



Revised in red
3-15-2022

6122 South Park Avenue
Hamburg, New York 14075
716.648.4145
www.HamburgIDA.com

**Hamburg Industrial Development Agency
Board of Directors Meeting**

REVISED

MEETING AGENDA

Wednesday, March 16, 2022, 7:30 AM

Blasdell Village Hall, Court Room, 121 Miriam Avenue, Blasdell, New York

Join Zoom Meeting

<https://us02web.zoom.us/j/87924206525?pwd=M00wcU1TOUovcEgxcjhyNm9UTVNrUT09>

Meeting ID: 879 2420 6525

Passcode: 14075

Dial by your location

+1 929 205 6099 US (New York)

1. Roll Call
2. Reading and Approval of February 2022 Minutes
3. Report of the Treasurer
 - February Treasurer report
4. Executive Director Update

New Business

- Audit
- PARIS Update
- D&O Policy
- Annual Disclosure/Conflict of Interest Statement per Financial Disclosure Policy
- Agency Policy Review:
 - Code of Ethics and Conflict of Interest Policy
 - Defense/Indemnification of Officers & Employees Policy
 - Financial Disclosure Policy
 - Investment Policy
 - Travel Policy
 - Procurement Policy
 - Reimbursement and Attendance Policy
 - Property disposal guidelines
 - Whistleblower policy
 - Sexual harassment policy
 - Sexual harassment complaint form

Unfinished Business

- UTEP – Resolution
- HIDA Sexual Harassment Training – proof of training to Mary
- **BILLY – LEE, LLC Extension resolution**

5. Privilege of the Floor
6. Executive Session
7. Adjournment

Next meeting: April 20, 2022, 7:30 AM Blasdell Village Hall



Unapproved/draft
(BOD motion for approval at 3/16/22 meeting)

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Hamburg, New York 14075
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**Hamburg Industrial Development Agency
Board of Directors Meeting
February 16, 2022, 7:30am
Blasdell Village Hall**

Present

Andy Palmer
Tom Moses
Davis Podkulski
Bob Hutchison
Cam Hall – (via zoom)
Janet Plarr
Bob Reynolds

Excused

Wence Valentin

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
Francesca Bond, Hamburg Sun - Zoom
Andy DeVincentis, Walden/Bayview Road

Executive Director

Sean Doyle

-Pledge of Allegiance

-Roll Call

-Motion to open the board meeting at 7:33am.

Moved: Janet Plarr **Seconded:** Tom Moses
Ayes: Moses, Podkulski, Hall, Palmer, Plarr, Reynolds, Hutchison
Nays: none
Carried

-Motion to approve the January 2022 board meeting minutes

Moved: Bob Hutchison **Seconded:** Andy Palmer
Ayes: Moses, Podkulski, Hall, Palmer, Plarr, Reynolds, Hutchison
Nays: none
Carried

Treasurer, Bob Reynold's gave an update on the financials. Interest earnings of \$126.24, expenses this month totaled \$17,089.12 which resulted in a loss of \$16,962.88. Balance on the accounts is \$1,048,052.23.

-Motion to approve the January 2022 Treasurer Report

Moved: Bob Hutchison **Seconded:** Andy Palmer
Ayes: Moses, Podkulski, Hall, Palmer, Plarr, Reynolds, Hutchison
Nays: none
Carried

To accommodate a board member, Doyle rearranged the agenda and began with New Business will give his Director update at the end.

Annual Meeting – Committee Assignments

-Motion to elect the Executive Committee members as follows; Robert Hutchison, Chair; Janet McGregor-Plarr, Vice Chair; Cameron Hall, Secretary and Robert Reynolds, Treasurer for a term ending January 17, 2023.

Moved: Andy Palmer **Seconded:** Davis Podkulski
Ayes: Moses, Podkulski, Hall, Palmer, Plarr, Reynolds, Hutchison
Nays: none
Carried

-Motion to elect Audit committee members as follows; Hutchison, Podkulski and Reynolds to the committee for a term ending January 17, 2023.

Moved: Janet Plarr **Seconded:** Tom Moses
Ayes: Moses, Podkulski, Hall, Palmer, Plarr, Reynolds, Hutchison
Nays: none
Carried

-Motion to elect Governance Committee members as follows; Hall, Hutchison and Podkulski to the committee for a term ending January 17, 2023

Moved: Janet Plarr **Seconded:** Bob Reynolds
Ayes: Moses, Podkulski, Hall, Palmer, Plarr, Reynolds, Hutchison
Nays: none
Carried

-Motion to elect Finance committee members as follows; Hutchison, Reynolds and McGregor-Plarr to the committee for a term ending January 17, 2023

Moved: Andy Palmer **Seconded:** Davis Podkulski
Ayes: Moses, Podkulski, Hall, Palmer, Plarr, Reynolds, Hutchison
Nays: none
Carried

Newspaper Designation

RESOLVED, that the Hamburg Industrial Development Agency Board designate *The Hamburg Sun* and *The Buffalo News* as official newspapers for the Hamburg Industrial Development Agency for the year 2022.

Moved: Bob Hutchison **Seconded:** Andy Palmer
Ayes: Moses, Podkulski, Hall, Palmer, Plarr, Reynolds, Hutchison
Nays: none
Carried

Reminder to the board annual sexual harassment training is required by law for all board members. Training thru current employer is acceptable forward the HIDA proof of completion. If that is not an option, contact us and we will forward you a link to a training course.

Doyle read the following resolution to the board:

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY CONSENTING TO A PREVIOUS MORTGAGE GIVEN BY BILLY-LEE, L.L.C.

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on December 27, 2019, as extended on December 17, 2020; May 20, 2021 and On January 12, 2022 induced Billy-Lee, L.L.C. (the "Lessee") for assistance by the Agency including mortgage tax abatement, sales tax exemption on any materials and/or equipment purchased for incorporation into Project and real property tax abatement in accordance with existing Agency Uniform Tax Exemption Policy and Guidelines, as amended, with respect to a lease with mortgage or lease only transaction for the construction of an approximately 10,000 square foot addition to an existing building located at 4760 Camp Road, Hamburg, New York, by the Lessee, as Agent for the Agency, for lease to the Agency and subsequent Leaseback to the Lessee. The Lessee will be the sole occupant, all for the provision of a fire truck manufacturing Facility (the "Project"); and

WHEREAS, as part of the due diligence in moving the Project towards closing, it was revealed that the Lessee was a party to a Mortgage with LEE VAN LEAVEN in the amount of \$999,500.00 dated June 11, 2020 which exceeds the \$600,000.00 mortgage amount approved by the Agency;

WHEREAS, Lessee closed this Mortgage without the consent or involvement of the Agency and therefore did not utilize the available mortgage tax abatements;

WHEREAS, the Lease and Leaseback Agreements currently in place between the Lessee and the Agency require Agency consent prior to Lessee mortgaging the leased property; and

WHEREAS, in order to correct these errors by the Lessee the Agency must now consent to the previous execution and delivery by the Lessee of a Mortgage in the principal amount of \$999,500.00 to LEE VAN LEAVEN (the "Mortgage").

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

- 1. The Agency does hereby consent to the \$999,500.00 Mortgage dated June 11, 2020 between the Lessee and Lee Van LEAVEN, to which mortgage tax abatements were not used.*
- 2. This resolution shall take effect immediately.*

Plarr is opposed to the resolution, stated the board has given them plenty of opportunities.

Palmer stated we approved an extension (without additional benefits) thru March 2022 at the January 2022 board meeting. If this helps getting it closed he is in favor.

Attorney Strong stated they are working diligently to get it to closing.

Bob Reynolds asked why they were not at the board meeting this morning to plead their case.

Plarr additionally stated we are working and following rules and they should be following the rules too. We are stewards of tax payer dollars.

Doyle stated our job is expansion and retention of employment. He asked attorney Strong what kind of guidance offer attorney wise etc? Strong stated we cannot recommend attorneys.

After the discussion Board agreed part of the process is to get to the extension granted thru March 16, 2022.

-Motion to approve the above resolution consenting to a previous mortgage given by Billy Lee, LLC.

Moved: Davis Podkulski **Seconded:** Andy Palmer

Ayes: Moses, Podkulski, Hall, Palmer, Hutchison

Nays: Plarr, Reynolds

Carried

Doyle read the following resolution to the board:

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") FURTHER EXTENDING THE SALES TAX PERIOD UNTIL AUGUST 16, 2022 FOR BAYVIEW ROAD ASSOCIATES, LLC (THE "LESSEE") TO CONSTRUCT A 181,500 SQUARE FOOT WAREHOUSE ON A 57.914 ACRE PARCEL OF LAND OWNED BY THE LESSEE LOCATED AT THE CORNER OF LAKESHORE AND BAYVIEW ROADS IN THE TOWN OF HAMBURG, AS AGENT FOR THE AGENCY FOR LEASE TO THE AGENCY AND SUBSEQUENT LEASEBACK TO THE LESSEE FOR SUB-SUBLEASE TO AMAZON.COM SERVICES LLC (THE "SUBLESSEE") WHO WILL BE THE SOLE OCCUPANT OF THE FACILITY ALL FOR A WAREHOUSING AND DISTRIBUTION FACILITY, AND TO TAKE OTHER PRELIMINARY ACTION.

WHEREAS, the Town of Hamburg Industrial Development Agency by resolution adopted on February 16, 2021 as amended on June 16, 2021 induced the Lessee and the Sublessee to receive Agency assistance with respect to the construction and equipping by the Agency through a lease with mortgage or lease only transaction of a commercial warehouse and distribution facility on a 57.914 acre parcel of land located the corner of Lakeshore and Bayview Roads already owned by the Lessee, in Hamburg, New York and the construction of an approximately 181,500 square foot building therein, by the Lessee, as Agent for the Agency, for lease by the Lessee to the Agency for leaseback by the Agency to the Lessee for sub-sublease to Amazon.com Services LLC, (the "Sublessee") who will be the sole occupant of the facility, all for the provision of a warehousing and distribution Facility (the "Project"); and

WHEREAS, there has been delay, due to the COVID-19 Pandemic, in constructing and equipping the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

1. *The Agency does hereby extend the inducement period and the sales tax period for the Lessee and Sublessee from February 16, 2022 to **August 16 2022** with no extension fee.*
2. *This resolution shall take effect immediately.*

-Motion to approve the above resolution granting an extension to Bayview Road Associates, LLC thru August 16, 2022.

Moved: Andy Palmer **Seconded:** Janet Plarr

Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds

Nays: none

Carried

Doyle read the following resolution to the board:

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED NEW YORK MORTGAGE AND SECURITY AGREEMENT (INCLUDES FIXTURE FILING), ASSIGNMENT OF RENTS AND LEASES, AND AN ESTOPPEL CERTIFICATE IN THE PRINCIPAL AMOUNT OF \$40,000,000.00 AND OTHER SECURITY DOCUMENTS REQUIRED IN CONNECTION WITH IN THE REFINANCING OF THE 2021 BAYVIEW ROAD ASSOCIATES, LLC PROJECT

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolutions adopted on February 16, 2021 and on June 16, 2021 (the "Inducement Resolution") with respect to the construction and equipping by the Agency through a lease with mortgage or lease only transaction of a commercial warehouse and distribution facility on a 66.90 acre parcel

of land located the corner of Lakeshore and Bayview Roads already owned by the Lessee, in , Hamburg, New York and the construction of an approximately 181,500 square foot building therein, by the Lessee, as Agent for the Agency, for lease by the Lessee to the Agency for sublease to the Lessee for sub-sublease to Amazon.com Services LLC, (the "Sublessee") who will be the sole occupant of the facility, all for the provision of a warehousing and distribution Facility (the "Project"); and

WHEREAS, pursuant to such Inducement Resolution, the Agency acquired a leasehold interest in the Facility pursuant to a certain Lease to Agency, dated as of June 1, 2021, between Bayview Road Associates, LLC as lessor, and the Agency, as lessee, (the "Lease to Agency") and leased the Facility back to Bayview Road Associates, LLC pursuant to a certain Leaseback Agreement, dated as of June 1, 2021, between the Agency, as lessor, and Bayview Road Associates, LLC, as lessee, (the "Leaseback Agreement"); and

WHEREAS, the Agency has now received a request for the Agency's consent to the execution and delivery by the Agency of an Amended and Restated New York Mortgage And Security Agreement (Includes Fixture Filing), Assignment Of Rents And Leases, and an Estoppel Certificate in the principal amount of \$40,000,000.00 to Protective Life Insurance Company, by Bayview Road Associates, LLC and the Agency and approved by an appropriate officer of the Agency (the "Mortgages"); and

WHEREAS, the Lessee is only seeking Agency consent and is not seeking any additional Agency benefits; and

WHEREAS, the facility will remain a warehouse and distribution facility; accordingly, there will be no change in the Payment in Lieu of Taxes ("PILOT") provisions attached as Exhibit C to the Leaseback Agreement; and

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Agency hereby consents to and authorizes the execution and delivery of an Amended and Restated New York Mortgage And Security Agreement (Includes Fixture Filing), Assignment Of Rents And Leases, and an Estoppel Certificate in the principal amount of \$40,000,000.00 to Protective Life Insurance Company, by Bayview Road Associates, LLC and the Agency with respect to the Lease to Agency and the Leaseback Agreement and other ancillary documents required to be executed, if any, in connection therewith.

Section 2. The Agency determines that the PILOT provisions shall remain unchanged as there is no change in use or in the occupancy of the Facility.

Section 3. The Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretary, Executive Director or other officer of the Agency are hereby authorized to execute and deliver the Agreements, and such other agreements as may be desirable or required in connection with the re-financing of such transaction. The execution and delivery of each such agreement by said officer shall be conclusive evidence of due authorization and approval.

Section 4. The Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretary, Executive Director or other officer of the Agency are hereby designated the authorized representative of the Agency, and each of them is hereby authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits or other documents to do and cause to be done any and all acts and things necessary or proper for the carrying out of this resolution.

Section 5. Bayview Road Associates, LLC, agrees that it will pay all Agency Administrative Fees and legal fees due at closing.

Section 6. This resolution shall take effect immediately.

Adopted: February 16, 2022

-Motion to approve the above resolution for Bayview Road Associates, LLC consent to refinance.

Moved: Bob Reynolds **Seconded:** Bob Hutchison
Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds
Nays: none
Carried

Additionally, the board commented on how nicely the project is moving along and the beautiful landscaping that was completed. It was also mentioned that although the project has tax abatement they still pay the special district taxes at 100% which includes fire, sewer and highway.

The board would like to take another tour of the facility. Andy DeVincentis, who was in attendance, was absolutely agreeable and will try to set it up for the 1st week in March.

Doyle read the following resolution to the board:

**RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY
CONSENTING TO A CONSOLIDATED, AMENDED AND RESTATED FEE AND LEASEHOLD
MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE
FILING IN AN AMOUNT NOT TO EXCEED \$51,034,116 AND THE EXECUTION BY THE AGENCY
OF AN ESTOPPEL CERTIFICATE IN CONNECTION WITH IN THE REFINANCING OF THE 2015
JR FORT COLLINS, L.L.C. PROJECT**

WHEREAS, to accomplish the purposes of the Act, the Agency induced JDC Hamburg, L.L.C., a limited liability company with common ownership with the Lessee to commence with the acquisition and equipping by the Agency through a lease with mortgage or lease only transaction of a warehousing and distribution facility consisting of the purchase of an approximately 50 acre parcel of land located at Bayview Road and Route 5 in the Town of Hamburg, the construction of an approximately 317,148 square foot warehouse/distribution facility thereon and the construction and installation of the required infrastructure including, but not limited to a road, sewers, parking lot, lighting, detention ponds, and site work by the Lessee as agent for the Agency, for lease to the Agency and sublease back to the Lessee for sub-sublease to FedEx Ground Package System, Inc. (the "Sublessee"), all for a ground shipping warehousing and distribution facility (the "Project), and in furtherance of said purpose the Agency adopted its Inducement Resolution on September 19, 2014 authorizing the Project which resolution was amended by resolution adopted on March 24, 2015 to substitute the JR Fort Collins, L.L.C. as the Lessee in place of JDC Hamburg, L.L.C. and to increase the Project Cost and the authorized amount of the Mortgage; and

WHEREAS, pursuant to such Inducement Resolution, the Agency acquired a leasehold interest in the Facility pursuant to a certain Lease to Agency, dated as of March 1, 2015, between JR FORT COLLINS, L.L.C. as lessor, and the Agency, as lessee, (the "Lease to Agency") and leased the Facility back to JR FORT COLLINS, L.L.C. pursuant to a certain Leaseback Agreement, dated as of March 1, 2015, between the Agency, as lessor, and JR FORT COLLINS, L.L.C., as lessee, (the "Leaseback Agreement");

WHEREAS, JR FORT COLLINS, L.L.C. assigned its interests to MREIC BUFFALO NY, LLC and the Agency and MREIC BUFFALO NY, LLC entered into a Lease Amendment and Assignment and Assumption Agreement dated as of October 17, 2016;

WHEREAS, MREIC BUFFALO NY, LLC, will soon undergo a name change to MOUNTAIN BUFFALO LLC; to be accomplished by filing a certificate of name change with the Delaware Secretary of State;

WHEREAS, the Agency has now received a request for the Agency's consent to the execution and delivery by MREIC BUFFALO NY, LLC soon to be known as MOUNTAIN BUFFALO LLC, of a Consolidated, Amended and Restated Fee and Leasehold Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing in an amount not to exceed \$51,034,116 to CITI REAL ESTATE FUNDING INC.; UBS AG; BANK OF AMERICA, N.A.; BANK OF MONTREAL, and MORGAN STANLEY BANK, N.A. (the "Mortgage");

WHEREAS, MREIC BUFFALO NY, LLC soon to be known as MOUNTAIN BUFFALO LLC is requesting that the Agency sign an Estoppel Certificate in regard to the proposed refinancing;

WHEREAS, MREIC BUFFALO NY, LLC soon to be known as MOUNTAIN BUFFALO LLC, is not requesting an additional benefits from the Agency and is only seeking the consent of the Agency of its proposed refinance; and

WHEREAS, the facility will remain a warehouse and distribution facility; accordingly, there will be no change in the Payment in Lieu of Taxes ("PILOT") Provisions attached as Exhibit C to the Leaseback Agreement.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Agency hereby consents to the execution and delivery of a Consolidated, Amended and Restated Fee and Leasehold Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing between MREIC BUFFALO NY, soon to be known as Mountain Buffalo LLC, with respect to the Lease to Agency and the Leaseback Agreement, as amended.

Section 2. The execution and delivery of an Estoppel Certificate in the form approved by the Chairman, Vice Chairman, Executive Director or Assistant Secretary is hereby authorized. The appropriate officers of the Agency are hereby authorized to

execute, seal, acknowledge and deliver such Certificate. The execution and delivery of the Estoppel Certificate shall be conclusive evidence of due authorization and approval.

Section 3. The Agency determines that the PILOT provisions shall remain unchanged as there is no change in use or in the occupancy of the Facility.

Section 4. MREIC BUFFALO NY, LLC, soon to be known as MOUNTAIN BUFFALO LLC, agrees that it will pay all Agency Administrative Fees and legal fees due at closing.

Section 5. This resolution shall take effect immediately.

-Motion to approve the above resolution consent to refinance the JR Fort Collins, LLC Project (Fed Ex site on Bayview Road).

Moved: Janet Plarr **Seconded:** Andy Palmer
Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds
Nays: none
Carried

Janet stated she would like to see the employment number for Fed Ex it is always busy over there. We should have the job numbers from projects like these available as they are good talking points.

-Motion to appoint Patrick Shea, Town of Hamburg Director of Finance, to CFO of the HIDA.

Moved: Andy Palmer **Seconded:** Bob Reynolds
Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds
Nays: none
Carried

Annual Review of Policies and Bi-Laws:

-Motion to re-adopt the Town of Hamburg Industrial Development Agency by-laws as written February 16, 2022.

Moved: Bob Reynolds **Seconded:** Bob Hutchison
Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds
Nays: none
Carried

-Motion to re-adopt the Town of Hamburg Industrial Development Agency Governance Committee Charter as written February 16, 2022.

Moved: Bob Reynolds **Seconded:** Bob Hutchison
Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds
Nays: none
Carried

-Motion to re-adopt the Town of Hamburg Industrial Development Agency Finance Committee Charter as written February 16, 2022.

Moved: Bob Reynolds **Seconded:** Andy Palmer
Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds
Nays: none
Carried

-Motion to re-adopt the Town of Hamburg Industrial Development Agency Audit Committee Charter as written February 16, 2022.

Moved: Davis Podkulski **Seconded:** Janet Plarr
Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds
Nays: none
Carried

-Motion to amend the Town of Hamburg Industrial Development Agency Investment Policy and include Upstate Bank then readopt as written February 16, 2022.

Moved: Bob Reynolds **Seconded:** Janet Plarr
Ayes: Moses, Podkulski, Hall, Palmer, Hutchison, Plarr, Reynolds
Nays: none
Carried

-Privilege of the Floor – no comments

Executive Director Update:

-Doyle stated the HIDA has been looking into different board software programs to help alleviate some of the paper and better organize the board. Frontier school uses BoardDocs, he asked Podkulski's opinion. Podkulski said it is nice to have everything in one place, but not sure if it is worth the cost for a board as small as ours. The board was in agreement. Better utilization of shared drives could also be a solution. Janet suggested having more professional growth opportunities available to board members.

Cam Hall left the meeting at 8:30am.

-Doyle stated he completed an application with a broker for board insurance. Janet Plarr suggested contacting Comp Alliance, designed specifically for NYS schools and municipalities.

-Waiting on Town Board for the appointment of new board member (replacement of Norma Rusert-Kelly) it should be on agenda at their next meeting.

-Doyle met with NY Governor's office WNY lead Joan Kesner on February 14th. It was a productive meeting she offered her support and they discussed the modifications made to our Local Labor Policy.

-New Executive Committee – will get dates out and meeting schedule for calendars.

-UTEP, new policy will be discussed at March meeting.

-Motion to adjourn at 8:35am

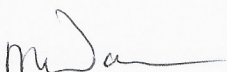
Moved: Andy Palmer **Seconded:** Davis Podkulski
Ayes: Moses, Podkulski, Plarr, Palmer, Valentin
Nays: none
Carried

Sincerely,

Sean Doyle, Executive Director

Town of Hamburg Industrial Development Agency
Treasurer's Report
As of February 28, 2022

	<u>Feb 28, 22</u>	<u>Dec 31, 21</u>
ASSETS		
Current Assets		
Checking/Savings		
Cash		
Cash-Checking	27,849.02	5,240.44
Cash-Savings	1,015,013.15	1,059,774.67
Total Cash	<u>1,042,862.17</u>	<u>1,065,015.11</u>
Total Checking/Savings	<u>1,042,862.17</u>	<u>1,065,015.11</u>
Total Current Assets	<u>1,042,862.17</u>	<u>1,065,015.11</u>
TOTAL ASSETS	<u><u>1,042,862.17</u></u>	<u><u>1,065,015.11</u></u>
LIABILITIES & EQUITY		
Equity		
Opening Balance Equity	499,980.27	499,980.27
Retained Earnings	565,034.84	152,241.18
Net Income	-22,152.94	412,793.66
Total Equity	<u>1,042,862.17</u>	<u>1,065,015.11</u>
TOTAL LIABILITIES & EQUITY	<u><u>1,042,862.17</u></u>	<u><u>1,065,015.11</u></u>



Town of Hamburg Industrial Development Agency

03/08/22

Treasurer's Report

Accrual Basis

February 2022

	<u>Feb 22</u>	<u>Jan - Feb 22</u>
Ordinary Income/Expense		
Income		
Administrative Fees	5,629.00	5,629.00
Interest Earnings	113.41	239.65
Total Income	<u>5,742.41</u>	<u>5,868.65</u>
Gross Profit	5,742.41	5,868.65
Expense		
Business Expenses & Mileage	63.01	288.57
Cell Phone	83.33	166.66
Complete Payroll		
Payroll and Benefits	9,154.62	18,309.24
Processing Payroll	99.10	297.35
Total Tax Liabilities	948.49	1,954.29
Total Complete Payroll	<u>10,202.21</u>	<u>20,560.88</u>
Membership Dues	0.00	5,000.00
Office Expenses		
IT Support	110.00	110.00
Office Equipment	195.62	195.62
Postage	0.00	95.96
Subscriptions	14.99	29.98
Supplies	190.31	224.92
Total Office Expenses	<u>510.92</u>	<u>656.48</u>
Payroll Expenses	73.00	73.00
Publicity & Public Hearings	0.00	276.00
Sponsorship	0.00	1,000.00
Total Expense	<u>10,932.47</u>	<u>28,021.59</u>
Net Ordinary Income	<u>-5,190.06</u>	<u>-22,152.94</u>
Net Income	<u><u>-5,190.06</u></u>	<u><u>-22,152.94</u></u>



Proposal Cover Letter

Policy Type: Public Officials Liability

Proposal #: 0690258B

Date Prepared: February 17, 2022

NAMED INSURED

Hamburg Industrial Development Agency
6122 South Park Avenue
Hamburg, NY 14075

PRODUCING BROKER

Wolf Agency Inc
5820 Big Tree Road
Orchard Park, NY 14127

NAME OF INSURER

Greenwich Ins.

AM BEST RATING

A XV

STATUS

Admitted

PROPOSED POLICY PERIOD:

From 4/1/2022 until 4/1/2023 at 12:01 A.M. Standard Time at mailing address shown above

POLICY COST

Policy Premium:	\$2,000.00
Company Misc. Fee	\$195.00
Total Cost:	\$2,195.00

REQUIREMENTS OF BINDING / SUBJECTIVITIES

Russell Bond must receive request to bind on or before requested effective date.

Required documents may be emailed or faxed for binding.

Additional information requested or otherwise obtained may require this proposal be modified or withdrawn.

- Written request from you to bind, including desired effective date, terms and conditions
- Signed and completed Professional Gov Und., Inc application, subject to approval by the Company Underwriter
- Name, e-mail address, and phone number of Insured contact for PGU Employer Resource Center.
- Receipt of audited financial statements

COVERAGE FEATURES & OPTIONS AVAILABLE

Not Applicable

PROPOSAL TERMS

- The attached is offered by the insurer and is based on underwriting and rating information contained in your application or otherwise provided by you.
- Review carefully as the coverage and terms indicated may not be the same as you have requested. Specimen Forms are available upon request.
- Policy Cost (Full premium, plus any applicable taxes and/or fees), Requirements of Binding / Subjectivities, and Payment Terms are outlined in this Cover Letter and replace those included on the Insurer Indication.
- Coverages, Limits, Deductibles and Forms are found on the attached Insurer Indication.
- New Business terms are valid for no more than 30 calendar days from the date of this proposal or the effective date, whichever is sooner, unless otherwise stated in the requirements of binding / subjectivities. Renewal terms are valid until the expiration date of the current policy. These terms replace any expiration date listed on Insurer Indication.

PAYMENT TERMS

Earned Premiums are the responsibility of broker ordering coverage.
Broker, Filing or Inspection Fees and Additional Insured charges are Fully Earned.

As a Preferred Broker, a downpayment is not required to bind coverage. Payment in full (including taxes and/or fees if any) is due within 20 days of the effective date of coverage.

Payment can be made as follows:

- **Agency Check** payable to Russell Bond
- **E-Check** (\$2.95 Flat Charge Handling Fee) or **Credit Card** (3.15% of the premium Handling Fee) for down payment, or payment in full. Go to www.RussellBond.com to make payment. You may provide a copy of payment confirmation with order to bind. (Note: The Handling Fee is charged by the Processing Vendor)
- **ACH** - If not currently set up; contact Becky Remington at rremington@russellbond.com or 1-800-333-7226 x268

Commission: 7.5%

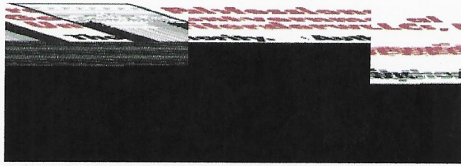
PROPOSAL PREPARED BY

ProcG

James Hudy Jr
Professional Lines Broker
716-856-8220, Ext. 154
JHudy@RussellBond.com



Russell Bond & Co., Inc.
295 Main Street, Suite 866
Buffalo, NY 14203-2595
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4870 Sadler Road, Suite 102
Glen Allen, VA 23060
Toll Free: 800-586-6502

www.pgui.com
Fax: 804-272-7852

Public Officials Management & Employment Practices Liability

Date: 02/16/2022

To: James Hudy
Russell Bond & Co., Inc. - Buffalo
Email: jhudy@russellbond.com

Proposed Insured: Hamburg Industrial Development Agency
6122 South Park Avenue
Hamburg, NY 14075

Application #: APP41889103

Thank you very much for your submission. Based upon the information received and subject to the limitations outlined below, we are pleased to offer the following:

INDICATION

This Indication is not an offer to bind coverage. If we are provided with acceptable underwriting information and determine that a quote can be offered, it may differ from the indication.

Coverage: See coverage form PGU POL 2001 (04/2017) for terms, conditions and limitations

Form: Claims Made

Retro Date: 05/01/2022

Insurer Information: Greenwich Insurance Company
A member of the AXA XL Group of Companies
Best Rating: A XV
Admitted Insurer

Filings / Taxes: Not Applicable

Quotation / Indication valid until: 5/1/2022

If we are offering coverage on a surplus lines basis, the agent is responsible for handling of filings unless we note otherwise on this quotation. If we have provided terms using bid specifications or an application other than ours, the quote is subject to change pending review of a completed and signed PGU application.

Public Officials Management & Employment Practices Liability

Proposed Insured: Hamburg Industrial Development Agency

Terms	Limits	Retentions	Premium
Public Officials Management	\$1,000,000	each claim including LAE \$5,000	\$2,000.00
Employment Practices Liability	\$1,000,000	\$5,000	Included
Policy Aggregate	\$1,000,000		
Non-Monetary Coverage - Defense Only	\$50,000	\$5,000	Included
Non-Monetary Coverage - Defense Only Aggregate	\$100,000		
Crisis Management	\$25,000	\$5,000	Included
Features/Enhancements			
Punitive Damages		N/A	N/A
Personal Injury		See Retentions Above	Included
Third Party Wrongful Acts		See Retentions Above	Included
Back Pay / Front Pay		See Retentions Above	Included
Loss of Earnings		See Retentions Above	Included
Optional Increased Limits			
	2,000,000 CSL		N/A
	3,000,000 CSL		N/A
	4,000,000 CSL		N/A
	5,000,000 CSL		N/A
Premium, Fees and Taxes			
	Total Premium:		\$2,000.00
	Policy Fee :		\$195.00
	Total Cost:		\$2,195.00
Comments:			
By purchasing this coverage, you will have the opportunity to register for our PGU Employer Resource Center that provides unlimited, specific, documented, and confidential advice from employment law attorneys. It also provides on-line training courses, including sexual harassment prevention, available for both supervisors and employees. As well as, on-line tools; a state-specific employee handbook builder, forms, posters, news, and more.			

Proposed Insured: Hamburg Industrial Development Agency

SUBJECTIVITIES - WE MUST BE PROVIDED WITH THESE ITEMS BEFORE COVERAGE CAN BE BOUND:

Receipt of fully completed, signed and dated PGU new business application, a copy of which can be found at <http://www.pgui.com>. Application is due to our office within 10 business days of binding. Quote is subject to change pending our review of responses to all questions on our application.

Name, e-mail address, and phone number of Insured contact for PGU Employer Resource Center.

Receipt of audited financial statements.

Reminders:

A written request is required to bind coverage.

Backdating of coverage is not allowed.

See attached Coverage Features attachment for additional information.

Limits, retentions, terms and conditions quoted do not necessarily match those requested.

This proposal contains a brief outline of coverages to be included in any policy that may be issued in the future.

This is only a summary and the Terms and Conditions of any policy will take precedence over any proposal.

Minimum Earned Premium is the GREATER of \$1,500 or 25% of annual premium.

We will not cancel flat after inception date.

Engineering Fee is non-refundable.

Applicable Forms: (Other forms may apply. Consult Underwriter for details.)

PGU POL 2000 08 19	Public Officials and Employment Practices Liability Declarations
IL MP 9104 0314 GIC 03 14	In Witness
PGU 2002 04 17	Schedule of Policy Forms and Endorsements
PGU POL 2001 04 17	Public Officials and Employment Practices Liability Insurance Policy
PGU POL 1094 NY 04 17	New York State Amendatory
PGU 1052 (POL) 04 17	Minimum Earned Premium Upon Cancellation
PGU 1170 NY 04 07	New York Regulation 121 - Addendum to Declaration and Application
PGU 1171 NY 04 07	New York Changes - Transfer of Duties When a Limit of Insurance is Used Up
PGU 1133 01 22	US Professional Indemnity - Cyber Exclusion
PN CW 01 01 22	Notice to Policyholders - Fraud Notice
PN CW 02 01 19	Notice to Policyholders - Privacy Policy
PN CW 05 05 19	Notice to Policyholders - U.S. Treasury Department's Office of Foreign Assets Control ("OFAC")

**RESOLUTION OF THE HAMBURG INDUSTRIAL
DEVELOPMENT AGENCY (“AGENCY”) ADOPTING AN
AMENDED AND RESTATED COUNTYWIDE INDUSTRIAL
DEVELOPMENT AGENCY UNIFORM TAX EXEMPTION
POLICY (“UTEP”)**

WHEREAS, New York State General Municipal Law (“GML”) Section 874(4) requires that every Industrial Development Agency adopt a UTEP to establish guidelines for the provision by an Agency for real property tax, mortgage tax, and sales and use tax exemptions; and

WHEREAS, in 2001, a Countywide Industrial Development Agency UTEP was established and adopted for use by the industrial development agencies in Erie County (the Town of Amherst Industrial Development Agency, the Town of Clarence Industrial Development Agency, the Town of Concord Industrial Development Agency, the Town of Hamburg Industrial Development Agency, the Town of Lancaster Industrial Development Agency and the Erie County Industrial Development Agency, collectively, the "IDAs") and entitled the Countywide Industrial Development Agency Uniform Tax Exemption Policy ("Countywide Policy"); and

WHEREAS, the IDAs have determined that it is in the best interest of the IDAs and the residents of Erie County and the various Towns, Villages and Schools within the jurisdiction of the IDAs to amend and restate the Countywide Policy, in its entirety, to ensure consistency and compliance with the GML and to ensure efficient ease of use for IDA Financial Assistance recipients; and

WHEREAS, officials and staff from the IDAs have jointly drafted an Amended and Restated Countywide Industrial Development Agency Uniform Tax Exemption Policy, that amends and restates in its entirety the Countywide Policy (hereinafter, the "Amended and Restated Countywide UTEP"), and in this effort, have considered the following issues as so related thereto, all as required by the GML: (i) the extent to which a project will create or retain permanent private sector jobs; (ii) the estimated value of any tax exemptions to be provided; (iii) whether affected taxing jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; (iv) the impact of a proposed project on existing and proposed business and economic development projects in the vicinity; (v) the amount of private sector investment generated or likely to be generated by the proposed project; (vi) the demonstrated public support for a proposed project; (vii) the likelihood of accomplishing the proposed project in a timely fashion; (viii) the effect of the proposed project upon the environment; (ix) the extent to which the proposed project will require the provision of additional services; and (x) the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts (collectively, items (i) through (x), hereinafter referred to as "UTEP Considerations"); and

WHEREAS, on January 18, 2022, the Agency provided written notification to the affected tax jurisdictions of, and provided the contemplated draft Amended and Restated Countywide UTEP to, the affected tax jurisdictions, as so required by the GML, and

WHEREAS, on January 27, 2022, the Erie County Industrial Development Agency hosted a Zoom/video/telephonic informational meeting attending by the IDAs and various affected tax jurisdictions whereat the draft Amended and Restated Countywide UTEP was presented and discussed; and

WHEREAS, on March 16, 2022, the Agency reviewed and discussed the draft Amended and Restated Countywide UTEP; and

WHEREAS, attached hereto within Exhibit A is the proposed Amended and Restated Countywide UTEP; and

WHEREAS, the Agency, having considered all comments received from the affected tax jurisdictions, now desires to adopt the proposed Amended and Restated Countywide UTEP.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Agency hereby determines that the adoption of the proposed Amended and Restated Countywide UTEP is a Type II Action within the meaning of the State Environmental Quality Review Act ("SEQR") and therefore no further actions under SEQR need be undertaken by the Agency.

Section 2. The Agency hereby adopts the Amended and Restated Countywide UTEP which is set forth within Exhibit A attached hereto,

Section 3. The Agency, acting by and through its Chair, Vice Chair, Secretary, Assistant Secretary, or any other designated officer or director, is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Agency with respect to the Amended and Restated Countywide UTEP are hereby approved, ratified and confirmed,

Section 4. This Amended and Restated Countywide UTEP shall be effective on April 1, 2022 (the "Effective Date") and shall apply to all projects for which the Agency has adopted or adopts an Inducement Resolution after the Effective Date.

Dated: March 16, 2022

Countywide Industrial Development Agency Uniform Tax Exemption Policy

Town of Amherst Industrial Development Agency, the Town of Clarence Industrial Development Agency, the Town of Hamburg Industrial Development Agency, the Town of Lancaster Industrial Development Agency and the Erie County Industrial Development Agency

Amended and Restated as of _____, 202__

The declared policy of New York State is to promote the economic welfare, recreation opportunities and prosperity of its inhabitants, and to promote, attract, encourage and develop recreation, and economically sound commerce and industry through governmental action for the purpose of preventing unemployment and economic deterioration by the creation of industrial development agencies (“IDA”). IDAs are empowered to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, and commercial facilities and thereby advance the job opportunities, health, and the general prosperity and economic welfare of the people of New York State and to improve their recreational opportunities, prosperity and standard of living.

IDAs are empowered to carry out these statutory purposes by providing for the claiming of real property tax abatements and exemptions from sales, use, and mortgage recording tax, and the issuance of tax exempt bonds (collectively, “Financial Assistance”). The IDAs in Erie County have adopted this Uniform Tax Exemption Policy (the “Policy”) to provide for uniform policies for the claiming of IDA Financial Assistance.

Pursuant to the authority vested in it by Article 18-A of the General Municipal Law of the State of New York, an IDA is authorized to establish guidelines and policies for the evaluation and selection of projects for which Financial Assistance will be provided, the suspension, discontinuance, or modification of real property tax abatements, and the recapture of all or part of the Financial Assistance as a consequence of job creation/retention shortfalls or other material violations of the terms and conditions established for the provision of Financial Assistance. Each applicant for Financial Assistance should consult with the appropriate individual IDA to confirm such an IDA’s relevant guidelines and policies.

I. Eligible Applicants/Projects

A. By way of example only, Applicants involved in the following business activities may be eligible to apply for Financial Assistance:

1. Commercial activities
2. Manufacturing/Advanced Manufacturing
3. Warehousing/Distributive Services
4. Back office (headquarters, data and call centers)
5. Renewable energy and/or electric energy storage¹

¹ Renewable energy and/or electric energy storage projects will be evaluated based upon consideration of evaluative criteria which are appropriate for such projects particularly where the goals of the project may be broader than typical job retention and creations goals.

B. Retail Business. Only certain Retail Business projects may be eligible to receive Financial Assistance in compliance with Section 862 of the New York General Municipal Law (“GML”). Applicants are strongly encouraged to consult Section 862 of the GML and the appropriate individual IDA if a proposed project involves the sale of goods or services to customers who personally visit the project site.

C. Special Projects. Applications which contain a mix of retail uses and other non-retail uses (a mixed use project) must comply with Section 862 of the GML and meet additional requirements, if any, as established by each such IDA.

1. Adaptive Reuse Project/Neighborhood Enhancement Area Project. Adaptive Reuse Projects/Neighborhood Enhancement Area Projects will be evaluated based upon consideration of evaluative criteria which are appropriate for such projects particularly where the goals of the project may be broader than typical job retention and creation goals. IDA Financial Assistance may be provided to an Adaptive Reuse Project that involves adapting old structures or sites for new purposes, including but not limited to, potentially a mix of retail uses (in compliance with Section 862 of the GML) and commercial uses, and/or market rate or below market rate housing, and/or as otherwise permitted under any exception or amendment to this Policy for each individual IDA. An Adaptive Reuse Project is one that will benefit the host municipality and Erie County by redeveloping a blighted site or structure, promoting infill development utilizing existing infrastructure, creating new economic activity at difficult sites and buildings thus helping to eliminate neighborhood slum and blight, promoting re-use of existing buildings and sites, and helping to maintain a neighborhood’s fabric. Adaptive Reuse Projects prevent economic deterioration and promote employment opportunities. IDAs may also provide Financial Assistance, as determined by each such IDA, to projects that are retail or have retail components, in compliance with Section 862 of the GML, if the project is located in or contemplating relocating to areas within Erie County that are designated, by the respective municipal legislatures, as Neighborhood Enhancement Areas.

2. Additional Commercial Special Projects. Continuing Care Retirement Community Project as permitted under Sections 854(19) and 859-b of the GML.

II. Exemption from Real Property Taxes: Payments in Lieu of Taxes

The IDAs maintain a policy for the provision of real property tax exemptions with a corresponding Payment In Lieu Of Tax Agreement (“PILOT Agreement”) to provide a real property tax abatement for qualified projects. Each project receiving an abatement from real property tax will be subject to a PILOT Agreement in a form proscribed by the IDA. Such PILOT Agreement will also require payment of any and all special district assessments.

The calculation of the amount of the PILOT payments, and the amount of such payments, is not set forth in statute. The PILOT Agreement payment schedules contained within this Policy establish a varied real property tax abatement schedule to incentivize certain investments over others. In this manner, projects that meet all or some of the region’s planning and economic development goal criteria will be rewarded with a more beneficial real property tax abatement schedule in comparison to those projects that meet less of the region’s planning and economic development goal criteria. To meet this goal, a four-tiered PILOT incentives schedule will be utilized. Consideration of the following “PILOT Tier Criteria” will be utilized in analyzing and selecting the appropriate

tiered PILOT schedule to be utilized for each particular project: (i) capital investment, (ii) employment creation and employment retention, (iii) consistency with regional and community based planning, and (iv) overall community benefit.

Below is a listing of the current tiered PILOT schedules:

A. Tier 1: Five Year PILOT Schedule

A five year PILOT Schedule will be applied to projects that score at the Tier 1 level based upon application of the PILOT Determination Scoring Worksheet.

Year	1	2	3	4	5
% Abatement	75%	65%	55%	45%	35%

B. Tier 2: Seven Year PILOT Schedule

A seven year PILOT Schedule will be applied to projects that score at the Tier 2 level based upon application of the PILOT Determination Scoring Worksheet.

Year	1	2	3	4	5	6	7
% Abatement	95%	90%	85%	80%	75%	70%	65%

C. Tier 3: Ten Year PILOT Schedule

A ten year PILOT Schedule will be applied to projects that score at the Tier 3 level based upon application of the PILOT Determination Scoring Worksheet.

Year	1	2	3	4	5	6	7	8	9	10
% Abatement	95%	90%	85%	85%	80%	80%	75%	75%	70%	65%

D. Tier 4: Renewable Energy PILOT Schedule

A PILOT Schedule unique to renewable energy projects that may or may not also have an electric energy storage component is available to support statewide renewable energy production goals, currently established at achieving 70% renewable electricity production by 2030. With respect to a renewable energy project, an IDA, in its sole discretion, may authorize a payment in lieu of taxes agreement for up to a twenty-five (25) year benefit period, and shall calculate such payments based upon a formula expressed as a dollar value per Mega Watt (MW) multiplied by the total MW(s) to be generated by such a project. A determination to grant a Renewable Energy PILOT containing terms consistent with the provisions described within this section shall not be considered a deviation from this Policy.

III. Exemption from Sales and Use Taxes

The IDAs maintain a policy for the provision of sales and use tax exemptions, being a 100% exemption from the New York State and local sales and use taxes related to the acquisition, construction, re-construction and equipping of any approved project, inclusive of rentals and all other elements of the Project qualifying for exemption. In coordination with an IDA, an Applicant must

confirm the amount of sales and use tax exemption in connection with a qualified project. Operating and maintenance expenses are not eligible for a New York State and local sales and use tax exemption benefit.

IV. Exemption from Mortgage Recording Taxes

The IDAs maintain a policy for the provision of a mortgage recording tax exemption that permits a mortgage recording tax exemption on a portion of the New York State Mortgage Recording Tax in Erie County, statutorily limited to .0075% on any commercial mortgage or security instrument arising out of or related to the financing or refinancing of an approved project.

V. Deviation from the Uniform Tax Exemption Policy

The following constitutes the procedure for deviation from this Policy, as required pursuant to Section 874(4)(b) of the GML. An IDA may authorize a deviation from the Policy after it: (i) provides prior written notification to the affected taxing jurisdiction(s) of the proposed deviation from the Policy and the reasons for the deviation from this Policy including articulated consideration of the issues identified in Section 874(4)(a) of the GML, and (ii) sets forth in writing the reasons for deviating from the Policy.

VI. Intermunicipal Movement of Facility or Plant

If a project involves the removal or abandonment of a facility or plant within the state, adherence to Section 862 of the GML is required prior to making a Financial Assistance determination.

If a project involves the relocation from one municipality within Erie County (the “Current Municipality”) to a different municipality also within Erie County (the “Proposed Municipality”), the IDAs in Erie County set forth the following additional procedures:

A. Upon receipt of a draft application or sufficient materials from a prospective applicant, the relevant IDA with jurisdiction over the Proposed Municipality shall notify the designated economic development representative from the Current Municipality of the pending project unless there is reason the project remain confidential. Upon receipt of a completed Application for Financial Assistance, the IDA will forward a written notice to the chief elected officer of the Current Municipality and the Proposed Municipality (along with their respective economic development designees), which notice shall include (i) said Application, (ii) sites located in the Current Municipality that were considered by the applicant, along with the reasons for rejecting those sites, and (iii) such other information or documentation with regard to the proposed relocation as the IDA may be in possession of.

B. If the applicant declines to respond to such questions regarding its proposed move or indicates that it has not met with representatives of the Current Municipality or reviewed/considered alternative sites within the Current Municipality, the applicant will be strongly urged by IDA representatives to do so prior to final submission of the application, and a determination of said application being considered complete, for consideration of Financial Assistance.

C. A written response or acknowledgement from the chief elected officer of the Current Municipality will be sought with regard to the application for Financial Assistance, and any such

response or acknowledgement will be included in the record to be considered by the IDA which has jurisdiction over the Proposed Municipality. This need not be a “sign-off” or an approval of the intermunicipal move. The chief elected officer of the Current Municipality and the Proposed Municipality (and their respective economic development designees) will be invited to address the IDA Board when it considers any such application for Financial Assistance.

VII. IDA Leadership Council

On an as needed basis, a leadership council meeting of the IDAs may be convened to encourage further collaborative efforts, to facilitate the uniform implementation of this Policy, and to provide a forum to address other common concerns with regard to economic development in Erie County. Each IDA signatory to this Policy may permit a representative to attend such a meeting, when such a meeting is convened, provided that such individual represents an IDA, a municipality for whose benefit an IDA was created, and/or any other economic development/community organization. The leadership council will, through the consensus of its members, consider and resolve any concerns raised by an IDA with regard to the interpretation of the Policy, and will coordinate other joint activities of the IDAs to promote a countywide program of economic development.

VIII. Effective Date

This Uniform Tax Exemption Policy shall be effective as of *insert adoption date*, and shall apply to all projects for which an IDA has adopted or adopts an Inducement Resolution after *insert adoption date*, however, it shall not apply to projects for which an IDA, through issuance of its bonds, execution of leases, or the passage of an Inducement Resolution, has authorized any assistance prior to *insert adoption date*, whether or not such projects are thereafter refinanced or modified.

IX. Amendments

An IDA, by resolution of its members, and upon notice to all affected taxing jurisdictions as may be required by law, may amend or modify this Policy as it may, from time to time, in its sole discretion determine.

X. Policy Addendums

An IDA, by resolution of its members, and upon notice to all affected taxing jurisdictions as may be required by law, may approve a policy or policies unique to each such IDA as Policy Addendums that may be attached hereto and made a part hereof.

XI. Changes in Law

This Policy has been developed consistent with the applicable provisions of Article 18-A of the GML existing as of the Effective Date. In the event of a change in law, rule or regulation affecting any provision of this Policy, this Policy shall be interpreted consistent with such law, rule or regulation, without giving effect to any provision in the Policy to the contrary.

PILOT DETERMINATION SCORING WORKSHEET

Baseline Requirements (Must Achieve All)

- Application Complete
- Eligible Project Per Countywide UTEP
- Local Labor Compliance
- Planning Approval (If Applicable)

PILOT Scoring Metrics

1 Point Per Checked Box Except Where Noted
Investment, Employment, and Construction Employment are Cumulative Categories

<input type="radio"/>	<u>Location</u>	<input type="radio"/>	<u>Investment *(Cumulative)</u>	<input type="radio"/>	<u>Community</u>
<input type="radio"/>	Distressed Census Tract	<input type="radio"/>	Under \$10 Million	<input type="radio"/>	Out of Region Sales > 30%
<input type="radio"/>	Designated Development Area	<input type="radio"/>	\$10 Million - \$20 Million	<input type="radio"/>	In Region Purchase > 50%
<input type="radio"/>	Historic Preservation	<input type="radio"/>	Over \$20 Million	<input type="radio"/>	Average Wage > Median
<input type="radio"/>	Building Re-use			<input type="radio"/>	ROI Ratio > 15 to 1
<input type="radio"/>	Infill Development		<u>Employment *(Cumulative)</u>	<input type="radio"/>	Local Revenue/Abatement Ratio > 2 to 1
<input type="radio"/>	Transit		<u>New Jobs</u>	<input type="radio"/>	Workforce Housing
<input type="radio"/>	Green Building	<input type="radio"/>	1-15	<input type="radio"/>	MWBE
<input type="radio"/>	Brownfield	<input type="radio"/>	16-40	<input type="radio"/>	Out of Area Option(s)
		<input type="radio"/>	41-85		
		<input type="radio"/>	86-150		
		<input type="radio"/>	151+		
	<u>Strategic Industry (2pts)</u>				<u>Construction Employment * (Cumulative)</u>
<input type="radio"/>	Advanced Manufacturing			<input type="radio"/>	1-50
<input type="radio"/>	Back Office		<u>Retained Jobs</u>	<input type="radio"/>	51-100
<input type="radio"/>	Life Sciences	<input type="radio"/>	1-75	<input type="radio"/>	101+
<input type="radio"/>	Technology	<input type="radio"/>	76-150		
<input type="radio"/>	Distribution/Logistics	<input type="radio"/>	151+		
<input type="radio"/>	Agriculture				
<input type="radio"/>	Renewable Energy				
<input type="radio"/>	Regional Tourism/Arts				

5-Year PILOT = 1-6 Points (75,65,55,45,35)

7-Year PILOT = 7-12 Points (95,90,85,80,75,70,65)

10-Year PILOT = 13+ Points (95,90,85,85,80,75,70,65)