

**TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY
FEE SCHEDULE**

Application Fee: At the time of application for approval by the Agency of any transaction there shall be a non-refundable application fee of Five Hundred Dollars (\$500.00).

For an extension of an inducement, each extension of six months shall require payment of one quarter of the Agency Administrative Fee.

Agency Administrative Fees:

1. New Projects

The Agency Administrative Fee for For-Profit Projects shall be the greater of: (a) one percent (1%) of the bond amount, if bonds are to be issued, (b) one percent (1%) of the mortgage amount, if a mortgage with note is utilized or (c) one percent (1%) of the project value. One quarter of the Agency Administrative Fee or .25% must be received by the Agency prior to the issuance of a Sales Tax Letter by the Agency except for installment sale transactions when the entire Agency Administrative Fee of 1% is due at time of the issuance of the Sale Tax Letter. The balance of the Agency Administrative Fee or .75% shall be due on the closing of the transaction.

2. Refinancings

The Agency Administrative Fee for For-Profit Re-financings shall be \$1,000 plus one percent (1%) of any new money being financed.

By way of illustration, if the Agency authorized a Project with a Project Cost of \$1,200,000, the initial Agency Administrative Fee payable would have been a total of \$12,000 with .25% or \$3,000 due at the time of the sales tax letter and \$9,000 payable at the closing. For purpose of illustration, we will assume that the Project was financed through bonds or a note and mortgage in the principal amount of \$1,000,000. At the end of five years, the Lessee comes to the Agency for assistance in refinancing the Project with a new borrowing of \$1,300,000. The Lessee will have to advise the Agency of the outstanding principal balance remaining on the bond or note. For purpose of illustration, we will assume that the principal balance has been reduced by \$100,000 leaving a remaining principal balance of \$900,000. The Lessee would have to pay an Agency Administrative Fee of 1% on the amount over the original \$1,200,000 authorized and for which the Agency Administrative Fee was paid or 1% of \$100,000 (\$1,000) plus an administrative fee of 1% on the difference between the \$1,000,000 originally borrowed and the remaining principal balance or 1% of \$100,000 (\$1,000) because that amount would also constitute new money. This would be in addition to the \$1000 refinancing fee for a total Agency Administrative Fee of \$3,000.

3. Second Mortgage

The Agency fee for a second mortgage is one half of one percent (.5%) for all projects requiring a second mortgage. If the project involves additional PILOT or sales tax benefits, then the fee is one percent (1%) and calculated as explained previously under “New Projects”

4. Sublease Approvals

The Agency fee for approval of a new sublease for the entire Project shall be \$500.

5. Approval of Lease Assignment and Assumptions

The Agency Administrative Fee for approval of Lease Assignments and Assumptions shall one percent (1%) of the Project Cost except as otherwise agreed to by the Agency

6. Tax-Exempt Financing

The Agency Administratively Fee for approval of all Tax-Exempt projects shall be one half of one percent (.5%) based on the issuance amount of the bond as agreed to by the agency. This is the fee regardless of whether it is a refinancing of a previous AIDA or ADC bond or a new issuance for a new project. For those bond issuances where a PILOT is necessary, the project fee is one percent (1%) and calculated as previously detailed under “New Projects”. The fee is due in full at closing.

Bond Council fees will be charged separately, based upon time expended with respect to such project.

7. Additional Fees

Additional costs associated with meeting the Agency’s current environmental policy are t he responsibility of the Applicant.

If the Project Application is withdrawn or does not close, the Applicant is responsible for any costs, including Agency Counsel Fees, incurred by the Agency on behalf of the Project.

Agency Counsel Fees

| <u>Bond/Mortgage/Lease Project Cost</u> | <u>Legal Fee</u> |
|---|------------------|
| to \$750,000 | \$5,000* |
| \$750,001 to \$1,500,000 | \$7,500 |
| \$1,500,001 to \$3,000,000 | \$10,000 |

| | |
|-----------------------------|--|
| \$3,000,001 to \$5,000,000 | \$12,500 |
| \$5,000,001 to \$10,000,000 | \$15,000 |
| above \$10,000,000 | \$20,000 minimum with additional legal fees payable based upon the circumstances and work involved |

* With respect to legal fees for Projects up to \$750,000, this Legal Fee would include only two drafts of documents. In addition, if due to delays caused by the Lessee or the Lender, the closing is delayed beyond a sixty day period from the date of the first draft, additional time may also be billed by Agency Counsel in his or her discretion. If further drafts are required or the closing is unreasonably delayed, additional time shall be billed at the hourly rate then in effect of Agency Counsel for the additional time only.

Legal Fees for refinancings shall be based upon the dollar amount refinanced in accordance with the above schedule. In the case of minor amendments of the prior loan documents, Agency Counsel Fees shall be charged on a time basis at the hourly rate then in effect for Agency Counsel. Agency Counsel shall determine whether the amendment to the prior loan documents is a minor amendment in his or her sole reasonable discretion.

| <u>Normal Installment Sale Transactions</u> | <u>Legal Fee</u> |
|---|--|
| to \$750,000 | \$3,000* |
| \$750,001 to \$1,500,000 | \$5,000 |
| \$1,500,001 to \$3,000,000 | \$7,500 |
| over \$3,000,000 | \$10,000 minimum with additional legal fees payable based upon the circumstances and work involved |

* With respect to legal fees for Projects up to \$750,000, this Legal Fee would include only two drafts of documents. In addition, if due to delays caused by the Lessee or the Lender, the closing is delayed beyond a sixty day period from the date of the first draft, additional time may also be billed by Agency Counsel in his or her discretion. If further drafts are required or the closing is unreasonably delayed, additional time shall be billed at the hourly rate then in effect of Agency Counsel for the additional time only.

Legal Fees for Assignment and Assumptions shall be on a time basis.

In addition to counsel fees, disbursement of up to \$1,000 will be added to each closing. If additional transcripts above the normal amount are required (5 for lease only and 7 for bond or

mortgage transactions), they will be billed to reflect the additional copy cost and the additional binding costs and may exceed the \$1,000 total.

8. Enhancement/Neighborhood Redevelopment Projects

Projects in a designated Enhancement/Neighborhood Redevelopment Area that are only requesting a sales tax benefit are charged fees based on the schedule below. Projects exceeding \$300,000 are charged under the normal schedule above.

Enhancement Area Installment Sale Only Transactions

Agency Fee

| | |
|---|---------|
| For Sales Tax Only Projects with costs under \$100,000 | \$500 |
| For Sales Tax Only Projects with costs of \$100,000-\$200,000 | \$1,000 |
| For Sales Tax Only Projects with costs of \$200,000-\$300,000 | \$1,500 |

Agency Legal Fees

| | |
|---|---------|
| For Sales Tax Only Projects with costs under \$100,000 | \$450* |
| For Sales Tax Only Projects with costs of \$100,000-\$200,000 | \$750* |
| For Sales Tax Only Projects with costs of \$200,000-\$300,000 | \$1500* |

*This is contingent on not more than two drafts (preliminary and final) and closing within 60 days sending of preliminary draft. If additional drafts are required or if closing period is extended for more than 60 days from the date of the preliminary draft, Agency Counsel reserves the right to charge for additional time.