



Onondaga County Industrial Development Agency
Project Summary

1. Project: Shining Stars Daycare Inc **2. Project Number:** 3101-17-02B

3. Location: Manlius **4. School Districts:** 0

5. Tax Parcel(s): 114.-01-09.0, 114.-01-31.0, 114.6. **6. Type of Project:** Construction

7. Description:

 Shining Stars Daycare, Inc. will construct a new 15,000 square foot child care facility, parking lot, and playground in the Town of Manlius, NY

7. Total Project Cost:	\$ 2,743,000	8. Total Jobs	5
Land	\$ -	8A. Job Retention	0
Site Work	\$ 462,000		
Building	\$ 1,569,000	8B: Job Creation	5
Furniture & Fixtures	\$ -	(Next 5 Years)	
Equipment	\$ -		
Equipment Subject to NYS Production Exemption	\$ -		
Engineering/Architecture Fees	\$ 140,000		
Financial Charges	\$ 12,000		
Legal Fees	\$ 10,000		
Other	\$ 550,000		

Cost Benefit Analysis:	Shining Stars Daycare Inc	
	Fiscal Impact (\$)	
Abatement Cost:		\$82,750
Sales Tax	\$64,000	
Mortgage Tax	\$18,750	
Property Tax Relief (PILOT) 10yr		
New Investment:		\$4,950,654
PILOT Payments 10 yrs	\$0	
Project Wages (10 yrs)	\$1,195,674	
Construction Wages	\$1,523,550	
Employee Benefits (10 years)	\$172,000	
Project Capital Investment	\$2,031,000	
New Sales Tax Generated	\$0	
Agency Fees	\$28,430	
Benefit:Cost Ratio	59.83 :1	

It is the policy of the Agency that any project receiving benefits from the Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:

Onondaga County Industrial Development Agency
Attn: Isabelle Harris
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
iharris@ongov.net

Section I: Applicant Information

Please answer all questions. Use "None" or "Not Applicable" where necessary.

A) Applicant Information-company receiving benefits:

Applicant Name: Shining Stars Daycare, Inc.
Applicant Address: 4581 Enders Rd., Manlius, NY 13164
Phone: (315) 682-3257 Fax: (315) 682-3389
Website: shiningstarschildcare.org E-mail: spenizotto@att.net
Federal ID#: 16-1594569 NAICS: _____
State and Year of Incorporation/Organization: 1994, NY

Will a Real Estate Holding Company be utilized to own the Project property/ facility? Yes or No

What is the name of the Real Estate Holding Company: Jr. Penizotto Real Estate, Inc.

Federal ID#: 20-4470651

State and Year of Incorporation/Organization: NY, 2005

List of stockholders, members, or partners of Real Estate Holding Company:

John & Stella Penizotto

B) Individual Completing Application:

Name: Stella Penizotto
Title: Vice-President
Address: 6886 Crystalwood Drive, Liverpool, NY 13088
Phone: (315) 345-8128 Fax: (315) 454-4540
E-mail: spenizotto@att.net

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

Name: N/A
Title: _____
Address: _____
Phone: _____ Fax: _____
E-mail: _____

D) Company Counsel:

Name of Attorney: Francis Stinziano
Firm Name: Gilberti Stinziano Heitz & Smith
Address: 555 E. Greenlee Street
Phone: (315) 442-0100 Fax: (315) 442-0106
E-mail: FStinziano@Gilbertilaw.com

E) Business Organization (check appropriate category):

- Corporation Partnership
 Public Corporation Joint Venture
 Sole Proprietorship Limited Liability Company

Others (please specify): N/A
Year Established: 1994
State in which Organization is established: NY

F) List all stockholders, members, or partners with % of ownership greater than 5% :

Name	% of ownership
<u>Aella Penizotto</u>	<u>50</u>
<u>John Penizotto</u>	<u>50</u>
_____	_____
_____	_____

G) Applicant Business Description:

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

Shining Stars provides high quality child care to children ages 2 to twelve through twelve years, we are open year round and provide before and after school services also. Centers like ours provide a much needed service so people can work.

Estimated % of sales within County/City/Town/Village: 100%

Estimated % of sales outside County/City/Town/Village but within New York State: N/A

Estimated % of sales outside New York State but within the U.S.: N/A

Estimated % of sales outside the U.S.: N/A

(*Percentage to equal 100%)

H) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in County/City/Town/Village. Include list of vendors, raw material suppliers and percentages for each. Provide Supporting documentation including estimated percentages of local purchases. 100% see subcontractors list.

I) **Applicant History:** If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? Yes No
2. Has any person listed above ever been convicted of a criminal

offense (other than a minor traffic violation)?

Yes No

3. Has any person listed in Section I ever been in receivership or declared bankruptcy?

Yes No

Explanation:

J) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State, or the Onondaga Civic Development Corporation in the past? If yes, please give year, project name, description of benefits, and address of project.

Yes No

Explanation:

2009 - 120 Metropolitan Blvd, Liverpool, 13088. sales tax exemption & mortgage recording tax exemption.

Section II: Project Information

A) Project Location; Location where the investment will take place. If company is moving, the new location should be entered here and the current location should be in Section I.

Address: 4595 Embers Road, Manlius, NY 13104

Legal Address (if different): N/A

City: Manlius

Village/Town: Manlius

Zip Code: 13104

School District: Fayetteville/Manlius

Tax Map Parcel ID(s): 114-01-69.0; 114-01-31.0; 114-01-11.0; 114-01-62.0

Current Assessed Value: \$235,200

Sq. Footage of Existing Building(s) 3243
(houses)

Census Tract: _____

B) Type (Check all that apply):

New Construction

Purchase of machinery and/or equipment

Expansion/Addition to current facilities

Brownfield/Remediated Brownfield

Renovation of Existing facility LEED Certification

Acquisition of Existing facility/property Other:

Demolition (of houses currently on site)

C) Description of Project: Please provide a detailed narrative of the proposed Project. This narrative should include, but not be limited to: (i) the size of the Project in square feet and a breakdown of square footage per each intended use; (ii) the size of the lot upon which the Project sits or is to be constructed; (iii) the current use of the site and the intended use of the site upon completion of the Project; (iv) the principal products to be produced and/or the principal activities that will occur on the Project site; and (v) an indication as to why the Applicant is undertaking the Project and the need for the requested benefits (Attach additional sheets if necessary). **Please separately attach the description and any copies of site plans, sketches, or maps.**

D) Select Project Type for all end users at project site (you may check more than one):

**Please check any and all end users as identified below

Industrial

Acquisition of Existing Facility

Housing

Equipment Purchase

Multi-Tenant

Commercial

Bank Office

Retail

Mixed Use

Facility for Aging

Civic Facility (not for profit)

Other child care center (new construction)

E) For the Agency to consider this project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?

Yes No

2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?

Yes No

3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?

Yes No

F) Please describe any compelling circumstances the Agency should be aware of while reviewing this application. *NA*

G) Environmental Information

1. Have any environmental issues been identified on the property?

Yes No

If yes, please explain:

Section III: Construction

A) Project Costs and Finances

Description of Costs	Total Budget Amount	Total Private Expenditure (should be less than or equal to total budget amount)
Land Acquisition	<i>n/a (purchased house years ago)</i>	
<i>x</i> Site Work/Demo	<i>462,000</i>	
Building Construction & Renovation		
<i>x</i> Furniture & Fixtures		
Equipment	<i>1,569,000 (est)</i>	
Equipment Subject to NYS Production Sales Tax Exemption		
Engineering/Architects Fees	<i>(est) 140,000</i>	
Financial Charges	<i>(est) 12,000</i>	
Legal Fees	<i>(est) 10,000</i>	
Other - <i>refinance debt</i>	<i>550,000</i>	
Management/Developer Fees	<i>* included in cost</i>	
Total Project Cost	<i>2,943,000</i>	

Note: Do not include OCIDA fees, application fees, or legal fees as part of the Total Project Cost

B) TOTAL Capital Costs \$ _____

Project refinancing; estimated amount
(for refinancing of existing debt only) \$ 550,000

Sources of Funds for Project Costs:

1. Bank Financing (est) \$ 2,500,000
 2. Equity (excluding equity that is attributed to grants/tax credits) (est) \$ 300,000 (out of pocket money)
 3. Tax Exempt Bond Issuance (if applicable) \$ N/A (not needed)
 4. Taxable Bond Issuance (if applicable) \$ N/A
 5. Public Sources (Include sum total of all state and federal grants And tax credits) \$ N/A
- Identify each state and federal grant/credit:
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____
6. **Total Sources of Funds for Project Costs:** \$ 2,800,000

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site? (at the current site)
 Yes No If yes, provide number of FTE jobs at the facility: 19

2. Complete the following:

Estimate the number of FTE jobs to be retained as a result of this Project:	<u>19</u>
Estimate the number of construction jobs to be created by this Project:	<u>~ 70</u>
Estimate the average length of construction jobs to be created (months):	<u>36-47 mos.</u>
Current annual payroll at facility	<u>~ 448,000</u>
Average annual growth rate of wages:	<u>~ 6%</u>
Please list, if any, benefits that will be available to either full and/or part time employees: <u>health insurance and</u>	<u>FT- sick, personal, vacation days, paid holidays</u> <u>PT- vacation & paid holidays</u> (for both)
Average annual benefit paid by the company (\$ or % salary) per FTE job:	<u>~ 4,000</u>

Average growth rate of benefit cost:	39% (est.)
Amount or percent of wage employees pay for benefits:	5% (est.)
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	

D) New Employment Benefits

- i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, third, fourth, and fifth years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.

Current & Planned Full Time Occupations (Job Titles)	Current Number of FTEs	Salary (Annual of Hourly)	Estimated Number of FTE Jobs After Project Completion				
			Year 1	Year 2	Year 3	Year 4	Year 5
Professional	1	42,000	1	1	1	1	1
Professional	0	30,000	0	1	1	1	1
Skilled	7	25,000	8	8	8	9	9
Semi-skilled	9	10.50/hr.	10	10	10	11	11
Job Creation Subtotal	17		19	20	20	22	22

For purposes of completing the chart, refer to the following definitions, in lieu of current titles:

- **Professional/Managerial Technical** – includes jobs which include skill or competence of extraordinary degree and may include supervisory responsibilities (examples: architect, engineer, accountant, scientist, medical doctor, financial manager, programmer, etc.).
- **Skilled** – includes jobs that require specific skill sets, education, training, and experience and are generally characterized by high education or expertise levels (examples: electrician, computer operator, administrative assistant, carpenter, sales representative).

- **Unskilled or Semi-Skilled** – includes jobs that require little or no prior acquired skills and involve the performance of simple duties that require the exercise of little or no independent judgment (examples: general cleaner, truck driver, typist, gardener, parking lot attendant, line operator, messenger, information desk clerk, crop harvester, retail salesperson, security guard, telephone solicitor, file clerk).

ii. Are the employees of your company currently covered by a collective bargaining agreement?

Yes No

If yes, provide name and location: _____

E) Financial Assistance sought (estimated values):

Real Property Tax Abatement (PILOT): _____

Mortgage Recording Tax Exemption (1% of amount mortgaged): 18,750

Sales and Use Tax Exemption (4% Local, 4% State): 64,000 (est)

Tax Exempt Bond Financing (Amount Requested): _____

Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 2,500,000

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above multiplied by .75 %): \$ 18,750

G) Sales and Use Tax: Gross amount of costs for goods and services that are subject to State and local Sales and US tax – said amount to benefit from the Agency's Sales and Use Tax exemption benefit:

\$ 800,000

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above):

\$ 64,000

Section IV: Estimate of Real Property Tax Abatement Benefits* and Percentage of Project Costs financed from Public Sector Sources**

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

A) PILOTS Estimate Table Worksheet

Current Market Value	
Dollar Value of New Construction and Renovation Costs	
Estimated New Market Value of Property Subject to IDA	
Estimated Market Value after project is completed	
Taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	% Payment	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	0						
2	10						
3	20						
4	30						
5	40						
6	50						
7	60						
8	70						
9	80						
10	90						
TOTAL	100						

*** Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

Section V: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revoking and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the local access policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available at syracusecentral.com.

Prior to Issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency Shinky Stars Daycare, Inc. (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Shinky Stars Daycare Project. The Company understands an Agency tax-exempt certificate is valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency before a tax exempt certificate is issued or extended.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 4/10/17 (date).

Company: Shinky Stars Daycare Inc.
Representative for Contract: Stella Rini Zotto
Address: 6886 Crystalwood Drive City: Liverpool State: NY Zip: 13088
Phone: (315) 345-0128 Email: SPRINI20176@AOL.NET
Project Address: 4595 Ender Rd. City: Machias State: NY Zip: 13164

General Contractor: Parsons-Mckenna Construction
Contact Person: Jake McKenna
Address: 117 Metropolitan Dr. City: Liverpool State: NY Zip: 13088
Phone: (315) 451-1330 Email: jmckenna@parsonsmckenna.com

Authorized Representative: Stella Rini Zotto Title: Vice-President
Signature: Stella Rini Zotto

Section VI: Agency Fee Schedule

Payment Terms:

Application & Processing Fee (payable at the time of application):	\$1,000.00
Legal Deposit (payable at the time of application):	\$2,500.00
Agency Fee for Bond Projects:	Payable at Closing
Agency and Legal Fees for all other projects:	Due and Payable at Inducement

*** A sales tax certificate will generally not be issued until the Agency Fee is Paid in Full**

Agency Fees: The project cost is the Total Project cost from section III A

Fee for Manufacturing Projects under \$10 million:	0.0075 of the project cost
Fee for Agency Projects except those with PILOT agreements:	0.01 of the project cost
Additional Fee for PILOT Agreement Projects:	0.0025 of the bond amount or project cost
Fee for bond refinancing & refunding:	0.0025 of the refinancing or refunding amount

Agency Legal Fees: The project cost is the Total Project cost from section III A

Fee for first \$20 million:	0.0025 of the project cost
Fee for anything above \$20 million:	0.00125 of the project cost

In addition to the foregoing, Applicants are responsible for payment of all costs and expenses incurred by OCIDA in connection with application or Project including without limitation publication, copying costs, SEQRA compliance and fees and costs to OCIDA's attorneys, engineers, and consultant. OCIDA reserves the right to require a deposit to cover anticipated costs. Application fees are payable at time application/request is submitted. All fees are non-refundable. Applicants for bond transactions are responsible for payment of Bond Issuance Charge payable to the State of New York. Applicants are also responsible for payment of post-closing fees and costs associated with the appointment of additional agents.

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease of OCIDA-owned property.

Section VII: Recapture of Tax Abatement/Exemptions

Recapture of Benefits: It is the policy of the Agency to recapture the value of Payment in Lieu of Taxes (PILOTs), State and County Sales Tax, and Mortgage Recording Tax Exemptions in accordance with the provisions contained herein and the Laws of the State of New York. Before receiving benefits, projects of the Agency must attest in writing to their understanding of an agreement to the Recapture Provisions of the Agency Uniform Tax Exemption Policy. The recapture provision contained herein may be modified from time to time by the Board at its sole discretion.

Recapture of a PILOT, Sales Tax and the Mortgage Recording Tax Exemptions: In the event the facility is sold or closed, or the number of jobs is reduced below 75% of the number employed or projected to be employed at time of application to the Agency and no substantial future economic benefit is likely to accrue to the community, then the value of the Property Tax, Sales tax and the Mortgage Recording Tax benefits extended to the project by the Agency shall be subject to recapture.

Recapture Payment: The Recapture payment paid by the Project to the Agency shall be determined (1) by the difference between any PILOT payments made by the Project and the property taxes that would be paid by the Project, if the property were not in the ownership or control of the Agency, (2) the value of any Mortgage Recording Tax Exemption, if awarded to the Project and (3) the amount of sales tax that would have been paid if an exemption was not granted.

Recapture of the PILOT, Sales Tax or Mortgage Recording Tax: The Recapture Schedule for a Payment in Lieu of Taxes Agreement, Sales Tax or the Mortgage Recording Tax is as follows:

Within two (2) years of Certificate of Occupancy	100%
Within three (3) years:	80%
Within four (4) years:	60%
Within five (5) years:	40%
Within six (6) years:	30%
Within seven (7) years:	20%
Within eight (8) years:	10%
Eight years or more:	0%

Distribution of the Recapture Payment: Any funds recaptured as the result of an Agreement with the Agency shall be distributed to the affected taxing jurisdictions in the same proportion as if the payments were paid or owned by the Project on the date of recapture.

Additional Conditions for the Recapture of Sales and Use Tax: As of April 1, 2013, New York State law requires industrial Development Agencies to recapture sales tax benefits where:

- A project is not entitled to receive the benefits;
- Exemptions received exceed the amount authorized by the Agency;
- Exemptions are claimed by the Project for unauthorized property or services; or
- A project fails to use property in the manner required by its IDA agreements

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company Shining Oaks Luggage Inc.
Signature of Officer or Authorized Representative Aella Lanzetta
Name & Title of Officer or Authorized Representative Aella Lanzetta, Vice President
Date 4/10/17

Section VIII: Employment Plan

Jobs Listings: In accordance with §858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Business Services and with the administrative entity of the service delivery area created by the Workforce Innovation and Opportunity Act of 2014 in which the Project is located. In Onondaga County, please contact CNY Works. Additionally, the applicant is encouraged to review the services provided by JOBSPlus! for candidate matching services.

Are the employees of your company currently covered by a collective bargaining agreement?
 Yes No

If yes, name and location: _____

Is the labor pool in Onondaga County and/or the CNY Economic Development Region adequate to fill new FTE positions?

Yes No

Enter Company Name in three (3) places below and sign by an authorized company officer:

In consideration of the benefits provided by the Onondaga County Industrial Development Agency (OCIDA), Shiny Stars Ryco Inc. project beneficiary, also agrees to report to OCIDA on or number of new employment opportunities created in connection with industrial or commercial projects financed by the proceeds of such benefits to be listed with the New York State Department of Labor Business Services and with CNY Works.

Shiny Stars Ryco Inc., project beneficiary, also agrees to report to OCIDA on or before March 1 of each year of status of employment opportunities filed with the New York State Department of Labor Business Services, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.

Shiny Stars Ryco Inc., project beneficiary, further agrees that, to the extent practicable and feasible, and subject to the requirements of any existing collective bargaining agreement, shall fill at least 10% of new employment opportunities with persons eligible for service under the Workforce Innovation and Opportunity Act of 2014.

Name of Applicant Company

Signature of Officer or Authorized Representative

Name & Title of Officer or Authorized Representatives

Date

Shiny Stars Ryco Inc.
Stella Penzotto
Stella Penzotto, Vice President
4/10/17

NYS Department of Labor
Roy Jewell
Associate Business Services Representative

CNY Works
Chris Kennedy
Business Development Specialist

Phone: (315) 477-6974

450 South Salina St., Syracuse, NY 13202
P: (315) 479-3362 | F: (315) 479-3216

960 James St., Syracuse, NY 13203
P: 315-473-8250 | F: (315) 477-6995

Section IX: Conflict of Interest

Agency Board Members

- 1. Patrick Hogan
- 2. Steve Morgan
- 3. Victor Ianno
- 4. Sue Stanczyk
- 5. Kevin Ryan
- 6. Janice Herzog
- 7. Fanny Villarreal

Agency Officers/Staff

- 1. Julie Cerio
- 2. Isabelle Harris
- 3. Nathaniel Stevens
- 4. Steven Coker
- 5. Karen Doster
- 6. Chris Cox

Agency Legal Counsel & Auditor

- 1. Anthony Rivizzigno, Esq., Gilberti Stinziano Heintz & Smith, P.C.
- 2. The Bonadio Group

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

na

Name of Applicant Company

Shining Stars Boutique, Inc.

Signature of Officer or Authorized Representative

Stella Penotto

Name & Title of Officer or Authorized Representatives

Stella Penotto Vice President

Date

4/10/17

Section X: Representations, Certifications, and Indemnification

Anna Penzotto (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Vice-President (title) of Shiny Star Karycare, Inc. (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. **First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- B. **Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will 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 within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.
- C. **Annual Sales Tax Filings:** In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D. **Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- E. **Employment Reports:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, and Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failures to provide the Agency with an Employment Report may be reported to Agency board members, said report being an agenda item subject to the open meetings law.

- F. **Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.
- G. **Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.
- H. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one areas of the state to another area of the state or in the abandonment of one of more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- I. 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.
- J. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- K. 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.
- L. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.
- M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

N. Hold Harmless Agreement:

Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action 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 Agency or the Applicant are unable to reach final 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 Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company _____

Signature of Officer or Authorized Representative _____

Name & Title of Officer or Authorized Representatives _____

Date _____

STATE OF NEW YORK)

COUNTY OF ONONDAGA)ss.;

_____, being first duly sworn, deposes and says:

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

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this _____ day of _____, 20____.

(Notary Public)

Shining Stars Daycare, Inc.

Shining Stars is a high quality child care center serving the needs of many parents in Onondaga County. We have been in business for 23 years and have won numerous awards including but not limited to: NYS Small Business Hall of Fame Inductee, NYS Small Business Person of the Year in 2010 named by the US SBA and more. We enroll children ages six weeks through twelve years therefore we also have programs for before and after school care. We also provide care on a full time and part time basis. This is very unique to our center as many daycare centers no longer accommodate part time schedules. Some parents however work part time schedules and/or work full time but share the child care needs with grandparents, friends, etc. to help keep the cost of child care affordable because NYS has one of the least affordable child care costs in the nation. We are proud to help our parents in this way by providing part time care.

Currently our Manlius center is approximately 6200 sq feet. Our new center will be 15,000 sq feet. The new center will include heated floors, lending library, and break room for the staff, extra large classrooms, soft recessed lighting & wall sconces, outdoor individualized playgrounds and two recreational gyms; one for infants & toddlers and a larger gym for the older children. The large recreational gym will be 4500 sq. feet. The gym will also be a great community asset! It will be rented out to the community for all organized sports teams, to both children & adults at a discounted rate. It will be also be used for volleyball, basketball, soccer, lacrosse, yoga, martial arts, etc. Currently, many organizations and teams travel to Liverpool, Cicero, Baldwinsville and other faraway places to secure practice times that are quite often inconvenient based on demand and usage.

The lot size of the new center is approximately 2.5 acres. The lot consists of the 15,000 sq ft child care center, parking lot, playgrounds, detention pond and setbacks. Currently, three houses sit on the lot which will be demolished between April and May of this year. Our timeline has an anticipated opening of November 2017.

It has been our dream and that of our parents to re build this center since 2001. We have been actively pursuing it for the last four years now and it's finally becoming a reality. As you could imagine, in the last four years the price to build has gone up dramatically. With that, it took us approximately two years to get a building permit which cost us a lot more money that we had set aside in our budget. For these reasons we are asking OCIDA to approve our project for sales tax exemptions, mortgage tax recording exemption and the pilot tax program if applicable.

We all know the child care field is not a high paying industry as compared to manufacturing, etc. but without high quality child care there would be no economic development! We have had many parents tell us that they have actually quit their jobs because they can't get a spot at our centers or any other high quality center. On April 10, 2017 it was reported on the news that in the last three years, Onondaga County has lost approximately 500 registered and licensed daycare slots. Shining Stars will be increasing our licensed capacity from 109 slots to 119 slots with the new center. This doesn't include an extra classroom that we can open in the future that can add up to 20 more slots depending on the age group needed.

We thank OCIDA for their consideration in assisting us to build our new child care center and helping us meet the great needs of the parents of Central New York.

Business Profile of Shining Stars Daycare, Inc. John and Stella Penizotto, Proprietors since 1994

1990---Stella Penizotto Graduated from Onondaga Community College with an Associates Degree in Early Childhood with Honors.

1992—Stella graduated from SUNY of Oswego with a Bachelor's Degree in Elementary Education.

1994—Opened first childcare center in Town of Manlius-East-Syr. with a capacity of 32 children.

1995—Expanded Town of Manlius-East Syracuse childcare center to a capacity of 63 children.

1996—Expanded Town of Manlius-East Syracuse business to a capacity of 103 children.

2001—Purchased an existing childcare center with a capacity of 108 children in Town of Manlius on Rt. 92 and Enders Rd

2001—Stella named “Entrepreneur of the Year” in Onondaga County by NYS Small Business Development Center.

2002-2004—Secured \$75,000 in grants for various health & safety projects from OCFS (Office of Children & Family Services).

2006—Secured a state funded grant for \$145,000 from OCFS for equipment for the new center.

2006—Constructed a new childcare center & relocated in Town of Manlius-East Syracuse with a capacity of 135 children. The center is “first of a kind center in Upstate NY” with radiant heat, two indoor gyms, four outdoor playgrounds and more.

2007—Received “Contribution to Inclusion Award” from Enable. A local special needs organization for challenged children and business partner of Shining Stars.

2008—Shining Stars inducted into the “NYS Small Business Hall of Fame” in Albany. Only three small businesses throughout New York State receive this honor each year.

2008—Stella Received “Women in Business” award from Syracuse Chamber of Commerce.

2008---Received approval from Onondaga County Industrial Development Agency for various sales tax & property tax exemptions. Savings for new center will be approximately 150,000.

2009—Constructed a new childcare center in Liverpool, NY similar in design to the Manlius-East Syracuse location with a gym size of 2500 sq. feet licensed for 119 with room to expand.

2010-Stella Awarded 2010 New York State Small Business Person of the Year by the United States Small Business Association and was invited to Wash. D.C. and meets the POTUS.

2014-Stella Penizotto named a 2014 “Alumni Face” and inducted onto college “wall of fame” for professional achievements and contributions to Onondaga Community College and the “family” community of Onondaga County.