q_3020	Q_3033	Q_3045	Q_3056

Furniture, fixtures & equipment

Land Acquisition \*

Demolition & environmental remediation \*

Soft costs up to 25% \*

Total

**Job Creation and Retention Questions:** The following questions are for committed, direct jobs only. Note that if awarded funding, Applicant must document existing and new jobs via submission of NY-45 forms. Questions about other jobs, such as Indirect Jobs and Construction Jobs, follow this section.

**Q\_2195** Indicate how many existing full-time equivalent jobs the applicant employs in all NYS LOCATIONS.

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0

**Q\_2199** Indicate the average annual wage for existing full-time equivalent employees the applicant employs in all NYS Locations as of the date this application is finalized.

\$0

**Q\_1365** Indicate how many of the total existing full-time equivalent employees in New York State are contract employees.

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0

#### All PROJECT Locations

**Q\_2196** Indicate how many existing full-time equivalent jobs the applicant employs at all PROJECT LOCATION(S).

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0

**Q\_1186** Indicate the average annual wage for the employees at the Project Location as of the date this application is finalized.

No Answer

**Q\_1366** Indicate how many of the total existing full-time equivalent employees at the Project Location are contract employees.

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**Q\_1196** How many of the existing jobs at the project location(s) are at risk if the project does not go forward.

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**Q\_2175** What percentage of the project's employees are/will be residents of New York State?

Intent and desire is to hire locally, however, an occupation such as the plant director may or may not come via promotion from other Niagara facility.

**Q\_2178** Will any other non-construction jobs result from the project? For example, this could include jobs created by tenants at an incubator or mixed-use development or as a result of the creation of a job training center. If so, please estimate how many jobs, explain how these jobs will be created, and explain the method used to determine the job number estimate.

No Answer

**Q\_2372** Will the proposed project result in the creation of construction jobs? If so, estimate the number of construction jobs to be created.

Enter zero if not applicable.

#### NET NEW JOBS (DIRECT JOBS ONLY)

**Q\_3523** In the Table below, please indicate how many new full-time equivalent employees the company will create by general category/job type. Definition of full-time equivalent employee: (1) a full-time, permanent, private-sector employee on the Recipient's payroll, who has worked at the Project Location for a minimum of 35 hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Recipient to other employees with comparable rank and duties; or (ii) two part-time, permanent, private-sector employees on Recipient's payroll, who have worked at the Project Location for a combined minimum of 35 hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Recipient to other employees with comparable rank and duties. For the Excelsior Jobs Program: a full-time permanent employee must be on the payroll for at least six months of a year in order to qualify for benefits. Jobs transferred from employment with another business located in the State including from a related person in this State are not net new jobs for purposes of the employment commitment. Indicate the year employment begins under Year 1 here:

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Table

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Net New Job Information (Enter Cumulatively)



	Job Type/Category	Avg Gross Wages/Job Type	Year 1 - # Net New Jobs	Year 2 - # Net New Jobs	Year 3 - # Net New Jobs	Year 4 - # Net New Jobs	Year 5 - # Net New Jobs
1	Q_3064 Plant Director	Q_3065	Q_3066 1	Q_3067 No Answer	Q_3068 No Answer	Q_3069 No Answer	Q_3070 No Answer
2	Q_3071 Maintenance Manager		Q_3073 1	Q_3074 No Answer	Q_3075 No Answer	Q_3076 No Answer	Q_3077 No Answer
3	Q_3078 Warehouse Manager		Q_3080 1	Q_3081 No Answer	Q_3082 No Answer	Q_3083 No Answer	Q_3084 No Answer
4	Q_3086 QA Manager		Q_3090 1	Q_3091 No Answer	Q_3092 No Answer	Q_3093 No Answer	Q_3094 No Answer
5	Q_3095 HR Generalist		Q_3097 1	Q_3098 No Answer	Q_3099 No Answer	Q_3100 No Answer	Q_3101 No Answer
Total			5	0	0	0	0

## Environmental and Historic Preservation Questions

Q\_2191

Does the project site involve or is it substantially contiguous to a property listed or recommended for listing in the NY State or National Registers of Historic Places? Consult the National Register Information System at <http://www.nps.gov/history/nr/research/> to find out if a property is listed. The State Preservation Historical Information Network Exchange (SPHINX) tool at <http://nysparks.com/shpo/online-tools/> can also be used to find out if a property is listed on the State Register. Indicate Y/N/NA. If Y, identify the name of resource and click "Help" for more information.

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N

Q\_2335

Is the project site wholly or partially included within an identified archeologically sensitive area? The Geographic Information System for Archeology and National Register tool can be used to identify archeologically sensitive areas. Indicate Y/N/NA. If Y, click "Help" for more information.

Listed below please find the link for The Geographic Information System for Archeology and National Register.

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N



## Smart Growth

**Smart Growth Questions:**The NYS Smart Growth Public Infrastructure Policy Act requires that a project meet the relevant smart growth criterion to the extent practicable. Please respond to the questions below regarding smart growth criteria.

Q_1059	<p>Does the proposed project use, maintain, or improve existing infrastructure? Y/N/Not Relevant. Please explain all responses.</p> <p style="text-align: right;"><a href="#">Show Help</a></p> <p>Yes. Significant improvements are required to offsites, such as roadwork, signaling, landscaping (once facility constructed), etc. Current road that leads into site is a dead-end into moderately wooded-area. Furthermore, due to significant reliability/use of water and electricity service, utility infrastructure will be improved to feed potential site.</p>
Q_1060	<p>Is the proposed project located in a municipal center? Y/N/Not Relevant. Please explain all responses.</p> <p style="text-align: right;"><a href="#">Show Help</a></p> <p>No, site under consideration is not in the Town center, yet located adjacent to business park.</p>
Q_1061	<p>Is the proposed project located in a developed area or an area designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan and/or brownfield opportunity area plan? Y/N/Not Relevant. Please explain all responses.</p> <p style="text-align: right;"><a href="#">Show Help</a></p> <p>Yes. Site under consideration is adjacent to Bank of America offices, and although vacant, former IBM campus. However, the proposed site is not located in an existing, or area/industrial park being developed for manufacturing uses.</p>
Q_1062	<p>Will the proposed project protect, preserve and enhance the State's resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources? Y/N/Not Relevant. Please explain all responses.</p> <p style="text-align: right;"><a href="#">Show Help</a></p> <p>Indirectly, yes. Over the last decade, Niagara has worked to minimize its carbon footprint, while cutting costs all at once. A few examples are, but not limited to:</p> <ol style="list-style-type: none"> <li>1. Eco-Air Bottle: Niagara has reduced the amount of plastic in our Eco-Air Bottle by over 60%. Our bottle is not only lightweight but also 100% recyclable. Thus, we are able to transport more water per truckload, which reduces CO2 emissions, use less plastic per bottle, which helps conserve resources, and use less energy within plant ultimately reducing our carbon footprint.</li> <li>2. Nested pack: As innovators, Niagara is always looking for ways to improve through technological advancements and processes that help us reduce our impact on the environment. Our Eco-Air Package eliminates the need for a cardboard tray completely and the cases take up less pallet space which allows us to ship more water per order and subsequently helps us reduce our CO2 emissions.</li> <li>3. Alternative Energy: Niagara is committed to using alternative energy sources and continue to explore opportunities to integrate solar and geothermal cooling into our operations. Some of our alternative energy sources include skylights and automated lighting, which help decrease the energy used to power and light all our plants.</li> <li>4. Laser-Guided Vehicles: Forklifts are required to remove pallets off the end of the production line and move to storage in the warehouse or direct loading in to trucks. The baseline equipment for this application is standard propane fueled internal combustion engine forklifts. The advantage of the electric lifts is that eliminates direct Source 1 emissions inside the warehouse which improves air quality.</li> </ol>
Q_1063	<p>Will the proposed project foster mixed land uses and compact development, downtown revitalization, Brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and</p>

age groups? Y/N/Not Relevant. Please explain all responses.

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Not relevant, although Niagara builds state-of-the-art facilities with very attractive aesthetics: exterior of facility, landscaping, etc. Therefore, should the Ulster site be chosen as project location, construction of new plant and immediate beautification of surrounding area would only enhance current setting.

**Q\_1064** Will the proposed project provide mobility through transportation choices including improved public transportation and reduced automobile dependency? Y/N/Not Relevant. Please explain all responses.

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With the potential of location in the Town of Ulster, Niagara would have the opportunity to offer/encourage its employees to utilize public transportation as means of transportation to and from the facility. It is known that a neighboring community, Kingston, is known as a distressed community, and one would expect to receive applicants who reside in a neighboring town to a hypothetical plant location. Thus, it can be assumed that alternate means of transportation, in this case public transportation, would be utilized by some employees. Niagara would collaborate with the Town of Ulster to discuss where existing bus stops are located, and whether they are in close proximity to proposed site/facility location.

**Q\_1065** Will the proposed project involve coordination between state and local government and inter-municipal and regional planning? Y/N/Not Relevant. Please explain all responses.

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Yes. It is being determined whether SEQRA process is necessary. If so, lead agency would likely be New York State Department of Environmental Conservation. Additionally, coordination of infrastructure and offsite improvements between Niagara and community will be extremely important to the timely delivery of a new facility/product to market.

**Q\_1066** Will the proposed project involve participation in community based planning and collaboration? Y/N/Not Relevant. Please explain all responses.

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Not Relevant. However, Niagara has a strong desire to align itself with the goals and ambitions as an exceptional corporate citizen, but this project does not involve direct community-based planning and collaboration. Each of our 18 plants across the United States is expected to entrench itself into and improve the community through service. Last year (2013), our people contributed over 42,000 volunteer hours. We would be more than happy to discuss and share more detail about Niagara's involvement and collaboration from a philanthropic standpoint should the site location decision be made to make Ulster our new home in the northeast.

**Q\_1067** Will the proposed project ensure predictability in building and land use codes? Y/N/Not Relevant. Please explain all responses.

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Not Relevant to the project.

**Q\_1068** Will the proposed project promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation? Y/N/Not Relevant. Please explain all responses.

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Not applicable to the project.



**Certification****Q\_1038**

By entering your name in the box below, you certify that you are authorized on behalf of the applicant and its governing body to submit this application. You further certify that all of the information contained in this Application and in all statements, data and supporting documents which have been made or furnished for the purpose of receiving Assistance for the project described in this application, are true, correct and complete to the best of your knowledge and belief. You acknowledge that offering a written instrument knowing that the written instrument contains a false statement or false information, with the intent to defraud the State or any political subdivision, public authority or public benefit corporation of the State, with the knowledge or belief that it will be filed with or recorded by the State or any political subdivision, public authority or public benefit corporation of the State, constitutes a crime under New York State Law.

Justin T. Bickle

**Q\_1776**

By entering your name in the box below, you certify, under penalty of perjury, that the information given herein is true and correct in all respects for the company or organization applying for funding (the "Company"), presently and for the past five years: -the Company is not a party to any litigation or any litigation is not pending or anticipated that could have an adverse material effect on the company's financial condition;

-the Company does not have any contingent liabilities that could have a material effect on its solvency;

-the Company, its affiliates or any member of its management or any other concern with which such members of management have been officers or directors, have never been involved in bankruptcy, creditor's rights, or receivership proceedings or sought protection from creditors;

-the Company is not delinquent on any of its state, federal or local tax obligations;

-no senior manager or principal of the Company has ever been charged with or convicted of any felony, or misdemeanor other than minor traffic offenses, or been a member of the management, an owner or majority stockholder of any firm or corporation convicted of any felony;

-the Company or any of the Company's affiliates, principal owners or Officers has not received a violation of State Labor Law deemed "willful";

-the Company or any of its affiliates has never been cited for a violation of State, Federal, or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices;

-there are not any outstanding judgments or liens pending against the Company other than liens in the normal course of business.

-the Company or any of its affiliates, principal owners or officers the company has not been the subject of any judgments, injunctions, or liens including, but not limited to, judgments based on taxes owed, fines and penalties assessed by any governmental agency, or elected official against the Company.

- the Company or any of its affiliates, principal owners or officers the company has not been investigated by any governmental agency, including, but not limited to, federal, state and local regulatory agencies

-the Company or any of its affiliates, principal owners or officers the company has not been debarred from entering into any government contract; been found non-responsible on any government contract; been declared in default or terminated for cause on any government contract; been determined to be ineligible to bid or propose on any contract; been suspended from bidding on any government contract; received an overall unsatisfactory performance rating from any government agency on any contract; agree to a voluntary exclusion from bidding or contracting on a government contract.

- the Company or any of its affiliates, principal owners or officers the company has not failed to file any of the required forms with any government entity regulating the Company. By entering your name in the box below, you agree to allow the Department of Taxation to share the Company tax information with ESD. By entering your name in the box below, you agree to allow the Department of Labor to share tax and employer information with ESD. Note: If any of the statements above are not true, in addition to entering your name, also include an explanation in the box below, indicating which issue you are addressing.

Justin T. Bickle

**General Certifications****Q\_2180**

By entering your name in the box below, you certify and agree that you are authorized on behalf of the applicant and its governing body to commit the applicant to comply with the requirements of Article 15-A of the New York

State Executive Law: Participation By Minority Group Members and Women With Respect To State Contracts by providing opportunities for MBE/WBE participation. You further certify that the applicant will maintain such records and take such actions necessary to demonstrate such compliance throughout the completion of the project.

Justin T. Bickle

Q\_2365

By entering your name in the box below, you are acknowledging that ESD's Contractor & Supplier Diversity policy will apply to this project. You are further acknowledging that you are aware of ESD's agency-wide Minority and Women Business Enterprise ("MWBE") utilization goal of 23%. Please note that each project will be assigned an individual contract-specific goal, which may be higher or lower than 23%. Furthermore, you understand that, should this project receive a funding award, the Applicant shall be required to use good faith efforts to achieve the prescribed MWBE goals assigned to this project.

Justin T. Bickle