



Onondaga County Industrial Development Agency
Project Summary

1. Project:	John Mezzalingua Associates, I	2. Project Number:	3101-16-06A
3. Location:	Clay	4. School Districts:	7641 - Liverpool, 7645 - North Syracuse
5. Tax Parcel(s):	095.-02-13.1, 095.-02-14.2	6. Type of Project:	Renovation and Construction

7. Description: JMA Wireless is proposing a project that will include construction and renovation of 3 buildings at 7641 and 7645 Henry Clay Blvd in the Town of Clay. The company will construct a new 8,000 square foot building that will include employee training space and a cafeteria. In addition, the company will renovate an existing 21,000 square foot building to create a customer experience center and renovate and reconfigure the building located at 7645 to allow for additional testing, manufacturing and employees

7. Total Project Cost:	\$ 18,977,000	8. Total Jobs	225
Land	\$ -	8A. Job Retention	105
Site Work	\$ 125,000		
Building	\$ 7,000,000		
Furniture & Fixtures	\$ 1,200,000	8B: Job Creation	120
Equipment	\$ 10,200,000	(Next 5 Years)	
Equipment Subject to NYS Production Exemption	\$ -		
Engineering/Architecture Fees	\$ 145,000		
Financial Charges	\$ -		
Legal Fees	\$ 87,000		
Other	\$ -		

Cost Benefit Analysis: John Mezzalingua Associates, LLC dba JMA Wireless Henry Clay Blvd Annex, LLC

	Fiscal Impact (\$)	
Abatement Cost:		\$640,251
Sales Tax	\$441,022	
Mortgage Tax	\$0	
Property Tax Relief (PILOT) 12yr	\$199,229	
New Investment:		\$204,966,135
PILOT Payments 12yrs	\$130,671	
Project Wages (12 yrs)	\$148,191,530	
Construction Wages	\$6,529,500	
Employee Benefits (12 years)	\$31,120,221	
Project Capital Investment	\$18,670,000	
New Sales Tax Generated	\$86,000	
Agency Fees	\$238,213	
Benefit:Cost Ratio	320.13 :1	



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION INSTRUCTIONS

anks, using "none", "not applicable" or "not available" where the question is not appropriate to the Project, which is of this Application (the "Project"). If you have any questions about the way to respond, please call the Agency at (315)

an estimate is given as the answer to a question, put "(est.)" after the figure or answer, which is estimated.

3. If more space is needed to answer any specific question, attach a separate sheet.
4. When completed, return this application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to the Agency Secretary, Honora Spillane at hspillane@ongov.net. **An application will not be considered by the Agency until the application fee has been received.**
5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the Project, which is the subject of this Application. The form is available at <http://www.dec.ny.gov/permits/6191.html>.
6. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant feels that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officers Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.
7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the agency, all administrative and legal fees as stated in Section V (H) of the Application.
8. A complete application consists of the following 10 items:
 - ◆ This Application
 - ◆ Employment Plan - Appendix A.
 - ◆ Conflict of Interest Statement - Appendix B
 - ◆ Local Access Agreement - Appendix C
 - ◆ A feasibility statement indicating the need for the requested benefits
 - ◆ 15 year pro forma operating budget, including funding sources
 - ◆ Description of project, Site Plans/Sketches, and Maps
 - ◆ NYS Full Environmental Assessment Form
 - ◆ A check payable to the Agency in the amount of \$1000
 - ◆ A check payable to Gilberti Stinziano Heintz & Smith, P.C. in the amount of \$2,500

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
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770
Fax: 315-435-3669

Onondaga County Industrial Development Agency Application

I. Applicant Data

A. Contact Information

Company Name:	John Mezzalingua Associates, LLC dba JMA Wireless, Henry Clay Blvd Annex, LLC			
Mailing Address:	PO Box 678			
City:	Liverpool	State:	New York	Zip: 13088
Phone:	(315) 431-7248	Fax:		
Contact Person:	Gail Cawley			
Email Address:	gcawley@jmawireless.com			
Industry Sector:	Manufacturing			
NAICS Code:	334220	Federal Employer Identification Number:	90-0913004	

B. Will the Applicant be the Project Beneficiary (i.e. project tenant/company)

☒ Yes

☐ No

If No, Who will:

C. Principal Stakeholders

List principal owners/officers/directors owning 5% or more in equity holdings with percentage ownership. Public companies should list corporate officers.

Name	% Ownership	Business Address	Phone	Email
John Mezzalingua	100	7641 and 7645 Henry Clay Blvd, Liverpool, NY 13088	(315) 431-7100	lsharp@jmawireless.com

D. Corporate Structure: Attach a schematic if Applicant is a subsidiary or otherwise affiliated with another entity.

☐ Corporation

☐ Private

☐ Public

 Date and Location of
Incorporation/Organization

December 3, 2013 Delaware

☐ Partnership

☐ General

☐ Limited

 If a foreign corporation, is the
Applicant authorized to do
business in the State of New
York?

Not Applicable

☐ Not For Profit

☐ Sole Proprietorship

☒ Limited Liability Company/Partnership

E. Applicant's Counsel

Name:	Robert J Smith		
Firm:	Costello, Cooney & Fearon		
Mailing Address:	500 Plum St Suite 300		
City:	Syracuse	State:	New York
		Zip:	13204
Phone:	(315) 422-1152	Fax:	
Email Address:	rjs@ccf-law.com		

F. Applicant's Accountant

Name:	Paul Henry		
Firm:	Bonadio		
Mailing Address:	171 Sully's Trail Suite 201		
City:	Pittsford	State:	New York
		Zip:	14534
Phone:	(585) 249-2492	Fax:	(585) 310-0316
Email Address:	phenry@bonadio.com		

G. 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 1 (C) or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt?

☐ Yes ☒ No

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H. Has the Project Beneficiary received assistance from OCIDA, 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

ESD- Excelsior \$1 million. Not executed pending outcome of current application.
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II. Project Information

A. Project Location

Address:	7641 and 7645 Henry Clay Blvd	Legal Address (if different)	7645 Henry Clay Blvd
City:	Liverpool	Village/Town:	Clay
Zip Code:	13088	School District(s):	Liverpool
Tax Map Parcel ID(s): 0950214242500013050080			
Current Assessed Value:	5,258,469	Square Footage of Existing Building:	193000
Census Tract	112.41		

B. Type (Check all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> New Construction | <input checked="" type="checkbox"/> Purchase of machinery and/or equipment |
| <input type="checkbox"/> Expansion/Addition to Current Facility | <input type="checkbox"/> Brownfield/Remediated Brownfield |
| <input checked="" type="checkbox"/> Renovation of Existing Facility | <input type="checkbox"/> LEED Certification |
| <input type="checkbox"/> Acquisition of Existing facility/property | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Demolition | |

C. Description of Project: Please explain your project in detail. This description should include an explanation of all activities which will occur due to this project, size of the project in square feet, current use of the site and use of the site upon completion of the project. Attach copies of any site plans, sketches or maps. (Attach additional sheets if necessary):

Proposed Use

Proposed Square Footage

See attached	

Description:

The project will impact 3 buildings – one site will require significantly reconfiguration to accommodate all the R&D and manufacturing and jobs, and the two other buildings which will handle the displaced areas from the primary reconfiguration – offices, customer test lab, meeting rooms and café.

D. Is the Project Beneficiary the owner of the property?

- ☒ Yes ☐ No

If not, who is the owner and by what means will the site be acquired? If leasing, when does the lease end?

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E. Infrastructure: Please indicate whether the following are onsite, need to be constructed, or need to be renovated/expanded:

Water	To be Renovated/Expanded	Electric	Needs to be Renovated/Expanded
Sanitary/Storm Sewer	Needs to be Renovated/Expanded	Private Roads	Needs to be Constructed
Gas	Needs to be Renovated/Expanded	Telecommunication	Needs to be Renovated/Expanded

F. Zoning Classification: Please list current and proposed zoning:

Current Zoning	Industrial	Proposed Zoning	Industrial
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G. Are variances needed to complete the project?

☐ Yes ☒ No

If yes, please describe nature of variances and if municipal approvals have been granted:

H. What will be the primary use of the project upon completion?

Manufacturing and, Research and Development

I. Will the project generate sales tax for the community?

☐ Yes ☒ No

If yes, what is the company's average annual sales or estimated annual sales?

J. In accordance with N.Y. GML Sec. 862(1):

1. Will any other companies or related facilities within the state close or be subjected to reduced activity as a result of this project?

If so please list the town and county of the location(s):

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☒ No

i. If any answer to questions 2 or 3 above is yes, is the project reasonably necessary to discourage the project beneficiary from removing such other plant or facility to a location outside the State of New York?

☐ Yes ☐ No

ii. If any answer to questions 2 or 3 above is yes, is the project reasonably necessary to preserve the competitive position of the project applicant in its respective industry?

☐ Yes ☐ No

4. Will the project primarily consist of recreation, medical, or retail facilities?

☐ Yes ☒ No

i. If yes, will the cost of these facilities exceed one-third of the total project cost?

☐ Yes ☐ No

K. Is the project located in a distressed Census Tract? Please see Appendix D for a list of distressed Census Tracts in Onondaga County.

☐ Yes ☒ No

L. 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

4. Please estimate the approximate savings to be realized by Agency participation and the need for such savings:

Sales Tax estimate- ~\$292,060
PILOT TBD based on new assessment
Money saved allows for reinvestment; jobs, capital, growth

6. Please describe any compelling circumstances the Agency should be aware of while reviewing this application:

JMA was started in 2013 with 101 employees and has grown to over 300 today. With support from Onondaga County, we will expand our product line to include macro and small cell antenna, a rapidly growing \$2.5B market that serves the wireless technology industry.

M. Environmental Information

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

☒ Yes ☐ No

If yes, please explain:

Asbestos testing resulted in identification of minor remediation requirements.

*** Please note a full Environmental Assessment Form (EAF) MUST be completed and submitted along with this application.**

2. Has the Town/Village or any other public body issued a SEQR determination for this project?

☐ Yes ☒ No If Yes, please attach to this application.

N. Construction

1. Project Timeline (approximate):

Construction Commencement	May 2016
Construction Completion	April 2017
Date of Occupancy	Varies; 7641 July 2016, 7645 expansion in Sep and Mar

2. Please list any other key project milestones:

This project requires a phased approach, building out new areas that allows us to relocate existing functions in order to prep the facilities for major renovation and Cafe.

3. Has work begun? If so, how much has been expended in the past 3 years?

☐ Yes ☒ No

Since opening in 2013 JMA has spent \$25 million

III. Project Costs and Financing A. Estimated Project Costs:

Description of Cost Type	Total Budget Amount	Private Source?	Total Private Expenditure (of total budget amount)
Land Acquisition		<input checked="" type="checkbox"/>	Prior spend \$987,000
Site Work/Demo	125,000	<input checked="" type="checkbox"/>	100% over 2 years
Building Construction & Renovation	7,000,000	<input checked="" type="checkbox"/>	100% over 2 years
Furniture & Fixtures	1,200,000	<input checked="" type="checkbox"/>	100% over 2 years
Equipment	10,200,000	<input checked="" type="checkbox"/>	100% over 2 years
Equipment Subject to NYS Production Sales Tax Exemption		<input type="checkbox"/>	
Engineering/Architects Fees	145,000	<input checked="" type="checkbox"/>	100% over 2 years
Financial Charges		<input type="checkbox"/>	
Legal Fees	87,000	<input checked="" type="checkbox"/>	100% over 2 years
Other		<input checked="" type="checkbox"/>	100% over 2 years
Management /Developer Fee	220,000	<input checked="" type="checkbox"/>	100% over 2 years
Total Investment	18,977,000	<input checked="" type="checkbox"/>	100% over 2 years

B. Financial Assistance sought (estimated values):

Companies requesting a sales tax exemption from OCIDA must provide the value of the sales tax savings they anticipate receiving.

Please ensure that you provide a realistic estimate. NYS regulations require OCIDA to recapture any benefit that exceeds the amount listed in a company's application.

<input checked="" type="checkbox"/>	Real Property Tax Abatement (PILOT)	
<input type="checkbox"/>	Mortgage Recording Tax Exemption (1% of amount mortgaged)	
<input checked="" type="checkbox"/>	Sales and Use Tax Exemption (\$4% Local, 4% State)	
<input type="checkbox"/>	Tax Exempt Bond Financing (Amount Requested)	
<input type="checkbox"/>	Taxable Bond Financing (Amount Requested)	

C. Total amount of the project being privately financed by applicant:

100%

D. Is the applicant requesting a real property tax exemption in connection with the Project that is inconsistent with the Agency's Uniform Tax Exemption Policy? If yes, please attach a justification for the request.

☐ Yes ☒ No

E. Is the applicant expecting that the financing of the Project will be secured by one or more mortgages? If yes, what is the approximate amount?

☐ Yes ☒ No

F. Is the applicant expecting to be appointed agent of the Agency for purposes of abateing payment of NYS Sales and Use Tax? If yes, what is the **total** amount of purchases subject to exemption from the NYS Sales and Use Taxes based on taxable project costs?

☒ Yes ☐ No

441,022

G. Company's average yearly purchases or anticipated yearly purchases from vendors within Onondaga County, subject to sales tax:

2,150,000

H. Estimated capital investment over the next 5 years, beyond this project, if available:

17,000,000

IV. 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.**

A. Are there people currently employed at the project site?

☒ Yes

☐ No

If yes, provide number of full time equivalent (FTE) jobs at the facility: 319

Estimate the number of full time equivalent (FTE) jobs to be retained as a result of this project:	105
Estimate the number of construction jobs to be created by this project:	120
Estimate the average length of construction jobs to be created (months):	12-18
Current annual payroll at Onondaga County facility:	15,990,127
Average annual growth rate of wages:	3%
Please list, if any, benefits that will be available to either full and/or part time employees:	Health, Dental, Life, AD&D, S/L Disability 401k
Average annual benefit paid by the company (\$ or % salary) per FTE job:	21%
Average growth rate of benefit cost:	5-10%
Amount or percent of wage employees pay for benefits:	4%
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oswego, and Cortland Counties) to fill new FTE jobs:	319

Please complete the following chart describing current and projected employment:

Current & Planned Full Time Occupations (Job Titles)	Current Number of FTEs	Salary (Annual or Hourly)	Estimated Number of FTE Jobs After Project Completion				
			Year 1	Year 2	Year 3	Year 4	Year 5
Production Line Workers	192	34,000	212	242	249	255	257
Manufacturing R&D	10	101,000	25	35	38	45	50
Product Support	117	63,000	122	127	129	130	132

V. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

A. 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 Community Services Division (the "DOL") and with the administrative entity of the service delivery area created by the Workforce Investment Act of 1998 (the "WIA") 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.

GC

B. 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.

GC

C. 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.

GC

D. 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.

GC

E. Annual Employment Reports and Outstanding Bonds: The Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency on an annual basis, reports regarding the number of FTE at this project site. The Applicant also 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.

GC

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 Appendix B.

GC

G. Local Access Policy: The Applicant understands and agrees that local labor and contractors must be used for the construction of the Project, as stated in the Agency Local Access Policy located in Appendix C.

GC

H. 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.

GC

I. False or Misleading Information: The Applicant understands and agrees that the submission of knowingly false or knowingly misleading information in this Application may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the Project.

GC

J. Fees: This application should be submitted with a non-refundable \$1000 application fee to the Onondaga County Industrial Development Agency and a \$2,500 legal deposit made out to Gilberti Stinziano Heintz & Smith, P.C.

GC

The Agency will collect an administrative fee and all remaining legal fees based on the Fee Schedule below:

Agency Fees:

- ♦ Fee for manufacturing projects under \$10 million - .0075 of the project cost
- ♦ Fee for all agency projects except those with PILOT agreements - .01 of the project cost
- ♦ Additional Fee for PILOT Agreement Projects - .0025 of bond amount or project cost
- ♦ Fee for bond refinancing & refunding - .0025 of refinancing or refunding amount.

Agency Legal Fees:

- ♦ Fee for first \$20 million - .0025 of project cost
- ♦ Fee for anything above \$20 million - .00125 of project cost

Payment terms:

- ♦ **Application fee:** Payable at the time of application
- ♦ **Legal deposit:** Payable at the time of application
- ♦ **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

K. Recapture of Tax Abatements/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 and 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 owed 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

John Mezzalingua Associates, LLC dba JMA Wireless

Signature of Officer or Authorized Representative

Gau Cawley

Name & Title of Officer or Authorized Representative

Gau Cawley VP

Date

May 2, 2016

L. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency 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 fact and do not omit to state a material fact necessary to make the statements contained herein misleading.

☒ I have read paragraph 6 in the instructions and understand that the applicant must identify in writing to OCIDA any information it deems proprietary and requests not be made publicly available.

☒ Please check here if you have marked information as confidential/proprietary

Name of Applicant Company

John Mezzalingua Associates, LLC dba JMA Wireless

Signature of Officer or Authorized Representative

Alan Cawley

Name & Title of Officer or Authorized Representative

Alan Cawley, VP

Date

May 2, 2016

VI. 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

John Mezzalingua Associates, LLC dba JMA Wireless

Signature of Officer or Authorized Representative

Alan Cawley

Name & Title of Officer or Authorized Representative

VP

Date

May 2, 2016

Onondaga County Industrial Development Agency Application
Appendix A

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

☐ Yes

☒ No

If yes, Name and Local:

Is the labor pool in Onondaga County and/or the CNY Economic Development Region is 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),

John Mezzalingua Associates, LLC dba JMA Wireless, H

, project beneficiary, agrees to cause any 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 Community Services Division (DOL) and with CNY Works.

John Mezzalingua Associates, LLC dba JMA Wireless, H

, project beneficiary, also agrees to report to OCIDA on or before March 1 of each year the status of employment opportunities filed with the DOL, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.

John Mezzalingua Associates, LLC dba JMA Wireless, H

, 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 Investment Act.

Name of Applicant Company

John Mezzalingua Associates, LLC dba JMA Wireless

Signature of Officer or Authorized Representative

John Mezzalingua

Name & Title of Officer or Authorized Representative

VP

Date

May 2, 2016

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION

APPENDIX B

CONFLICT OF INTEREST STATEMENT

Agency Board Members

1. Dan Queri
2. Steve Morgan
3. Victor Ianno
4. Sue Stanczyk
5. Patrick Hogan
6. Janice Herzog
7. Jessica Crawford

Agency Officers/Staff

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

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:

As of April 2016 JMA engaged the legal counsel of Rivizzigno, Eaw, Gilberti Stinziano Heintz & Smith, P.C on a labor issue.

The Bonadio Group serves a JMA Wireless, LLC third party auditor. Through ProNexus, an agency of Bondio, JMA has sourced professional accounting staff.

Signature:

Gar Cawley

Authorized Representative:

Gar Cawley

Title:

VP Customer Care

Date:

May 2, 2016

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION

APPENDIX C

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. All projects of the Agency will be subject to monitoring by the Agency.

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.

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

John Mezzalingua Associates, LLC dba JMA Wireless, Her

(the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency application at the time of the application to the the Agency and as part of a request to extend the valid date of the Agency's tax- exempt certificate for the

project. The Company understands an Agency tax-exempt certificate is valid for

John Mezzalingua Associates, LLC dba JMA Wire

12 months from the effective the 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 (date).

May 2, 2016

Company	John Mezzalingua Associates, LLC dba JMA Wireless, Her				General Contractor	LeChase Construction					
Representative for Contract Bids/Awards	Gail Cawley				Contact Person	Sean Hoban					
Address	7645 Henry Clay Blvd				Address	205 Indigo Creed Dr					
City	Liverpool	State	New York	Zip	13088	City	Rochester	State	New York	Zip	14626
Phone	3154317248				Phone	5852543510					
Email	gcawley@jmawireless.com				Email	sean.hoban@leCHASE.com					
Project Address	7641 and 7645 Henry Clay Blvd										
City	Liverpool	State	New York	Zip	13088						

Authorized Representative

Gail Cawley

Title

VP Customer Care

Signature

Gail Cawley

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION

Application Attachments Listing

- ♦ A feasibility statement indicating the need for the requested benefits
- ♦ 15 year pro forma operating budget, including funding sources
- ♦ Corporate schematic, if a subsidiary
- ♦ Description of project, Site Plans/Sketches, and Map
- ♦ NYS Full Environmental Assessment Form
- ♦ A check payable to the Agency in the amount of \$1000
- ♦ A check payable to Gilberti Stinziano Heintz & Smith, P.C. in the amount of \$2,500

Section II: Project Information Section C
John Mezzalingua Associates, LLC
Confidential Project Information

JMA was started in 2013 with 101 employees and has grown to over 300 today. With support from Onondaga County, we will expand our product line to include macro and small cell antenna, a rapidly growing \$2.5B market that serves the wireless technology industry. JMA recently acquired this product line with the acquisition of a Maryland-based company. The Company is a high tech manufacturer of products for the wireless industry, which is undergoing unprecedented growth driven by network demand doubling every 24 months. The company has benefited from the growth - over the past two years the company has added 220 employees and invested \$25 Million in NYS, all without state or local support.

The project will impact 3 buildings – one site will require significant reconfiguration to accommodate all the R&D and manufacturing and jobs, and the two other buildings which will handle the displaced areas from the primary reconfiguration – offices, customer test lab, meeting rooms and café. These relocated areas will occur in a building purchased in Jan 2016 at an adjacent site, and a new structure on the land of the recently acquired building.

The research and development currently cuts across mechanical, electrical and software and will focus on the new generation of antennas for macro base stations. The specific areas of focus involve new array faces which shape the radiation path, improving core quality in 4G and 5G networks, new phase shifting devices, incorporating MEM devices, research in tunable arrays, software design for remote electrical tilt, and integrated and miniaturization of filter products.

There are several phases to the project with impact to square footage.

1. Henry Clay Annex, 7641 Henry Clay 21,000 sq feet
2. Expansion into former leased space of 40,000 sq feet (Fedex relocating end of lease September 2016) and major renovation of existing space

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							
JMA Wireless, LLC							
Name of Action or Project: JMA Renovations and Preparation Project							
Project Location (describe, and attach a location map): 7641 and 7645 Henry Clay Blvd							
Brief Description of Proposed Action: Renovations and preparations existing facilities, addition of Cafe in last phase.							
Name of Applicant or Sponsor: Gail Cawley		Telephone: 315-431-7248					
		E-Mail: gcawley@jmawireless.com					
Address: 7645 Henry Clay Blvd							
City/PO: PO 678 Liverpool		State: NY	Zip Code: 13088				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Clay permits.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ 1 acres b. Total acreage to be physically disturbed? _____ 1 acres ? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 18 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: Meets code _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Using existing drain systems located around the facility at 7641. _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

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)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="checked" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="checked" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="checked" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Gail Cawley</u> Date: <u>April 27, 2016</u> Signature: <u><i>G. Cawley</i></u>		