

**PUBLIC HEARING RESOLUTION
REVISIONS TO UNIFORM TAX EXEMPTION POLICY**

A regular meeting of County of Clinton Industrial Development Agency (the “Agency”) was convened in public session in the Clinton County Government Center located at 137 Margaret Street in the City of Plattsburgh, Clinton County, New York on November 13, 2024 at 12:00 o’clock p.m., local time.

The meeting was called to order by the Secretary of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Trent Trahan	Chairperson
David Hoover	Vice Chairperson
Michael E. Zurlo	Secretary
Keith Defayette	Treasurer
Mark Leta	Assistant Secretary
John VanNatten	Member
Joey Trombley	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Molly F. Ryan	Executive Director
Toni Moffat	Executive Assistant
Dorothy Brunell	Administrative Assistant
Christopher C. Canada, Esq.	Agency Counsel
Shannon E. Wagner, Esq.	Agency Counsel

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 11-24-04

**RESOLUTION AUTHORIZING A PUBLIC HEARING REGARDING PROPOSED
REVISIONS TO THE AGENCY’S UNIFORM TAX EXEMPTION POLICY.**

WHEREAS, County of Clinton Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 225 of the 1971 Laws of New York, as amended, constituting Section 895-f of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, pursuant to Section 874(4) of the Act, the Agency has adopted a uniform tax exemption policy (the “Existing Policy”) providing guidelines for the granting by the Agency of certain exemptions from real property, mortgage recording and sales tax exemptions; and

WHEREAS, the Agency desires to make certain amendments to the Existing Policy related to the current needs and expectations of the Agency, which amendments would involve the addition to the Existing Policy of (a) criteria and categories related to the evaluation and approval of various (1) housing projects, and (2) various renewable energy projects, (b) statutory updates, and, (c) if necessary, minor stylistic changes and corrections to the Existing Policy (collectively, the “Amendments”); and

WHEREAS, as provided in the Agency’s Governance Committee Charter, the members of the Governance Committee of the Agency have reviewed the Existing Policy and made certain recommendations to the full board of the Agency regarding amending the Existing Policy to include the Amendments; and

WHEREAS, a description of the proposed Amendments is attached hereto as Exhibit A; and

WHEREAS, prior to taking action on the Amendments, the Agency desires to (A) authorize the Executive Director of the Agency to circulate a copy of the proposed Amendments and a brief description thereof to the Affected Tax Jurisdictions (as defined in the Act) and (B) to authorize the Executive Director of the Agency to hold a public hearing with respect to the proposed Amendments (the “Public Hearing”);

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Once the proposed Amendments has been reviewed by the Chairperson, Vice Chairperson and/or Executive Director and approved for circulation to the Affected Tax Jurisdictions and after consultation with Agency Counsel, the Agency hereby authorizes the Executive Director to (A) circulate a copy of the proposed Amendments and a brief description thereof to the Affected Tax Jurisdictions; (B) establish the time, date and place for the Public Hearing with respect to the proposed Amendments to the Affected Tax Jurisdictions; (C) provide notice of the Public Hearing no fewer than ten (10) days prior to the date established for the Public Hearing; (D) review and respond to any correspondence received from the Affected Tax Jurisdictions prior to the Public Hearing; (E) conduct the Public Hearing; (F) cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the “Report”) to be prepared; and (G) cause copies of the Report to be made available to the members of the Agency.

Section 2. The Chairperson, Vice Chairperson and/or Executive Director of the Agency is hereby authorized and directed to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 3. All action taken by the Chairperson, Vice Chairperson and/or Executive Director of the Agency in connection with the Public Hearing with respect to the proposed Amendments prior to the date of this resolution is hereby ratified and confirmed.

Section 4. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Trent Trahan	VOTING	_____
David Hoover	VOTING	_____
Michael E. Zurlo	VOTING	_____
Keith Defayette	VOTING	_____
Mark Leta	VOTING	_____
John VanNatten	VOTING	_____
Joey Trombley	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

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STATE OF NEW YORK)
) SS.:
COUNTY OF CLINTON)

I, the undersigned Secretary of County of Clinton Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on November 13, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this ___ day of November, 2024.

Secretary

(SEAL)

EXHIBIT A

DRAFT AMENDMENTS TO THE AGENCY'S
UNIFORM TAX EXEMPTION POLICY

- SEE ATTACHED -

COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY

UNIFORM TAX EXEMPTION POLICY

SECTION 1. PURPOSE AND AUTHORITY. Pursuant to Section 874(4)(a) of Title One of Article 18-A of the General Municipal Law (the “Act”), County of Clinton Industrial Development Agency (the “Agency”) is required to establish a uniform tax exemption policy applicable to the provision of any financial assistance of more than one hundred thousand dollars to any project. This uniform tax-exemption policy was adopted pursuant to a resolution enacted by the members of the Agency on March 22, 1995, and modified pursuant to resolutions enacted by the members of the Agency on January 21, 1997, March 29, 1999, and readopted on February 14, 2011 [\[, and later on December __, 2024\]](#).

SECTION 2. DEFINITIONS. All words and terms used herein and defined in the Act shall have the meanings assigned to them in the Act, unless otherwise defined herein or unless the context or use indicates another meaning or intent. The following words and terms used herein shall have the respective meanings set forth below, unless the context or use indicates another meaning or intent:

(A) “Administrative Fee” shall mean a charge imposed by the Agency to an Applicant or project occupant for the administration of a project.

(B) “Affected Tax Jurisdiction” means, with respect to a particular project, the County and each Municipality or School District in which such project is located which will fail to receive real property tax payments which would otherwise be due with respect to such project due to a Tax Exemption obtained by reason of the involvement of the Agency in such project, unless the Affected Tax Jurisdictions shall agree in writing to add or subtract additional governmental entities thereto.

(C) “Agency Fee” shall mean the normal charges imposed by the Agency on an Applicant or a project occupant to compensate the Agency for the Agency’s participation in a project. The term “Agency Fee” shall include not only the Agency’s normal application fee and the Agency’s normal Administrative Fee, but also may include (1) reimbursement of the Agency’s expenses, (2) rent imposed by the Agency for use of the property of the Agency, and (3) other similar charges imposed by the Agency.

(D) “Applicant” shall mean an applicant for financial assistance.

(E) “Applicant Project” shall mean a project which is undertaken by the Agency for the benefit of an Applicant which either (1) has been or will be financed by the issuance by the Agency of bonds, notes or other evidences of indebtedness with respect thereto or (2) is a straight lease transaction which the Agency has determined to undertake pursuant to the Lease Policy.

(F) “County” shall mean the County of Clinton.

(G) “Lease Policy” shall mean the lease policy approved by resolution of the members of the Agency on January 21, 1997, pursuant to which the Agency set forth the circumstances under which the Agency will consider undertaking a straight-lease transaction.

(H) “Municipality” shall mean each city, town and village located within the County.

(I) “Non-Applicant Project” means a project which is undertaken by the Agency for the benefit of the Agency, and shall not include an Applicant Project.

(J) “~~Pilot~~PILLOT Payment” or “Payment in Lieu of Tax” shall mean any payment made to the Agency or an Affected Tax Jurisdiction equal to all or a portion of the real property taxes or other taxes which would have been levied by or on behalf of an Affected Tax Jurisdiction with respect to a project but for Tax Exemption obtained by reason of the involvement of the Agency in such project, but such term shall not include Agency Fees.

(K) “School District” shall mean each school district located within the County.

(L) “Tax Exemption” shall mean any financial assistance granted to a project which is based upon all or a portion of the taxes which would otherwise be levied and assessed against a project but for the involvement of the Agency in such project.

(M) “Uniform Tax Exemption Worksheet” means the Uniform Tax Exemption Work Sheet, a copy of which is attached to this Uniform Tax Exemption Policy as Exhibit A hereto.

SECTION 3. GENERAL PROVISIONS. (A) General Policy. The general policy of the Agency is to grant Tax Exemption as hereinafter set forth to (1) any Applicant Project and (2) any Non-Applicant Project.

(B) Exceptions. The Agency reserves the right to deviate from such policy in special circumstances. In determining whether special circumstances exist to justify such a deviation, the Agency may consider the magnitude of the deviation sought and the factors which might make the project unusual, which factors might include but not be limited to the following factors: (1) the magnitude and/or importance of any permanent private sector job creation and/or retention related to the proposed project in question; (2) whether the Affected Tax Jurisdictions will be reimbursed by the project occupant if such project does not fulfill the purposes for which Tax Exemption was granted; (3) the impact of such project on existing and proposed businesses and/or economic development projects; (4) the amount of private sector investment generated or likely to be generated by such project; (5) demonstrated public support for such project; (6) the estimated value of the Tax Exemptions requested; and (7) the extent to which such project will provide needed services and/or revenues to the Affected Tax Jurisdictions. In addition, the Agency may consider the other factors outlined in Section 874(4)(a) of the Act.

(C) Application. No request for a Tax Exemption relating to an Applicant Project shall be considered by the Agency unless an application (with a cost/benefit analysis) and environmental assessment form are filed with the Agency on the forms prescribed by the Agency pursuant to the rules and regulations of the Agency. Such application shall contain the information requested by the Agency, including a description of the proposed project and of each Tax Exemption sought with respect to the project, the estimated value of each Tax Exemption sought with respect to the project, the proposed financial assistance being sought with respect to the project, the estimated date of completion of the project, and whether such financial assistance is consistent with this part.

(D) Notice to Affected Tax Jurisdictions. No request for approval of an Applicant Project by the Agency which involves the issuance of bonds, notes or other evidences of indebtedness with respect thereto or any other application for Tax Exemptions or other financial assistance which may aggregate more than \$100,000, or which involves a proposed deviation from the provisions of this Uniform Tax Exemption Policy, shall be given final approval by the Agency unless and until (1) the Agency has sent written notice of said request to each Affected Tax Jurisdiction, and (2) has given each Affected Tax

Jurisdiction a reasonable opportunity, both in writing and in person, to be heard by the Agency with respect to the proposed request. With respect to Non-Applicant Projects, the Agency shall comply with the provisions of Section 859-a of the Act, to the extent applicable. In addition, the Agency shall comply with all other notice provisions contained in the Act relative thereto.

SECTION 4. SALES AND USE TAX EXEMPTION. (A) General. State law provides that purchases of tangible personal property by the Agency or by an agent of the Agency, and purchases of tangible personal property by a contractor for incorporation into or improving, maintaining, servicing or repairing real property of the Agency, are exempt from sales and use taxes imposed pursuant to Article 28 of the Tax Law. The Agency has a general policy of abating sales and use taxes applicable (1) only to the initial acquisition, construction and/or equipping of an Applicant Project and (2) to any Non-Applicant Project. The Agency has no requirement for imposing a payment in lieu of tax arising from the exemption of an Applicant Project from sales and/or use taxes applicable to the initial acquisition, construction and/or equipping of such project, except (1) as described in subsection (E) below or (2) in the circumstance where (a) an Applicant Project is offered sales and use tax exemption on the condition that a certain event (such as the issuance of bonds by the Agency with respect to the project) occur by a certain date and (b) such event does not occur, in which case the Agency may require that the Applicant make payments in lieu of sales and use taxes equal to the amount of tax which otherwise may have been due to the New York State Department of Taxation and Finance.

(B) Period of Exemption. Except as set forth in subsection (A) above, the period of time for which a sales and use tax exemption shall be effective (the "Tax Exemption Period") shall be determined as follows:

(1) General. Unless otherwise determined by the Agency, the sales and use tax exemption for an Applicant Project shall be for the Tax Exemption Period commencing with the issuance by the Agency of bonds, notes or other evidences of indebtedness with respect to such project, or the execution and delivery by the Agency of a lease agreement relating to such project pursuant to the Lease Policy, and ending on the date of completion of the project. The Tax Exemption Period for a Non-Applicant Project shall extend for such period of time as the Agency shall determine.

(2) Early Commencement. The Tax Exemption Period for an Applicant Project may, at the discretion of the Agency, commence earlier than the date of issuance by the Agency of the Agency's bonds, notes or other evidences of indebtedness relating to the project, provided that (a) the Agency has complied with the requirements of Section 859-a of the Act, (b) the Agency thereafter adopts a resolution determining to commence such period earlier, (c) the Applicant agrees to the conditions of such resolution and supplies to the Agency the materials required to be supplied to the Agency thereunder, and (d) the ~~Chairman~~Chairperson, Vice Chairperson or Executive Director of the Agency acknowledges satisfaction of all conditions to the granting of such Tax Exemption set forth in such resolution.

(3) Normal Termination. The Tax Exemption Period for an Applicant Project will normally end upon the completion of such project. On construction projects, the Agency and the Applicant shall agree on the estimated date of completion of the project, and the sales and use tax exemption shall cease on the earlier of (a) the actual date of completion of the project or (b) the date which is six (6) months after the estimated date of completion of such project. On non-construction projects, the Agency and the Applicant shall agree on the estimated date of completion of the project, and the sales and use tax exemption shall cease on the earlier of (a) the actual date of completion of the project or (b) the date which is three (3) months after the estimated date of completion of the project. If the Agency and the Applicant shall fail to agree on a date for

completion of the project, the Agency shall on notice to the Applicant make the determination on the basis of available evidence.

(4) Later Termination. The Agency, for good cause shown, may adopt a resolution extending the period for completion of the project and/or extending the Tax Exemption Period.

(C) Items Exempted. The sales and use tax exemption granted by the Agency with respect to an Applicant Project shall normally extend only to the following items acquired during the Tax Exemption Period described in subsection (B) above:

(1) improvements to and items incorporated into the real property;

(2) tangible personal property, including furniture, furnishings and equipment used to initially equip the project or otherwise forming part of the project, if purchased by the Applicant as agent of the Agency;

(3) the rental of tools and other items necessary for the construction and/or equipping of the project, if rented by the Applicant as agent of the Agency; and

(4) office supplies, fuel and similar items consumed in the process of acquiring, constructing and/or equipping the project, if purchased by the Applicant as agent of the Agency.

(D) Items Not Exempted. A sales and use tax exemption with respect to an Applicant Project shall not be granted by the Agency for the following:

(1) purchases occurring beyond the Tax Exemption Period described in subsection (B) above;

(2) repairs, replacements or renovations of the project, unless such repairs, replacements or renovations constitute major capital-type expenses approved by the Agency as a separate project in the manner contemplated by the Act; or

(3) operating expenses, unless such operating expenses constitute major capital-type expenses approved by the Agency as a separate project in the manner contemplated by the Act.

(E) Percentage of Exemption. Unless otherwise determined by resolution of the Agency, the sales and use tax exemption shall be equal to one hundred percent (100%) of the sales and/or use taxes that would have been levied if the project were not exempt by reason of the Agency's involvement in the project. If an exemption of less than one hundred percent (100%) is determined by the Agency to be applicable to a particular Applicant Project, then the Applicant shall be required to pay a ~~Pilot~~PILOT Payment to the Agency equal to the applicable percentage of sales and/or use tax liability not being abated. The Agency shall remit such ~~Pilot~~PILOT Payment, within thirty (30) days of receipt thereof by the Agency, to the Affected Tax Jurisdictions in accordance with Section 874(3) of the Act.

(F) Confirmation Letter. The final act of granting a sales and/or use tax exemption by the Agency shall be confirmed by the execution by an authorized officer of the Agency of a confirmation letter by the Agency. Such confirmation letter may either be in the form of a letter for the duration of the anticipated construction period relating to the project (where the sales and use tax exemption is permanent, because the Agency is satisfied that any conditions precedent to such sales and use tax exemption, such as the issuance of bonds or the execution of a lease agreement by the Agency, have been satisfied) or a letter having a shorter duration (where such sales and use tax exemption is tentative, because there remain conditions precedent to such sales and use tax exemption which have not been

satisfied). Each such confirmation letter shall describe the scope and term of the sales and use tax exemption being granted.

(G) Required Filings. The New York State Department of Taxation and Finance requires that proper forms and supporting materials be filed with a vendor to establish a purchaser's entitlement to a sales and use tax exemption. For example, TSB-M-87(7) outlines the materials that must be filed to establish entitlement to a sales and use tax exemption as an "agent" of the Agency. It is the responsibility of the Applicant and/or project occupant to ensure that the proper documentation is filed with each vendor to obtain any sales and use tax exemptions authorized by the Agency.

(H) Required Reports and Records. Pursuant to Section 874(B) of the Act, the Applicant and/or project occupant is required to annually file with the New York State Department of Taxation and Finance a statement of the value of all sales and use tax exemptions claimed under the Act by the Applicant and/or the project occupant and/or all agents, subcontractors and consultants thereof. The project documents shall require that (1) a copy of such statement will also be filed with the Agency and (2) that the project occupant shall maintain, for a period ending seven (7) years after the last purchase made under the sales and use tax exemption, and make available to the Agency at the request of the Agency, detailed records which shall show the method of calculating the sales and use tax exemption benefit granted by the Agency.

SECTION 5. MORTGAGE RECORDING TAX EXEMPTION. (A) General. State law provides that mortgages recorded by the Agency are exempt from mortgage recording taxes imposed pursuant to Article 11 of the Tax Law. The Agency has a general policy of abating mortgage recording taxes for the initial financing obtained from the Agency with respect to each project with respect to which the Agency issues debt which will be secured by a mortgage upon real property. In instances where the initial financing commitment provides for a construction financing of the Agency to be replaced by a permanent financing of the Agency immediately upon or shortly after the completion of the project, the Agency's general policy is to abate the mortgage recording tax on both the construction financing and the permanent financing.

(B) Refinancing. In the event that the Agency retains title to a project, it is the general policy of the Agency to abate mortgage recording taxes on any debt issued by the Agency for the purpose of refinancing prior debt issued by the Agency, and on any modifications, extensions and renewals thereof, so long as the Agency Fees relating to same have been paid. A refinancing of an Applicant Project shall not result in (1) any real property tax exemption beyond the fifteen (15) year period described in Section 7(D)(1) hereof or (2) any additional sales and use tax exemptions with respect to said project.

(C) Non-Agency Projects. In the event that the Agency does not hold title to a project, it is the policy of the Agency not to join in a mortgage relating to that project and not to abate any mortgage recording taxes relating to that project.

(D) Non-Agency Financings. Occasionally, a situation will arise where the Agency holds title to a project, the project occupant needs to borrow money for its own purposes (working capital, for example), and the lender will not make the loan to the project occupant without obtaining a fee mortgage as security. In such instances, the policy of the Agency is to consent to the granting of such mortgage and to join in such mortgage, so long as the following conditions are met:

- (1) the documents relating to such proposed mortgage make it clear that the Agency is not liable on the debt, and that any liability of the Agency on the mortgage is limited to the Agency's interest in the project;

- (2) the granting of the mortgage is permitted under any existing documents relating to the project, and any necessary consents relating thereto have been obtained by the project occupant; and
- (3) the payment of the Agency Fee relating to same.

(E) Exemption Affidavit. The act of granting a mortgage recording tax exemption by the Agency is confirmed by the execution by an authorized officer of the Agency of an exemption affidavit relating thereto.

(F) PilotPILOT Payments. If the Agency is a party to a mortgage that is not to be granted a mortgage recording tax exemption by the Agency (a “non-exempt mortgage”), then the Applicant and/or project occupant or other person recording same shall pay the same mortgage recording taxes with respect to same as would have been payable had the Agency not been a party to said mortgage (the “normal mortgage tax”). Such mortgage recording taxes are payable to the County Clerk of the County, who shall in turn distribute same in accordance with law. If for any reason a non-exempt mortgage is to be recorded and the Agency is aware that such non-exempt mortgage may for any reason be recorded without the payment of the normal mortgage tax, then the Agency shall prior to executing such non-exempt mortgage collect a PilotPILOT Payment equal to the normal mortgage tax and remit same within thirty (30) days of receipt by the Agency to the Affected Tax Jurisdictions in accordance with Section 874(3) of the Act.

SECTION 6. REAL ESTATE TRANSFER TAXES. (A) Real Estate Transfer Tax. Article 31 of the Tax Law provides for the imposition of a tax upon certain real estate transfers. Section 1405(b)(2) of the Tax Law provides that transfers into the Agency are exempt from such tax, and the New York State Department of Taxation and Finance has ruled that transfers of property by the Agency back to the same entity which transferred such property to the Agency are exempt from such tax. The general policy of the Agency is to impose no payment in lieu of tax upon any real estate transfers to or from the Agency.

(B) Real Property Transfer Gains Tax. Article 31-B of the Tax Law provides for the imposition of a tax upon gains derived from the transfer of certain real estate in New York State. Certain transfers are exempt from such tax. It is the policy of the Agency to comply with the law, and to file the appropriate documentation with the New York State Department of Taxation and Finance to obtain preclearance by that department for any documents transferring real property to or from the Agency.

(C) Required Filings. It shall be the responsibility of the Applicant and/or project occupant to ensure that all documentation necessary relative to the real estate transfer tax and the real estate transfer gains tax are timely filed with the appropriate officials.

SECTION 7. REAL ~~ESTATE~~PROPERTY TAX EXEMPTION. (A) General. Pursuant to Section 874 of the Act and Section 412-a of the Real Property Tax Law, property owned by or under the jurisdiction or supervision or control of the Agency is exempt from general real estate taxes (but not exempt from special assessments and special ad valorem levies). However, it is the general policy of the Agency that, notwithstanding the foregoing, every non-governmental project will be required to enter into a payment in lieu of tax agreement (a “PilotPILOT Agreement”), either separately or as part of the project documents. Such PilotPILOT Agreement shall require payment of ~~Pilot~~-payments in lieu of taxes (each a “PILOT Payment”) in accordance with the provisions set forth below.

(B) PilotPILOT Requirement. Unless the Applicant and/or project occupant and the Agency shall have entered into a PilotPILOT Agreement acceptable to the Agency, the project documents shall provide that the Agency will not file a New York State Department of Taxation and Finance, Division of Equalization and Assessment Form EA-412-a (an “Exemption Form”) with respect to the project, and the project documents shall provide that the Applicant and/or the project occupant shall be required to make

~~Pilot payments~~PILOT Payments in such amounts as would result from taxes being levied on the project by the Affected Tax Jurisdictions if the project were not owned by or under the jurisdiction or supervision or control of the Agency. The project documents shall provide that, if the Agency and the Applicant and/or project occupant have entered into a ~~Pilot~~PILOT Agreement, the terms of the ~~Pilot~~PILOT Agreement shall control the amount of ~~Pilot payments~~PILOT Payments until the expiration or sooner termination of such ~~Pilot~~PILOT Agreement.

(C) Required Filings. As indicated in subsection (B) above, pursuant to Section 874 of the Act and Section 412-a of the Real Property Tax Law, no real estate tax exemption with respect to a particular project shall be effective until an Exemption Form is filed with the assessor of each Affected Tax Jurisdiction. Once an Exemption Form with respect to a particular project is filed with a particular Affected Tax Jurisdiction, the real property tax exemption for such project does not take effect until (1) a tax status date for such Affected Tax Jurisdiction occurs subsequent to such filing, (2) an assessment roll for such Taxing Jurisdiction is finalized subsequent to such tax status date, (3) such assessment roll becomes the basis for the preparation of a tax roll for such Affected Tax Jurisdiction, and (4) the tax year to which such tax roll relates commences.

(D) ~~Pilot~~PILOT Agreement. Unless otherwise determined by resolution of the Agency, all ~~Pilot~~PILOT Agreements shall satisfy the following general conditions:

(1) Determination of Full Assessment: With respect to a project including new construction, the general policy of the Agency is to take title to (or a leasehold interest in) said project, and to file an Exemption Form providing that the appropriate officer or officers of the respective Affected Tax Jurisdictions in which such project is located (each, an “Assessor”) will determine the interim assessments of such project as construction progresses thereon (each, an “Interim New Assessment”) and a final assessment thereof (the “Final New Assessment”) when construction is completed. With respect to a project including existing buildings, the general policy of the Agency is to either avoid taking title to (or a leasehold interest in) such existing buildings, or, if such is not possible, to include the existing assessment on such buildings (the “Existing Assessment”, and collectively with the Interim New Assessment, the “Full Assessment”, and collectively with the Final New Assessment, the “Final Full Assessment”). Once the Final Full Assessment is fixed, the Final Full Assessment shall be frozen and used as the basis of taxation of the project for the initial period (the “Initial Period”) applicable to the project pursuant to paragraph (2) below. During the Initial Period, the Applicant shall pay ~~real estate Pilot payments~~PILOT Payments determined in each tax year as follows: (a) first, determine the assessment of the new construction portion of the project for such tax year (the “Current New Assessment”), which assessment shall be a percentage of the Final New Assessment determined by subtracting the percentage of abatement applicable to such year (as determined pursuant to paragraph (2) below) from 100%; (ii) next, determine the assessment of the project for such tax year (the “Current ~~Pilot~~PILOT Assessment”) by adding the Current New Assessment to the Existing Assessment; and (iii) finally, determine the ~~Pilot payment~~PILOT Payment payable to with respect to the project to each Affected Tax Jurisdiction by multiplying the Current ~~Pilot~~PILOT Assessment by the applicable tax rate of the such Affected Tax Jurisdiction. Once the Initial Period has ended, the Applicant will pay ~~real estate Pilot payments~~PILOT Payments determined in each tax year as follows: multiply the Final Full Assessment by the applicable tax rate of the such Affected Tax Jurisdiction.

(2) Amount of Abatement: ~~Each~~Except as further set forth in Section 7(D)(2)(d) hereof, each project shall be scored by the Agency on the basis of the Uniform Tax Exemption Worksheet. Based upon the score achieved by a particular project as determined by the Agency, said project shall be entitled to the following benefits:

(a) Category 1: If a project scores 6 points or less, (i) the Initial Period shall be ten years, and (ii) the percentage of exemption in each tax year shall be zero.

(b) Category 2: If a project scores more than 6 points but less than 12 points, (i) the Initial Period shall be ten years, and (ii) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1	50%
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%
8	15%
9	10%
10	5%
11 <u>11</u> and thereafter	0% <u>(Normal Taxes)</u>

(c) Category 3: If a project scores 12 points or more, and if the project beneficiary agrees not to contest either the Existing Assessment or the Full New Assessment until at least the sixteenth (16th) tax year, then (i) the Initial Period shall be fifteen years, and (ii) the percentage of exemption in each tax year shall be as set forth in the following table:

Tax Year	Percentage of Exemption
1 to 5	100%
6	50%
7	45%
8	40%
9	35%
10	30%
11	25%
12	20%
13	15%
14	10%
15	5%
16 <u>16</u> and thereafter	0% <u>(Normal Taxes)</u>

(d) Housing Projects: The Agency anticipates that it may receive Applications for projects which consist of various housing projects (collectively, "Housing Projects") including, but not limited to: (i) Market-Rate Housing projects, (ii) Workforce Housing projects, (iii) Senior-Designated Housing projects, and (iv) Affordable Housing projects (as each capitalized term is hereinafter defined). Such Housing Projects may involve broader goals than the traditional creation or retention of jobs but would continue to be expected to facilitate economic development in the County. By, for example, renovating obsolete or blighted real estate or ensuring the housing market supply is sufficient to meet demand.

projects may protect or improve the economic condition of the County by keeping consumers in the County. Notwithstanding Sections 7(D)(2)(a)-(c) hereof, the Agency shall consider and analyze such Housing Projects based on the criteria set forth on the Uniform Tax Exemption Worksheet and the additional criteria set forth on Exhibit B hereof.

(ii) Affordable Housing Projects. “Affordable Housing Project” shall mean housing facilities where a specified percentage of units shall be rented to individuals earning sixty percent (60%) or lower than the area median income (AMI). The percentage exemption for Affordable Housing Projects shall be as set forth in the following table:

<u>Tax Year</u>	<u>Percentage of Exemption for Projects designating [40%] of units as affordable</u>	<u>Percentage of Exemption for Projects designating [60%] of units as affordable</u>
<u>1</u>	<u>100%</u>	<u>100%</u>
<u>2</u>	<u>90%</u>	<u>100%</u>
<u>3</u>	<u>80%</u>	<u>100%</u>
<u>4</u>	<u>70%</u>	<u>90%</u>
<u>5</u>	<u>60%</u>	<u>80%</u>
<u>6</u>	<u>50%</u>	<u>70%</u>
<u>7</u>	<u>40%</u>	<u>60%</u>
<u>8</u>	<u>30%</u>	<u>50%</u>
<u>9</u>	<u>20%</u>	<u>40%</u>
<u>10</u>	<u>10%</u>	<u>30%</u>
<u>11</u>	<u>0% (Normal Taxes)</u>	<u>20%</u>
<u>12</u>	<u>0% (Normal Taxes)</u>	<u>10%</u>
<u>13</u>	<u>0% (Normal Taxes)</u>	<u>0% (Normal Taxes)</u>

(ii) Market-Rate Housing Projects. “Market Rate Housing Project” shall mean housing units priced at the current rental rate for the area. The percentage exemption for Market-Rate Housing Projects shall be as set forth in the following table:

<u>Tax Year</u>	<u>Percentage of Exemption</u>
<u>1</u>	<u>75%</u>
<u>2</u>	<u>50%</u>
<u>3</u>	<u>25%</u>
<u>4 and thereafter</u>	<u>0% (Normal Taxes)</u>

(iii) Senior Designated Housing Projects. “Senior Designated Housing Project” shall mean housing facilities where at least ninety percent (90%) of the units are designated to be rented to individuals aged fifty-five (55) or older. The percentage exemption for Senior Designated Housing Projects shall be as set forth in the following table:

<u>Tax Year</u>	<u>Percentage of Exemption</u>
<u>1</u>	<u>100%</u>
<u>2</u>	<u>100%</u>
<u>3</u>	<u>100%</u>
<u>4</u>	<u>90%</u>
<u>5</u>	<u>80%</u>
<u>6</u>	<u>70%</u>
<u>7</u>	<u>60%</u>
<u>8</u>	<u>50%</u>
<u>9</u>	<u>40%</u>
<u>10</u>	<u>30%</u>
<u>11</u>	<u>20%</u>
<u>12</u>	<u>10%</u>
<u>13</u>	<u>0% (Normal Taxes)</u>

(iv) Workforce Housing Projects. “Workforce Housing Project” shall mean housing facilities where a specified percentage of units shall be rented to individuals earning approximately eighty-percent (80%) of the area median income (AMI) and no units shall be rented to individuals earning over one-hundred-twenty percent (120%) of the area median income (AMI). The percentage exemption for Workforce Housing Projects shall be as set forth in the following table:

<u>Tax Year</u>	<u>Percentage of Exemption for Projects designating 10% of units for Workforce</u>	<u>Percentage of Exemption for Projects designating [15%] of units for Workforce</u>
<u>1</u>	<u>100%</u>	<u>100%</u>
<u>2</u>	<u>90%</u>	<u>100%</u>
<u>3</u>	<u>80%</u>	<u>100%</u>
<u>4</u>	<u>70%</u>	<u>90%</u>
<u>5</u>	<u>60%</u>	<u>80%</u>
<u>6</u>	<u>50%</u>	<u>70%</u>
<u>7</u>	<u>40%</u>	<u>60%</u>
<u>8</u>	<u>30%</u>	<u>50%</u>
<u>9</u>	<u>20%</u>	<u>40%</u>
<u>10</u>	<u>10%</u>	<u>30%</u>
<u>11</u>	<u>0% (Normal Taxes)</u>	<u>20%</u>
<u>12</u>	<u>0% (Normal Taxes)</u>	<u>10%</u>
<u>13</u>	<u>0% (Normal Taxes)</u>	<u>0% (Normal Taxes)</u>

(e) Notwithstanding Section 7(D)(1) hereof, the PILOT Payments to be paid in connection with a Housing Project identified in Section 7(D)(2)(d) hereof may be calculated as an annual percentage of the aggregate collected annual tenant paid rents generated by the Project Facility, which shall include

rent supplements and subsidies received from the federal government, the State of New York, or a municipality on behalf of such tenants, less the aggregate annual Applicant (or project owner) paid utilities.

(f) Renewable Energy Projects: The Agency anticipates that it may receive Applications for projects which consist of various renewable energy projects (collectively, “Renewable Energy Projects”) including, but not limited to: (i) commercial solar projects, (ii) commercial wind projects, and (iii) other renewable energy projects as defined in Section 854(21) of the Act. Such Renewable Energy Projects may involve “on-site” systems (meaning systems installed directly on the end user’s property whose electricity is only used for operations on that property) or “off-site” systems (meaning systems installed at an off-site location different from the end user’s property, such that the electricity produced is shared by more than one property). If a project qualifies as a Renewable Energy Project, the percentage exemption for such project shall be determined as set forth below:

(i) The amount of the PILOT Payment due annually for each project shall be determined by multiplying (x) the actual installed capacity of the Renewable Energy Project, calculated on the third (3rd) business day prior to the date on which the related payment is scheduled to be billed pursuant to the PILOT Agreement, by (y) the Base Megawatt Amount (as hereinafter defined).

(ii) For purposes of this subsection (f), “Base Megawatt Amount” means a per-megawatt amount equal to at least \$5,000. The amount of the Base Megawatt Amount shall be determined on a project-by-project basis at the discretion of the Agency.

(iii) The term of a PILOT Agreement related to a Renewable Energy Project shall be fifteen (15) years but may, at the discretion of the Agency, be for a term up to twenty (20) years.

(iv) Some factors the Agency may consider in determining the Base Megawatt Amount and the term of the PILOT Agreement include:

(A) Receipt of a letter of support for the project from the Affected Tax Jurisdictions.

(B) Evidence that the Applicant has or shall negotiate and enter into a host community agreement (each an “HCA”) with the Affected Tax Jurisdictions (particularly the affected school district(s)).

(C) Whether the Project will be located on land which is “actively farmed” or which is “prime farmland.” For purposes of this paragraph, (1) “actively farmed” land means land that is currently supporting commercial agriculture enterprises or has been supporting commercial agriculture enterprises within the preceding eighteen (18) months; and (2) “prime farmland” means land that has been designated as prime farmland by the United States Department of Agriculture soil survey.

(D) The degree to which the Applicant has worked with neighboring property owners to minimize viewshed or other detrimental impact on property values.

(v) The PILOT Agreement for each Renewable Energy Project shall provide that the PILOT Payment determined by subsection (f)(i) above shall be increased annually by two-percent (2%) to adjust for inflation.

(vi) If the existing assessment of the underlying parcel and existing improvements relating to the Renewable Energy Project does not remain fully taxable on the relevant assessment rolls, the PILOT Agreement for such project shall require that PILOT Payments be made with respect to such underlying parcel and existing improvements in an amount equal to one-hundred percent (100%) of the normal tax with respect thereto.

(3E) Reduction for Failure to Achieve Goals: If the Agency's approval of a particular project is predicated upon achievement by the project of certain minimum goals (such as creating and maintaining certain minimum employment levels), the ~~Pilot~~PILOT Agreement may provide for the benefits provided thereby to the project to be reduced or eliminated if, in the sole judgment of the Agency, the project has failed to fulfill such minimum goals. Except as otherwise provided by resolution of the Agency, all ~~real estate Pilot payments~~PILOT Payments are to be paid to the County Treasurer of Clinton County for distribution to the Affected Tax Jurisdictions. Upon expiration of the Initial Period as aforesaid, the assessment of the project shall revert to a normal assessment (i.e., the project will be assessed as if the project were owned by the Applicant and not by the Agency). Also, any addition to the project shall be assessed normally as aforesaid, unless such addition shall be approved by the Agency as a separate project following notice and a public hearing as described in Section 859-a of the Act. Other than fixing the Final Assessment for the Initial Period as aforesaid, the general policy of the Agency is to not provide the Applicant and/or project occupant with any abatement, other than abatements allowed under the Real Property Tax Law.

(4E) Special District Taxes. As indicated above, the Agency is not exempt from special assessments and special ad valorem levies, and accordingly these amounts are not subject to abatement by reason of ownership of the Project by the Agency. The ~~Pilot~~PILOT Agreement shall make this clear and shall require that all such amounts be directly paid by the Applicant and/or project occupant. However, Applicants and project occupants should be aware that the courts have ruled that an Agency-sponsored project is also eligible to apply for an exemption from special district taxes pursuant to Section 485-b of the Real Property Tax Law. If an Applicant or project occupant desires to obtain an exemption from special district taxes pursuant to said Section 485-b, it is the responsibility of the Applicant and/or project occupant to apply for same at its sole cost and expense.

(5G) Payee. Unless otherwise determined by resolution of the Agency, all ~~Pilot payments~~PILOT Payments payable to an Affected Tax Jurisdiction shall be assessed, billed and collected by the County Treasurer. Pursuant to Section 874(3) of the Act, such ~~Pilot payments~~PILOT Payments shall be remitted to each Affected Tax Jurisdiction within thirty (30) days of receipt.

(6H) Enforcement. An Affected Tax Jurisdiction which has not received a ~~Pilot payment~~PILOT Payments due to it under a ~~Pilot~~PILOT Agreement may exercise its remedies under Section 874(6) of the Act. In addition, such Affected Tax Jurisdiction may petition the Agency to exercise whatever remedies that the Agency may have under the project documents to enforce payment and, if such Affected Tax

Jurisdiction indemnifies the Agency and agrees to pay the Agency's costs incurred in connection therewith, the Agency may take action to enforce the ~~Pilot~~PILOT Agreement.

~~(E)~~ Real Property Appraisals. Since the policy of the Agency stated in subsection (C)(1) is to base the value of a project for payment in lieu of tax purposes on a valuation of such project performed by the respective Assessors, normally a separate real property appraisal is not required. However, the Agency may require the submission of a real property appraisal if (1) the Assessor of any particular Affected Tax Jurisdiction requires one or (2) if the valuation of the project for payment in lieu of tax purposes is based on a value determined by the Applicant or by someone acting on behalf of the Applicant, rather than by an Assessor of an Affected Tax Jurisdiction or by the Agency. In lieu of an appraisal, the Agency may require that an Applicant submit to the Agency and each Assessor a certified enumeration of all project costs. If the Agency requires the submission of a real property appraisal, such appraisal shall be prepared by an independent MAI certified appraiser acceptable to the Agency.

(J) PILOT Expiration. Pursuant to Section 858(15) of the Act, as amended, the Agency shall deliver a notification to the Affected Tax Jurisdictions regarding the termination of each PILOT Agreement (1) two (2) years prior to the scheduled expiration of such PILOT Agreement or (2) immediately upon any early termination of such PILOT Agreement.

(K) Local Input. Prior to entering into any proposed PILOT Agreement, the Agency may, in its sole and absolute discretion, require an Applicant or project occupant to communicate with each Affected Tax Jurisdiction regarding the terms of such proposed PILOT Agreement, including the amounts to be paid thereunder. The Agency shall be permitted to enter into a PILOT Agreement without such communication or any approvals of the Affected Tax Jurisdictions, subject to the requirements of the Act.

SECTION 8. PROCEDURES FOR DEVIATION. (A) General. In the case where the Agency may determine to deviate from the provisions of this Uniform Tax Exemption Policy pursuant to the provisions of Section 3(B) hereof, the Agency may deviate from the provisions hereof, provided that:

(1) the Agency adopts a resolution (a) setting forth, with respect to the proposed deviation, the amount of the proposed Tax Exemption, the amount and nature of the proposed ~~Pilot~~PILOT Agreement, the duration of the proposed Tax Exemption and of the proposed ~~Pilot~~PILOT Agreement and whether or not a Tax Exemption of any kind shall be granted, (b) indicating the reasons for the proposed deviation and (c) imposing such terms and conditions thereon as the Agency shall deem just and proper; and

(2) as provided in Section 3(C) hereof, the Agency shall give prior written notice of the proposed deviation from this Uniform Tax Exemption Policy to each Affected Tax Jurisdiction, setting forth therein a general description of the proposed deviation and the reasons therefor. Whenever possible, the Agency shall give such notice to each Affected Tax Jurisdiction at least thirty (30) days prior to the consideration by the Agency of the final resolution determining to proceed with such proposed deviation from this Uniform Tax Exemption Policy.

(B) Agency-Owned Projects. Where a project (1) constitutes a Non-Applicant Project, (2) is otherwise owned and operated by the Agency or (3) has been acquired by the Agency for its own account after a failure of a project occupant, such project may at the option of the Agency be exempted by the Agency from all taxes, to the extent provided in Section 874(1) and (2) of the Act.

(C) Unusual Projects. Where a project is unusual in nature and requires special considerations related to its successful operations as demonstrated by appropriate evidence presented to the Agency, the

Agency may consider the granting of a deviation from the established exemption policy in accordance with the procedures provided in Section 3(B) and Section 8(A) hereof. The Agency may authorize a minimum payment in lieu of tax or such other arrangement as may be appropriate.

SECTION 9. ANNUAL REVIEW OF POLICY. At least annually, the Agency shall review this tax exemption policy to determine relevance, compliance with law, effectiveness, and shall adopt any modifications or changes that it shall deem appropriate. The Executive Director shall be responsible for conducting an annual review of this tax exemption policy and for an evaluation of the internal control structure established to ensure compliance with the tax exemption policy, which review shall be submitted to the Agency for consideration by the Agency.

EXHIBIT A

UNIFORM TAX EXEMPTION WORKSHEET

Variable	Permanent Payroll Level in Terms of # of Jobs Created	% of Average County Wage (\$25,151 in '98)	# of Potential Spin-off Jobs	Local Business Impact and/or Community Investment Reviewing appropriate level yearly	Educational Benefits Reviewing appropriate levels/year	Value of Real Property	Totals
Threshold							
Level 1 (1 point)	Less than 100 jobs with 5 years	At least 75% for <u>new</u> jobs	Less than 100 verifiable Spin off jobs	Need for local industry/services is low e.g. insurance, banking, trucking	Low level such as school visits/school-to-work	\$500k-\$1.5x106	
Level 2 (2 points)	100-300 jobs	At least 100% for <u>new</u> jobs	100-300 verifiable Spin off jobs	Use local industrial suppliers & services/raw materials/parts OR Reuse abandoned facility	Limited Support/Learn to Earn Internships underwrite facilities or programs	\$1.5-5.0 x106	
Level 3 (3 points)	300+ jobs within 5 years	At least 150% for <u>new</u> jobs	300+ verifiable Spin off jobs	Demonstrate synergy with local services, suppliers and manufacturers Or Reclaim brownfield/adaptive re-use of facilities.	Major support to schools and colleges Scholarships (NMSQT); internships; sponsorships underwrite faculty \$10,000	\$5.0 x 106 +	
Totals:							

Scoring 6 points or less Category 1 benefits
7-11 points Category 2 benefits
12 points or more Category 3 benefits

EXHIBIT B

HOUSING PROJECT CRITERIA

1. Whether an independent market study shows a significant unmet need in the local community for (a) the reconstruction and renovation of existing blighted or obsolete structures, (b) certain housing facilities;
2. Whether the project is an Adaptive Re-Use Project. For purposes of these criteria, Adaptive Re-Use shall mean the reconstruction, renovation, installation or equipping of obsolete or old structures or sites located within the County for new economic purposes including, but not limited to, mixed-use facilities including retail and commercial uses, various housing facilities, and/or other uses. Projects involving Adaptive Re-Use would be expected to benefit the County (and local jurisdictions) beyond traditional job creation and retention by removing blight, utilizing existing real estate, creating new economic activity, maintaining and increasing consumer bases, and generally improving the footprint of a community.
3. If the Project is an Adaptive Re-Use Project:
 - a. Whether, and how long, the existing structure has been vacant;
 - b. The age and physical condition of the existing structure (whether the project will remove blight); and
 - c. The history of the existing structure and whether the original use will be converted (for example renovating an obsolete industrial building into a mixed-use facility);
4. Whether the existing property owner is delinquent in the payment of property or other taxes;
5. Whether the site or structure presents environmental or safety issues;
6. Whether the project will be undertaken simultaneously with, or near-in-time with other projects in the area which projects will require additional, or improved, housing facilities;
7. Whether the project has received written support from the local Affected Tax Jurisdictions;
8. Whether the project will contribute to a walkable community by (a) linking senior citizens to local amenities or services or (b) linking consumers to local businesses;
9. If the project involves Senior-Designated Housing, whether the project includes certain amenities including, but not limited to:
 - a. Community rooms and recreational activities;
 - b. Senior oriented fixtures and safety amenities (hand-rails, ramps, elevators, etc.);
 - c. On-site security and emergency staff; and
 - d. On-site medical services;
10. If the project involves Affordable Housing, the percentage of units which will be designated for specific incomes; and
11. If the project involves Workforce Housing, the percentage of units which will be designated for individuals earning between eighty to one-hundred percent (80-100%) of AMI.