



Schuyler County IDA Mission Statement

The Schuyler County Industrial Development Agency was created to promote the prosperity of its residents through the creation of jobs (new and retained), increased private investment, additional housing, competitive educational resources, and notable recreational, and other economic opportunities in Schuyler County. The Agency will achieve these goals through the use of various tax incentives provided by the Agency, which shall be proportional to jobs, economic activity projected, or opportunities provided to the citizens of Schuyler County.

TO: SCIDA Governance Committee & Interested Parties
FROM: Mark Taylor, Governance Committee Chair
Date: June 30, 2026
RE: Meeting Notice

Please plan to join the **SCIDA Governance Committee Meeting**
Date: Tuesday, July 7, 2026
Time: Beginning at 4:00 pm
Location: 216 North Franklin Street, Watkins Glen, NY 14891

Agenda

1. Call the meeting to order
2. Child Care Additions to UTEP (Uniform Tax Exemption Policy)
3. Adjournment

Guests wishing to attend virtually, please join our Zoom Meeting:

SCIDA Governance Committee Meeting - Special Topic: Child Care Additions to UTEP

Topic: SCIDA Governance Committee Meeting

Date: Jul 7, 2026

Time: 4:00 PM Eastern Time (US and Canada)

Join Zoom Meeting: <https://us02web.zoom.us/j/88263029228>

Meeting ID: 882 6302 9228

One tap mobile

+19292056099,,88263029228# US (New York)



Childcare Services Changes for the UTEP

What the law now requires. New York amended General Municipal Law §874(4)(a), Public Authorities Law §§1963-a and 2315. These govern IDA UTEPs and project evaluation criteria. This is a new requirement that ***requires IDAs to now explicitly consider child care when adopting and applying their UTEP.***

The extent to which a project will provide onsite child care services OR otherwise facilitate new child care services must be evaluated by the IDA. The original 2024 law: focused narrowly on on-site daycare facilities. The 2025 amendment (A1098 / S2677) broadened the law to include onsite child care services OR facilitating new child care capacity (off-site, partnerships, etc.).

The Schuyler County IDA will need to add child care to the UTEP as an evaluation factor and include language requiring consideration of Onsite child care services or facilitation of new child care services. This must be embedded alongside existing factors such as Job Creation, Private Investment, Environmental Impact, and Fiscal Impact

The IDA will need to clarify how it is evaluated. Some things to consider for this include:

Defining what qualifies as facilitating child care, e.g.

1. Partnerships with local providers
2. Subsidies or employer-supported slots
3. Space for childcare operators

Establish whether this is a scoring criterion, OR a qualitative consideration. Whether the IDA should update the deviation verbiage / discretionary sections. The SCIDA should clarify whether child care impacts eligibility or just influences the PILOT terms.

When SCIDA has determined the approach, the application will need to be modified. The statute doesn't prescribe a specific form; our application must evolve to capture this new factor. Applications should now include questions such as:

Will the project include on-site child care services? If not, will it facilitate the creation of new child care capacity?

Description of: Partnerships (e.g., local providers),

Workforce needs analysis,

Number of employees benefiting

Should the SCIDA require supporting documentation?

Best practices could include: Letters of intent with childcare providers, Workforce surveys or labor market data, Site plans (if on-site childcare is proposed as part of the project)

The IDA may want to factor this into the cost-benefit analysis. The child care factor may:

- Influence PILOT structure
- Be considered in public benefit scoring
- Support justification for deviation approvals

In summary, the IDA Governance Committee needs to consider the following for UTEP updates

Add required statutory language

Define evaluation criteria

Align with scoring / PILOT policy

Update deviation provisions

For applications

Add child care questionnaire

Require narrative + documentation

Integrate into board materials and staff reports

For board process

Ensure board minutes reflect consideration of child care factor

SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY UNIFORM TAX EXEMPTION POLICY AND GUIDELINES

Pursuant to the authority vested in it by Article 18-A of the General Municipal Law of the State of New York, the Schuyler County Industrial Development Agency (the "Agency") may provide financial assistance to qualified applicants for the taxable bonds or by participation in straight lease transactions.

The Agency generally does not require real estate appraisals to be performed as part of the application for financial assistance. However, the Agency does reserve the right to require a real property appraisal as part of an application for financial assistance. In making such a determination, the Agency may consider any or all of the factors described in Paragraph E. below, no one of which is determinative.

The general policy of the Schuyler County Industrial Development Agency ("Agency") is to grant applicants real property tax abatements and exemptions from sales, use and mortgage recording taxes as described below. The Agency may grant enhanced benefits on a case by case basis for a project expected to have a significant economic impact on the county as determined by the Agency's members.

The Agency has adopted this Uniform Tax Exemption Policy to provide guidelines for the claiming of real property, sales and use tax, and mortgage recording tax abatements.

A. Real Property Tax Incentives

The real property tax abatements to be provided by the Agency shall apply only to the value added by an applicant's construction or renovation and the existing parcel involved. The period of the exemption will not exceed twenty (20) years. The Agency's policy results in a graduated schedule of abatement applicable to County, Municipal and School Taxes. Each schedule will result in increasing percentages of taxes due with a maximum initial abatement of one hundred percent (100%) with annual increases over the life of the project averaging no less than a two percent (2.0%) increase per annum, where a greater than fifty percent (50%) abatement is granted. Eligible projects include industrial projects (i.e. manufacturing, remanufacturing, assembly, processing, product research and development, etc. and non-industrial projects (i.e. warehouse, wholesale/distribution, qualified retail, office, hotel, agricultural, etc.)

In addition, the Agency may grant enhanced benefits for a project expected to have significant impact on the locality in which the project will be located. In making a determination to provide enhanced benefits, the Agency considers the factors listed in Paragraph E. below, no one of which is determinative.

Any deviations from the standard policy will be made only with the specific approval of the Agency's members based on the factors listed in paragraph E. and those described in the New York State General Municipal Law Section 874(4)(a). Additionally, the Agency shall notify the affected local taxing jurisdictions of the

proposed deviation from such policy and the reasons therefore.

The Agency will use existing tax data to negotiate the payment in lieu of tax agreement and, therefore, appraisals will not normally be required.

In addition to eligible projects as described above, the Agency may also negotiate PILOT agreements and other benefits allowed under NYS RPTL § 487 to solar and other renewable energy facilities (collectively, "Renewable Energy Facilities") constructed within the County, including wind, hydro-electric, photo-voltaic, biomass energy production facilities and other new technology-related energy production facilities. In recognition of the significant amount of capital investment associated with Renewable Energy Facilities, the Agency has developed a standard formulary to be incorporated into PILOT Agreements for Renewable Energy Facilities, as follows:

1. a maximum PILOT term of up to fifteen (15) years with a minimum annual base PILOT Payment reflecting the Base Value, defined as existing assessment of land or any existing improvements, plus a fixed dollar amount per megawatt (MW) 'face plate' charge (the "Base Payment"), such Base Payment to escalate annually at no less than two percent (2.0%) per annum, compounded; and
2. an energy price incentive payment to be determined upon the area within which the proposed Renewable Energy Facility project is to be located (the "Incentive Payment"), such Incentive Payment to be negotiated on a project-by-project basis depending upon whether the project operator intends to sell energy to the open market or through one or more power purchase agreements ("PPA").

The Agency shall annually establish a minimum fixed dollar amount to establish the Base Payment, as defined above. Any participation by the Agency in sponsoring a Renewable Energy Facility project shall take into account whether a project sponsor is required to enter into one or more host municipality agreement(s).

In addition, the Agency may grant enhanced benefits on a case-by-case basis for a project expected to have significant impact on the locality in which the project will be located. In making a determination to provide enhanced benefits, the Agency considers the factors listed in Paragraph E. below, no one of which is determinative.

B. Payment in Lieu of Taxes

Each project receiving an abatement will be subject to a Payment In Lieu Of Tax Agreement ("PILOT Agreement") in a form acceptable to the Agency. The Agency will consider project factors, similar to those described in paragraph E. herein, when determining the amounts to be paid under the PILOT Agreement. A copy of the PILOT Agreement will be forwarded to each of the affected tax jurisdiction within fifteen (15) days of execution. Unless otherwise agreed by the Agency, with input from the affected tax jurisdictions, such payments shall be allocated among the affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been tax exempt due to the status of the Agency involved in the project.

C. Sales and Use Tax Exemptions

Purchases of construction materials and equipment rentals and purchases of project related equipment, furnishings and services are made as agent for the Agency, and are therefore afforded full exemption from local and New York State Sales and Use Taxes until the project is completed (i.e. certificate of occupancy) or until the date certain established by the Agency on a project-by-project basis. Operating and maintenance expenses of projects are not incurred as agent of the Agency, and no sales tax exemption is provided thereof.

1) All project applicants must agree in writing to timely file with the New York State Department of Taxation an annual statement of the value of all sales and use tax exemptions claimed in connection with the facility in full compliance with Section 874(8) of the General Municipal Law, and any other statutory or regulatory requirements.

D. Mortgage Recording Tax Exemptions

1) The Agency's policy is to permit mortgage recording tax exemptions on all project related financing to the full extent permitted by New York State Law, whether or not the Agency has issued its bonds to finance the project.

2) The Agency may, in its sole discretion, permit mortgage recording tax exemptions on non-project related financing, (e.g. Second mortgages on the project to secure subordinated indebtedness of the project applicant.) In determining whether to permit such exemptions on non-project related financing, the Agency shall consider such factors as it deems appropriate, including but not limited to the use of the property, the degree of investment, the degree and nature of the employment and the economic condition of the areas in which the facility is located.

E. Deviations

In addition to or in lieu of the foregoing, the Agency may determine, on a case by case basis, to deviate from the guidelines described above or provide enhanced benefits for a project expected to have significant impact in the locality where the project will be located. Any deviations from the guidelines set forth above require the written notification by the Agency to the chief executive officer of each affected tax jurisdiction. The Agency may consider any or all of the following factors in making such determination, no single one of which is determinative:

1. The extent to which the project will create or retain permanent, year- round private sector jobs that pay a sustainable wage;
2. The estimated value of any tax exemptions to be provided;
3. Whether affected taxing jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the

- purpose for which an exemption was provided;
4. The impact of the proposed project on existing and proposed businesses, economic development projects in the vicinity and overall community benefit;
 5. The amount of private sector investment generated or likely to be generated by the proposed project;
 6. The likelihood of completing the proposed project in a timely fashion;
 7. The effect and any associated risks on the environment by the proposed project;
 8. The extent to which the proposed project will require the provision of additional services, including, but not limited to, additional educational, transportation, police, emergency, medical or fire services; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts;
 9. The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts;
 10. The nature of the property before the project begins (e.g. vacant buildings, brownfields, sub-prime property, etc.)

The above list is not all-inclusive and no one factor is dispositive. Additionally, it is not necessary to consider all the factors in the list for all projects.

F. Recapture of Benefits

G. The Agency, on a case-by-case basis, may determine with respect to a particular project, that a project has failed to meet its intended goals and to require the project applicant to agree to the recapture by the Agency of the value of any or all exemptions from taxation granted with respect to the project by virtue of the Agency's involvement. Events that the Agency may determine will trigger recapture may include, but not limited to:

- Sale or closure of facility;
- Significant employment reduction;
- Significant change in use in facility;
- Significant change in business activities or project applicant or operator; or
- Material noncompliance with or breach of terms of Agency transaction documents or of zoning or land use laws or regulations of federal, state or local environmental laws or regulations.

If the Agency determines to provide for recapture with respect to a particular project, the Agency shall also, in its discretion and on a case-by-case basis, determine the timing and percentage of recapture.

H. Effective Date

This Uniform Tax Exemption Policy shall apply to all projects for which the Agency has adopted or adopts an Inducement Resolution on May 8, 2019 and all refinancing of any project induced or closed before said date.

I. Amendments

The Agency, by resolution of its members, and upon notice to all affected tax jurisdictions as may be required by law, may amend or modify the foregoing policy as it may, from time to time, in its sole discretion determine.

**Application to
Schuyler County Industrial
Development Agency (SCIDA)**

For

Tax Exempt Bond Financing

and/or

Straight-Lease Transaction

and

Fee Schedule

**Please contact the agency for more
information
regarding project eligibility
and application process.**

Schuyler County Industrial Development Agency (SCIDA)

216 N. Franklin Street
Watkins Glen, New York 14891

INSTRUCTIONS

1. The Agency will not approve any applications unless, in the judgment of the Agency, said application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action. The application must be signed and notarized by an authorized official.
2. Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”).
3. If an estimate is given as the answer to a question, put “(est)” after the figure or answer, which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project. Application is valid for a period of one (1) year from the date of IDA Board acceptance.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant’s competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of Public Officers Law.
8. **THE APPLICANT WILL BE REQUIRED TO PAY TO THE AGENCY ALL ACTUAL COSTS INCURRED IN CONNECTION WITH THIS APPLICATION AND THE PROJECT CONTEMPLATED herein (to the extent such expenses are not paid out of the proceeds of the Agency’s bonds issued to finance the project). Application is valid for a period of one (1) year from the date of IDA Board acceptance. The costs incurred by the Agency, including the Agency’s general counsel and bond counsel, may be considered a part of the project and included as a part of the resultant bond issue.**
9. The Agency has established an application fee of \$3,000.00 to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
10. The Agency has established a project fee for each project in which the Agency participates. **UNLESS THE AGENCY AGREES IN WRITING TO THE CONTRARY, THIS PROJECT FEE IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY.**

This application should be submitted to the Schuyler County Industrial Development Agency, 216 N. Franklin Street, Watkins Glen, New York 14891 (Attn: Chief Executive Officer).

Schuyler County Industrial Development Agency (SCIDA)

216 N. Franklin Street
Watkins Glen, New York 14891

Taxable and Tax Exempt Industrial Development Revenue Bonds

Application Fee: A fee of \$3,000.00 is payable to SCIDA at the time the application is submitted. \$2,500 will be credited at closing; \$500 is non-refundable. If this Application is not accepted by the Agency, portions of the \$2,500 deposit may be refunded.

Fee: 1.00% of the principal amount of the bond series.

Straight-Lease Transactions

Application Fee: A fee of \$3,000.00 is payable to SCIDA at the time the application is submitted. \$2,500 will be credited at closing; \$500 is non-refundable. If this Application is not accepted by the Agency, portions of the \$2,500 deposit may be refunded.

Fee: With a PILOT:
First \$10 million – 1.00%
Second \$10-\$20 million - .5%
Anything greater than \$20 million - .25%

No PILOT – 25% of the abatement value (based on savings from mortgage tax and sales tax).

Schuyler County Industrial Development Agency (SCIDA) Application for Tax Exempt Bond Financing and/or Straight-Lease Transaction

I. APPLICANT INFORMATION

Company Name: _____
 Address: _____

 Phone No.: _____
 Fax No.: _____
 Federal Tax ID: _____
 Contact Person: _____
 E-Mail: _____
 Date: _____

Form of Entity:

- _____ Corporation
 _____ Partnership (General ___ or Limited ___; Number of General Partners ___ and, if applicable, Number of Limited Partners ___, List Partners in section below.
 _____ Limited Liability Company, Number of Members ___
 _____ Sole Proprietorship

b. Principal Owners/Officers/Directors: (List owners with 5% or more in equity holdings with percentage of ownership)

Name	Address	Percentage Ownership/Office

(Use attachments if necessary)

c. If a corporation, partnership, limited liability company:

What is the date of establishment? _____ Place of organization _____

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

(Attach organizational chart or other description if applicant is a subsidiary or otherwise affiliated with another entity)

d. If the applicant entity is a subsidiary of a corporation or another entity, provide all parent information:

Form of Entity:

- _____ Corporation
- _____ Partnership (General ___ or Limited ___; Number of General Partners ___ and, if applicable, Number of Limited Partners ___, List Partners in section below.
- _____ Limited Liability Company, Number of Members ___
- _____ Sole Proprietorship

Principal Owners/Officers/Directors: (List owners with 5% or more in equity holdings with percentage of ownership)

Name	Address	Percentage Ownership/Office

(Use attachments if necessary)

d. Attach certified financial statements for the company's last three complete fiscal years. If the company is publicly held, attach the latest Form 10K as well.

II. APPLICANT'S COUNSEL

Name/Firm: _____
Address: _____

Phone No.: _____
Fax No.: _____
E-Mail: _____

III. PROJECT INFORMATION:

a. Please provide a brief narrative description of the Project (attach additional sheets or documentation as necessary).

b. Location of Project

Project Address: _____
Town/Village of: _____
Name of School District: _____
Tax Map No.: _____

c. Are Utilities on Site? Water: _____ Electric: _____ Gas: _____ Sanitary/Storm Sewer: _____ Telecom: _____

d. Present legal owner of the site if other than Applicant and by what means will the site be acquired for this Project:

_____.

e. Zoning of Project Site:

Current: _____ Proposed: _____

f. Are any zoning approvals needed? Identify: _____

g. Local Permitting and Approvals – Does the project require local planning or permitting approvals? If so, please explain. _____ Will a site plan application to be filed? _____ If so, please include copy if prepared.

h. Has another entity been designated lead agent under the State Environmental Quality Review Act (“SEQRA”)? _____; If yes, please explain:

i. Will the Project result in the removal of a plant or facility of the Applicant or a proposed Project occupant from one area of the State of New York to another area of the State of New York? _____; If yes, please explain:

j. Will the Project result in the abandonment of one or more plants or facilities of the Applicant or a proposed Project occupant located in the State of New York? _____; If yes, explain:

k. If the answer to either question i. or j. is yes, indicate whether any of the following apply to the Project:

1. Is the Project reasonably necessary to preserve the competitive position of the Company or such Project Occupant in its industry? Yes _____; No _____. If yes, please provide detail:

2. Is the Project reasonably necessary to discourage the Company or such Project Occupant from removing such other plant or facility to a location outside the State of New York? Yes____; No____. If yes, please provide detail: _____

l. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? ____; If yes, please explain:

m. If the answer to l. is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? _____%

n. If more than 33.33%, indicate whether any of the following apply to the Project:

1. Will the Project be operated by a not-for-profit corporation? Yes ____; No____. If yes, please explain:

2. Is the Project likely to attract a significant number of visitors from outside the economic development region in which the Project will be located? Yes____; No _____. If yes, please explain:

3. Would the Project occupant, but for the contemplated financial assistance from the Agency, locate the Project and related jobs outside of New York State? Yes ____; No _____. If yes, please explain:

4. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the City, Town or Village within which the Project will be located because of a lack of reasonably accessible retail trade facilities offering such goods or services? Yes____; No____. If yes, please explain:

5. Will the Project be located in one of the following: (i) an area designed as an Empire Zone pursuant to Article 18-B of the General Municipal Law; or (ii) a census tract or block numbering area (or census tract or block number area contiguous thereto) which, according to the most recent census data, has (x) a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance, and (y) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? Yes____; No____. If yes, please explain:

o. Does the Company intend to lease or sublease more than 10% (by area or fair market value) of the Project? Yes____; No _____. If yes, please complete the following for EACH existing or proposed tenant or subtenant:

Sub lessee name: _____

Present Address: _____

City: _____ State: _____ Zip: _____

Employer's ID No.: _____

Sub lessee is a: _____ (Corporation, LLC, Partnership, Sole Proprietorship)

Relationship to Company: _____

Percentage of Project to be leased or subleased: _____

Use of Project intended by Sub lessee: _____

Date and Term of lease or sublease to Sub lessee: _____

Will any portion of the space leased by this sub lessee be primarily used in making retail sales of goods or services to customers who personally visit the Project? Yes____; No____. If yes, please provide on a separate attachment (a) details and (b) the answers to questions I. 1-5 with respect to such sub lessee.

p. Project Costs (Estimates) and Sources of Capital: Identify and list all private and public sources of capital.

Category	Investment Amount	Investment Amount
	Private Investment	Federal/State /Local Funds (Value for Each)
	Identify Value of Equity & Loans for each	Grant Loan
Land-acquisition		
Buildings-Construction/Renovation		
Utilities, roads and appurtenant costs		
Machinery and Equipment		
Soft Costs (Architect and Engineering Fees)		
Costs of Bond issue		
Construction Loan Fees and interest		
Other (specify)		
Total Project Costs		
Equity/Debt Ratio:		

q. Job Creation (Full Time Equivalent) :

Construction jobs created by the Project:_____ Anticipated Dates of Construction:_____

Jobs created by tenants (if applicable):_____

Labor market from which applicant will draw (locations) _____; and number of residents and labor force within the labor market _____.

Permanent jobs created by the Project

- Column A:** Insert the job titles that exist within the company at the time of application, as well as any job titles that will be established as a result of the Project.
- Column B:** Indicate the entry level wage for each listed job title either in terms of hourly pay or annual salary.
- Column C:** Indicate the percentage or dollar value of the fringe benefit package for each listed job title.
- Column D:** For each listed job title insert the number of positions that exist at the time of application.
- Column E:** Insert the number of jobs to be created during year one of the Project for each listed job title.
- Column F:** Insert the number of jobs to be created during year two of the Project for each listed job title.
- Column G:** Insert the number of jobs to be created during year three of the Project for each listed job title.
- Column H:** Indicate the total number of jobs to be created for each listed title as a result of the Project. (Column E + Column F + Column G = Column H)

- a. Total Estimated Interest Expense Assuming Taxable Interest: \$
- b. Total Estimated Interest Expense Assuming Tax-exempt Interest Rate: \$

- B. Estimated Benefits of Industrial Development Agency Financial Assistance
 - 1. Current Company employment in Schuyler County
 - 2. Current Company payroll in Schuyler County \$
 - 3. Project Jobs to be Created over 3 years

TYPE OF FINANCIAL ASSISTANCE REQUESTED:

- _____ Sales & Use Tax Exemption \$ Amount _____
- _____ Mortgage Recording Tax Exemption \$ Amount _____
- _____ Real Property Tax Exemption \$ Amount _____
- _____ Interest Exemption (Bond transactions only) \$ Amount _____

*** Total Amount of Financial Assistance Requested \$ _____**

s. **For Industrial Revenue Bonds ONLY, including this project,** list capital expenditures of the company at Project location:

Category	Last Three Years	Next Three Years
Land		
Building		
Equipment		
Soft Costs		
Other		
Total		

t. List any other positive impacts that the Project may have on Schuyler County:

u. Application is valid for a period of one (1) year from the date of IDA Board acceptance. Extensions may be requested.

V. REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency as follows:

- A. **Job Listings:** In accordance with Section 858-b (2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "WIB Entities") of the service delivery area created by the federal Workforce Innovation and Opportunity Act (WIOA) in which the Project is located.
- B. **First Consideration for Employment:** In accordance with Section 858-b (2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in WIOA programs who shall be referred by the WIOA Entities for new employment opportunities created as a result of the Project.
- C. **Annual Sales Tax Filings:** In accordance with Section 874 (8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874 (8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.
- D. **Annual Employment Reports (NYS 45):** The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed and their related wages at the project site.
- E. **Failure To Comply:** The applicant understands and agrees that, the applicant will remain in compliance with all local, state and federal tax, worker protection and environmental laws, rules and regulation. Failure to maintain compliance will result in the return of all or a portion of the financial assistance provided for the project. Further, the applicant acknowledges that submission of any knowingly false or misleading information may lead to immediate termination of any financial assistance and reimbursement of an amount equal to all or any tax exemptions claimed as a result of the project.
- F. **Absence of Conflicts of Interest:** The applicant has received from the Agency a list of the members, officers, employees and Counsel of the Agency. No member, officer, employee, or Counsel of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

- G. **Anti-Pirating Provisions:** The applicant understands and agrees that the project will not violate GML 862 anti-pirating provisions and the agency will notify the current host community before the public hearing process is initiated.

**HOLD HARMLESS AGREEMENT AND APPLICATION DISCLAIMER
CERTIFICATION PURSUANT TO NEW YORK STATE FREEDOM OF INFORMATION LAW ("FOIL")**

Applicant hereby releases the SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take

reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with the respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

Through submission of this Application for Financial Assistance (this "Application"), the Company acknowledges that the Agency, as a public benefit corporation, is subject to the New York State Freedom of Information Law ("FOIL") and Open Meetings Law ("OML"), as codified pursuant to the Public Officers Law ("POL") of the State of New York (the "State"). Accordingly, unless portions hereof are otherwise protected in accordance with this Certification, this Application, including all Company-specific information contained herein, is subject to public disclosure in accordance with applicable provisions of the POL, Article 18-A of the General Municipal Law ("GML") and the Public Authorities Accountability Act of 2005, as codified within the Public Authorities Law ("PAL") of the State. Specifically, this Application may be disclosed by the Agency to any member of the public pursuant to a properly submitted request under FOIL and the Agency is further required to affirmatively disclose certain provisions contained herein pursuant to the GML and PAL, including the identification of the Company, general project description, location proposed capital investment and job estimates.

Notwithstanding the foregoing, the Company, pursuant to this Certification, may formally request that the Agency consider certain information contained within this Application and other applicable supporting materials proprietary information and "trade secrets", as defined within POL Section 87(2)(d). To the extent that any such information should qualify as trade secrets, the Company hereby requests that the Agency redact same in the event that formal disclosure is requested by any party pursuant to FOIL. Application Sections or information requested by Company for Redaction*:

(* - Please indicate specific sections within Application that the Company seeks to qualify as "trade secrets". Additional correspondence or supporting information may be attached hereto. Please also note that notwithstanding the Company's request, the Agency shall make an independent determination of the extent to which any information contained herein may be considered as such)

In the event that the Agency is served with or receives any subpoena, request for production, discovery request, or information request in any forum that calls for the disclosure of the Application, in entirety, specifically including but not limited to any demand or request for production or review of Company-designated trade secrets, the Agency agrees to notify the Company as promptly as is reasonably possible, and to utilize its best efforts to: oppose or decline any such request; preserve the confidentiality and non-disclosure of such requested confidential material; and maintain such information and prevent inadvertent disclosure in responding to any such discovery or information request. The Company understands and agrees that all reasonable costs, including attorney's fees, associated with any such formal undertaking by the Agency to protect the trade secrets from disclosure shall be reimbursed by the Company to the Agency.

The undersigned officer of the applicant deponent acknowledges and agrees that the applicant shall be and is responsible for all costs incurred by the Agency and legal counsel for the Agency, whether or not the Application, the proposed project it describes, the attendant negotiations, or the issue of bonds or other transaction or agreement are ultimately ever carried to successful conclusion and agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the Application, regardless of whether or not the Application or the proposed project described herein or the tax exemptions and other assistance requested herein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the proposed project described herein and (C) any further action taken by the Agency with respect to the proposed project; including without limiting the generality of the foregoing, all causes of action and attorney's fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing.

By executing and submitting this Application, the applicant covenants and agrees to pay the following fees to the Agency, the same to be paid at the times indicated:

- (a) A fee of \$3,000.00 is payable to SCIDA at the time the application is submitted. \$2,500 will be credited at closing; \$500 is non-refundable. If this Application is not accepted by the Agency, portions of the \$2,500 deposit may be refunded. This application is valid for a period of one (1) year from the date of IDA Board acceptance.
- (b) An amount equal to 1.00% of the total project costs for projects with bond financing, and an amount reflecting the scaled fee noted on page 3 for Straight-Lease Transactions for all other projects for which the Agency provides financial assistance, to be paid at transaction closing;

(c) An amount determined by Agency Staff payable to the Agency's bond/transaction counsel for the preparation and review of the inducement resolution, the environmental compliance resolution, TEFRA hearing proceedings and the tax questionnaire assuming no further activity occurs after the completion of the inducement proceedings, to be paid within ten (10) business days of the receipt of bond/transaction counsel's invoice;

(d) All fees, costs and expenses incurred by the Agency for (1) legal services, including but not limited to those provided by the Agency's general counsel or bond/transaction counsel, and (2) other consultants retained by the Agency in connection with the proposed project; with all such charges to be paid by the applicant at the closing or, if the closing does not occur, within ten (10) business days of receipt of the Agency's invoices therefore please note that the applicant is entitled to receive a written estimate of fees and costs of the Agency's bond/transaction counsel;

(e) The cost incurred by the Agency and paid by the applicant, including bond/transaction counsel and the Agency's general counsel's fees and the processing fees, may be considered as a costs of the project and included in the financing of costs of the proposed project, except as limited by the applicable provisions of the Internal Revenue Code with respect to tax-exempt bond financing.

The applicant further covenants and agrees that the applicant is liable for payment to the Agency of all charges referred to above, as well as all other actual costs and expenses incurred by the Agency in handling the application and pursuing the proposed project notwithstanding the occurrence of any of the following:

- (a) The applicant's withdrawal, abandonment, cancellation or failure to pursue the Application;
- (b) The inability of the Agency or the applicant to procure the services of one or more financial institutions to provide financing for the proposed project;
- (c) The applicant's failure, for whatever reason, to undertake and/or successfully complete the proposed project; or
- (d) The Agency's failure, for whatever reason, to issue tax-exempt revenue bonds in lieu of conventional financing.

The applicant and the individual executing this Application on behalf of applicant acknowledge that under penalties of perjury as true, accurate and complete, the Agency and its counsel will rely on the representations made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading. Submission of any knowingly false or misleading information may lead to immediate termination of any financial assistance and reimbursement of an amount equal to all or part of any tax exemptions claimed.

Company Acknowledgment and Certification:

By: _____
Name: _____
Title: _____

Sworn to before me this _____ day of _____, _____.

Notary Public

Schuyler County Industrial Development Agency Project Summary and Financial Assistance Cost Benefit Analysis

(This page to be completed by SCIDA Staff)

Company Name: _____

Project Description: _____

Project Location: _____

Town/Village: _____

School District: _____

Estimated Cost of Industrial Development Agency Financial Assistance

1. Sales and Use Tax Exemption
 - A. Amount of Project Cost Subject to Sales and Use Tax: \$
 - Sales and Use Tax Rate: 8.0%
 - B. Estimated Exemption (A X .08): \$

2. Mortgage Recording Tax Exemption
 - A. Projected Amount of Mortgage: \$
 - Mortgage Recording Tax Rate: 1.0%
 - B. Estimated Exemption (A X .01): \$

3. Real Property Tax Exemption
 - A. Projected Increase in Assessed Value on Project: \$
 - B. Total Applicable Tax Rates Per \$1,000: \$
 - C. Total Annual Taxes without PILOT (A X B)/1,000: \$
 - D. PILOT Exemption Rate (see SCIDA Uniform Tax Exemption Policy): %
 - E. Average Annual PILOT Payment (C X D): \$
 - F. Net Exemption over PILOT term ((C-E) x 7, 10 or 15): \$

4. Interest Exemption (Bond transactions only)
 - a. Estimated Interest Expense Assuming Taxable Interest: \$
 - b. Estimated Interest Expense with tax-exempt Interest Rate: \$
 - c. Interest Exemption (a - b): \$

Estimated Benefits of Industrial Development Agency Financial Assistance

1. Jobs to be retained in Schuyler County
2. Current Company payroll in Schuyler County \$
3. Project Jobs to be Created over 3 years
4. Total Project Investment \$
5. Non IDA financing leveraged \$
6. Other project benefits: