

CITY OF HUDSON INDUSTRIAL DEVELOPMENT AGENCY NOTICE OF MEETING

Please take notice that there will be a regular meeting of the City of Hudson’s Industrial Development Agency to be held in person and via Zoom on September 7, 2022 at 9:30am, at One Hudson City Centre, Suite 301, Hudson, NY 12534 in accordance with Public Officers Law Section 103-a. The Board reserves the right to address any business which is brought before it. The meeting is open to the public, who will have the opportunity to attend the meeting in person at the One Hudson City Centre address or via Zoom and provide live comments. Comments can also be provided via email before and during the meeting to mtucker@columbiaedc.com. Meeting packets are posted and available on the City of Hudson’s website:

Join Zoom Meeting

<https://us06web.zoom.us/j/85887436021?pwd=Y205aEEeXZGFCEk5Dd2RqOWovS1lEZz09>

Meeting ID: 858 8743 6021, Passcode: 524882 Dial by your location:1 646 558 8656

Find your local number: <https://us06web.zoom.us/u/kcI6Kp3QQk>

Please check the website on:

https://www.cityofhudson.org/board_and_committees/industrial_development_agency/index.php for updated information.

Dated: August 31, 2022

Richard Wallace, Secretary City of Hudson IDA

HIDA Board of Members Agenda

Members:

Heather S. Campbell	Theresa Joyner	Dominic Merante	Ryan Wallace
Kamal Johnson	Cheryl Kaszluga	Richard Wallace	

1. Draft Minutes August 3, 2022*
2. Administrative Report
3. Draft Revised Uniform Tax Exempt Policy*
4. Draft Resolution for a Public Hearing re: Revised Uniform Tax Exempt Policy
5. Hotel Moratorium
6. Invoice: DeBarbieri & Associates*
7. Public Comments

Attachments:

- Draft Minutes, August 3, 2022
- Draft Uniform Tax Exempt Policy
- Draft Resolution for a Public Hearing re: Revised Uniform Tax Exempt Policy
- Draft Evaluation Criteria Proposed Framework
- DeBarbieri& Associates Invoice

*Requires Approval

Draft
 City of Hudson Industrial Development Agency
 Minutes of Regular Meeting
 Wednesday, August 3, 2022
 One Hudson City Centre, Suite 301, Hudson, NY

The regular meeting of the City of Hudson Industrial Development Agency full Board was conducted in person and via telephone and Zoom videoconferencing due to COVID-19 on August 3, 2022. The meeting was called to order by Chair Ryan Wallace at 9:32 a.m.

HIDA MEMBERS	PRESENT	ABSENT
City Treasurer Heather Campbell	In Person	
Mayor Kamal Johnson		X
Planning Board Chair Theresa Joyner	Via Telephone	
City Assessor Cheryl Kaszluga		X
Majority Leader Dominic Merante	Via Telephone	
Community Member Richard Wallace	Via Telephone	
Minority Leader Ryan Wallace	Via Zoom	

ALSO PRESENT:

F. Michael Tucker	Columbia Economic Development Corp.
Jessica Gabriel	Columbia Economic Development Corp.
Todd Hirsch	Rodenhausen, Chale & Polidoro, LLP
Lisa Drahushuk	Columbia Economic Development Corp.

Minutes June 22, 2022 and July 6, 2022:

Majority Leader Merante made a motion, seconded by Planning Board Chair Joyner to approve the minutes from June 22, 2022 and July 6, 2022. All present voted in favor.

Hotel Moratorium:

Chair Wallace requested a one month extension of the hotel moratorium in order to hold a public hearing to gather public input on the evaluation criteria and the Community Benefit Agreement. Treasurer Campbell made a motion, seconded by Majority Leader Merante to approve a one month extension to the hotel moratorium in order to hold a public hearing on the project evaluation criteria and the Community Benefit Agreement.

HIDA MEMBERS	Aye	Nay	Absent
City Treasurer Heather Campbell	X		
Mayor Kamal Johnson			X
Planning Board Chair Theresa Joyner	X		
City Assessor Cheryl Kaszluga			X
Majority Leader Dominic Merante	X		
Community Member Richard Wallace	X		
Minority Leader Ryan Wallace	X		

620 Union Street Project:

Mr. Tucker stated no further discussion had taken place since the last meeting.

He noted the owners of the former Elk's Club (601 Union Street) had requested an IDA application, which had been provided. He noted the Pocketbook Factory has begun construction. He stated the reporting structure was being put in place for that project. He noted the Depot District project had not been awarded funding from DHCR. He noted there was an additional round in the spring, which would stall the project until funding is obtained.

Chair Wallace asked if there were any questions from the Board, with none presented he opened the meeting up to public comment.

Having no public comment, Chair Wallace called for a motion and a second to adjourn the meeting. Majority Leader Merante made a motion, seconded by Treasurer Campbell to adjourn the meeting. All present voted in favor. The meeting was adjourned at 9:43am

Respectfully submitted by Lisa Drahushuk.

CITY OF HUDSON INDUSTRIAL DEVELOPMENT AGENCY

UNIFORM TAX EXEMPTION POLICY
AMENDED _____, 2022

I. PURPOSE AND AUTHORITY.

(A) **Purposes.** The City of Hudson Industrial Development Agency (“Agency”) was created pursuant to Section 902-b of Title 2 of Article 18-A of the General Municipal Law and Title 1 of Article 18-A the General Municipal Law (collectively, the “Act”) for the purpose of promoting employment opportunities for, and the general prosperity and economic welfare of, residents of the City of Hudson, New York (the “City”) and the State of New York (the “State”). Under the Act, the Agency was created in order to advance the job opportunities, health, general prosperity, and economic welfare of the residents of the City and of the State.

(B) **Financial Assistance Available.** Pursuant to the authority vested in it by Article 18-A of the General Municipal Law of the State of New York, the Agency may provide financial assistance to qualified applicants for qualified projects in the form of issuance of its tax-exempt or taxable bonds or by participation in straight lease transactions.

(C) **Evaluation Criteria.** General Municipal Law Section 859-a requires each industrial development agency to adopt an assessment of all material information included in connection with an application for financial assistance, as necessary to afford a reasonable basis for the decision by an industrial development agency to provide financial assistance for a project. This Policy provides the uniform evaluation criteria to be utilized by City of Hudson Industrial Development Agency (the “Agency”) to evaluate and select projects from each category of eligible projects for which the Agency can provide financial assistance.

(D) **UTEP.** General Municipal Law Section 874 requires each industrial development agency to establish a uniform tax exemption policy applicable to the provision of any financial assistance of more than \$100,000 to a project. Such policy is to provide guidelines for the claiming of real property, mortgage recording, and sales tax exemption.

(E) **Eligible Project Categories.** The Agency in its discretion may provide financial assistance to any “project,” as defined in Section 854 of the Act. A project applicant will be required to pay full taxes in connection with any Agency financial assistance unless the Agency has determined to provide for any or all of the exemptions described below. The Agency retains the discretion to approve any project or to decline to further consider an application.

II. UNIFORM EVALUATION CRITERIA.

(A) **Statutory Criteria:** The following criteria will be used to evaluate eligible projects:

1. The extent to which a project will create or retain permanent, private sector jobs;
 - a. New permanent full time jobs created
 - b. Permanent full time jobs retained.

2. The estimated value of tax exemptions;
3. Whether affected tax jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided;
4. The impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity;
5. The amount of private sector investment generated or likely to be generated by the proposed project;
6. The demonstrated public support for the proposed project;
7. The likelihood of the project being accomplished in a timely fashion;
8. The effect of the proposed project upon the environment;
9. The extent to which the project will utilize, to the fullest extent practicable and economically feasible, resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures;
 - a. project involves remediation of brownfield site;
 - b. project involves energy efficient technology, e.g. LEED certified
 - c. project involves significant reliance on renewable energy source;
 - d. project involves creation of renewable energy consistent with applicable zoning laws.
10. 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
11. The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts.

(B) Additional Criteria: The following additional criteria will be considered in review of the need for the project and the extent of financial assistance requested:

1. Wage and income factors:
 - a. Wage rates (whether wages are above minimum wage for the area or for the downstate region);
 - b. Regional wealth creation (% of sales/customers outside of the City; positive impact on the City/County).
2. Workforce training
 - a. Commitment to use of existing or proposed workforce training programs;
 - b. Commitment to recruitment programs involving workforce training;
 - c. Other investment in education/credentialing/training/apprenticeship program.
3. Positive economic impacts on City and/or County:
 - a. Purchases of construction materials and/or labor within City/within County;
 - b. Project supports local businesses or clusters;

- c. Retention of existing business;
 - d. Development in economically distressed area;
 - e. Elimination or reduction of blight;
 - f. Contributions to existing City or County programs designed to provide needed services
4. Alignment with local planning and development efforts:
- a. consistency with adopted comprehensive plan;
 - b. building or site has historic preservation and/or project involves historic preservation of existing facilities and/or adaptive reuse consistent with historic preservation goals;
 - c. promotes walkable communities;
 - d. planning board review is complete or rationale for approval prior to completion of review;
5. Impact on affordable housing goals:
- a. For rental housing projects, extent to which project is consistent with goals identified in City housing affordability plan;
 - b. For non-housing projects, impact of project on need for affordable housing;
 - c. Project includes inclusionary housing;
 - d. Workforce housing included and/or addressed in project plan.
6. Additional positive impact of services or goods provided
- a. Provides capacity to meet local neighborhood and/or City demand or shortage for goods or services;
 - b. Increases diversity of services or goods offered in City or County;
 - c. Supports regional tourism attractions/facilities and/or promotes arts and culture;
 - d. MWBE commitments for construction; EEO Workforce utilization.
 - e. Promotes local/small business uses;
 - f. Consideration of other local community impacts and community support

III. PROJECT EVALUATION.

(A) **Application Requirements:** Evaluation of Projects will require the following at a minimum:

1. Complete signed and verified application in the form required by the Agency prior to holding a public hearing on the application, including an environmental assessment form. The Agency may require the applicant to supplement the application at any time in order to address specific evaluation criteria or conditions of approval.
2. It is the policy of the Agency to base the value of a project on the assessed value of the project as determined by the Assessor of the applicable taxing jurisdiction. Therefore, a separate real property appraisal is not typically required. However, the Agency retains the right to require a real property appraisal if (1) the assessor of any particular taxing jurisdiction requires it or (2) if the valuation of the project for PILOT proposes is based on a value determined by the applicant or by someone acting on behalf of the applicant, rather than by an assessor for a taxing jurisdiction, or (3) if the Agency determines that such information would be of assistance in the evaluation of the application. If the Agency requires the submission of a real property appraisal,

such appraisal shall be prepared by an independent, certified appraiser acceptable to the Agency.

3. Deposit of all fees and escrows required by the Agency.
4. Pursuant to GML Section 862, no funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, unless the agency shall determine on the basis of the application that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
5. If the application includes a statement that the project could be undertaken without financial assistance provided by the Agency, and evaluation of the applicant's rationale as to why the project should be undertaken by the Agency.
6. The application shall include a statement that the owner, occupant or operator receiving financial assistance is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulation.
7. The application shall include a statement acknowledging that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the project.
8. An application should be denied if its owner and/or principals have previously been granted financial assistance by the Agency and have failed to meet agreed upon objectives, have substantial outstanding unmet obligations to the City; have previously been convicted of a financial criminal offense, been in receivership, or been adjudicated in bankruptcy,

(B) Review Procedures.

1. Matrix. The matrix attached at Exhibit A is intended to be used by the Board in performing its an evaluation of a project based on the above criteria. The matrix is intended to be an aid in assessing consistency with the Agency's goals and priorities as expressed in this Policy. ~~The Board may elect to average individual scores or conduct the consistency assessment as a group. In either case~~ The Agency will make the final determination as to the eligibility for financial assistance.
2. Cost Benefit Analysis and Final Assessment of Benefit. Prior to the approval of the provision of financial assistance, the Agency will complete an assessment of all material information included in connection ~~with~~ the ~~application~~ for financial assistance, as ~~necessary~~ to afford a reasonable basis for the decision by the Agency to ~~provide~~ financial assistance for the project, T, and the Agency will ~~complete~~ require completion of a written cost-benefit analysis that identifies the extent to which a project will meet at least the criteria set forth in Section I((3)(A))II above; and any

other public benefits that might occur as a result of the project. The Agency may require that a third party consulting report be provided at the expense of the applicant to assist in its evaluation.

IV FINANCIAL ASSISTANCE

(A) Real Property Taxes.

1. Project Categories. Based on the evaluation of the application, a project may qualify for no exemption, a base exemption, or an enhanced exemption from real property taxes.

Category 1: The Agency will consider the application to be eligible for no exemption if its score is less than 40__.

Category 2: The Agency will consider the application to be eligible for a [5 year] base exemption if its score is 40__ or more and less than 48__.

Category 3: The Agency will consider the application to be eligible for a [10 year] base exemption if its score is 48__ or more and less than 25__.

Category 4: The Agency will consider the application to be eligible for a 15 year enhanced exemption if its score is 25__ or more.

2. Exemption Schedules. Payments in lieu of real property taxes shall be paid in annual paid installments over a applicable term specified below based on a fraction of the assessed value of the property multiplied by the then current year's municipal tax rate. The annual fraction shall be as follows:

a. Category 2:

<u>Year of Exemption</u>	<u>Fraction of Assessment</u>
1	50%
2	60%
3	70%
4	80%
5	90%
6	100%

b. Category 3:

<u>Year of Exemption</u>	<u>Fraction of Assessment</u>
1	50%
2	55%
3	60%

4	65%
5	70%
6	75%
7	80%
8	85%
9	90%
10	95%
11	100%

c. Category 4:

<u>Year of Exemption</u>	<u>Fraction of Assessment</u>
1	25%
2	30%
3	35%
4	40%
5	45%
6	50%
7	55%
8	60%
9	65%
10	70%
11	75%
12	80%
13	85%
14	90%
15	95%
16	100%

3. Commencement and Computation of ~~payment~~Payment. The Company will be responsible for causing the completion and filing of all forms required by law to evidence or maintain the exempt status of the real property.
4. Once an exemption form with respect to a particular project is filed with a particular Taxing Jurisdiction, the real property tax exemption for such project does not take effect until (i) a tax status date for such Taxing Jurisdiction occurs subsequent to such filing; (ii) an assessment roll for such Taxing Jurisdiction is finalized subsequent to

such tax status date; (iii) such assessment roll becomes the basis for the preparation of a tax roll for such Taxing Jurisdiction; and (iv) the tax year to which such tax roll relates commences, or such later date as may be provided by law.

5. Commencing with the effective date of exemption, the PILOT amount required will be the full amount of taxes applicable as if the project were not exempt due to the Agency's involvement, until Year 1 of each category shown above. Year 1 will be earlier of the completion deadline or the date of project completion as defined in the PILOT Agreement, and the payment will be pro rated in the first and last calendar years. Each year the annual payment in lieu of tax amount, payable at the times and in the manner as ad valorem real property taxes are due to the City, shall be calculated and billed according to the then current year's assessment, taking into account completed improvements, multiplied by the applicable percentage, and then multiplied by the current tax rate.
6. During the period of the exemption, the Company shall pay service charges, special ad valorem levies, special assessments and improvement district charges or similar tax equivalents which would be levied upon or with respect to the project by the taxing jurisdictions if the project were owned by the Company and not by the Agency.
7. The tax benefits provided for herein shall be deemed to commence in the first calendar year in which the Company receives any tax benefits relative to the project. In no event shall the Company be entitled to receive tax benefits under this Agreement relative to the project for more than the number of consecutive years of the applicable term. The PILOT Agreement will include an agreement by the Company that it will not seek any tax exemption for the project which would provide benefits for more than the number of consecutive years of the applicable term under this Policy.
8. The Company shall pay, within the grace period and without penalty, the amounts set forth in paragraphs 1 and 2 hereof applicable to payments in lieu of taxes, together with any service charges, special district charges, special ad valorem levies, special assessments or similar tax equivalents by the taxing jurisdictions, as appropriate. The grace period shall be thirty (30) days.
9. Each project receiving financial assistance in the form of real property tax exemptions will be subject to a Payment in Lieu of Tax Agreement ("PILOT Agreement") in a form acceptable to the Agency. The Agency will consider the factors listed in Section II of this Uniform Tax Exemption Policy, when determining the amounts to be paid under the PILOT Agreement. A copy of the PILOT Agreement will be forwarded to each affected tax jurisdiction within fifteen (15) days of execution. The PILOT Agreement shall include among its terms the amount due annually to each affected tax jurisdiction (or a formula by which the amount due can be calculated), the name and address of the person, office or agency to which payment shall be delivered, the date on which payment shall be made, and the date on which payment shall be considered delinquent if not paid, pursuant to § 858 (15) of the New York General Municipal Law.
10. To the extent required by Section 858 (15) of the General Municipal Law, unless

otherwise agreed by the City of Hudson, Columbia County, and the City of Hudson City School District as the affected tax jurisdictions, payments in lieu of taxes shall be allocated among 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.

11. Completion Deadline. The Agency will specify a completion deadline in its Project Agreements, which will be 36 months for construction projects and 12 months for other projects unless the Agency determines that a different deadline is applicable based on the facts and circumstances.

(B) Sales and Use Tax Exemptions.

1. The Agency's policy is to permit project applicants, as agent of the Agency, to claim exemption from sales and use taxes to the full extent permitted by New York State law. The Agency may condition such exemption or the period thereof as it deems proper taking into account the criteria set forth above. ;

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2. The commencement date of such exemption will be the later of the execution and delivery of the Lease or Installment Sale Agreement and Agent Agreement or the date on which the exemption documents are filed with the State at the express written request of the Company. The exemption is to be effective until the earlier of completion of the project or the Completion Deadline established in the Project Agreements.
3. 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 project by the applicant and all agents, subcontractors and consultants thereof, in full compliance with Section 874(8) of the New York General Municipal Law, in the form and at the times required thereby.
4. 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 tax exemption. For example, TSB-M-87(7) outlines the materials that must be filed to establish entitlement to sales tax exemption as "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 tax exemptions authorized by the Agency.

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(C) Mortgage Recording Tax Exemptions.

1. The Agency's policy is to permit mortgage recording tax exemptions on all project-related financings to the full extent permitted by New York State law. Such exemption shall be applicable to financing with respect to project costs approved by the Agency for a Project Facility subject to a Lease or Installment Sale Agreement with the Agency.
2. Unless otherwise determined by the Agency for a particular project, the exemption generally would apply to the mortgage authorized by the Agency

for construction and, if applicable, acquisition, of the Project Facility, including construction financing and replacement permanent financing issued upon completion of the project. Exemption for any refinancing of obligations previously exemption may be permitted subject to applicable law and such conditions as may be specified by the Agency, including payment of applicable fees and expenses.

3. The Agency may, in its sole discretion, permit mortgage recording tax exemption on non-profit related financings. In determining whether to permit such exemptions on non- profit related financings, 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 employment, and the economic condition of the area in which the facility is located.

(D) Deviations.

1. In addition to or in lieu of the foregoing the Agency in its discretion may determine, on a case-by-case basis to deviate from the guidelines-schedules described in IV(A)(2), IV(B)1 and IV(C)(1) above or provide enhanced benefits for a project expected to have a significant impact on the locality where the project will be located. Any deviations from the guidelines-exemptions set forth above requires the written notification by the Agency to the chief executive officer of each affected taxing jurisdiction. The applicant will be required to submit an economic impact analysis that demonstrates the project's economic benefits The Agency may considers factors which make the project unusual, including without limitation criteria described above, no single one of which is determinative.
2. In accordance with GML Section 874(b), the Agency shall give written notice of any proposed deviation from the tax exemption policies set forth herein to each affected Taxing Jurisdiction setting forth the terms and conditions of the deviation and the reasons therefor. Notice will be sent to each affected tax jurisdiction at least ten (10) days prior to the date by which each such jurisdiction may file written comments with the Agency.

(E) Recapture of Benefits.

1. Events Triggering Recapture. The Agency, in its sole discretion and on a case-by-case basis, may determine with respect to a particular project 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 shall not be limited to, the following:
 - a. Failure to complete the acquisition, construction or installation of the Project Facility by the Completion Deadline;
 - b. Failure by the Company to meet at least eighty percent (80%) of the Employment Level requirements required by the Project Agreements;
 - c. Liquidation of substantially all of the Company's operating assets and/or cessation of substantially all of the Company's operations;
 - d. Relocation of all or substantially all of Company's operations at the Project Facility to another site or sale, lease or other disposition of substantially all of

- the Project Facility;
- e. Transfer of jobs equal to at least fifteen percent (15%) of the Company's Employment Level out of the City of Hudson;
- f. Failure by the Company to comply with the annual reporting requirements or to provide the Agency with requested information;
- g. Sublease of all or part of the Project Facility in violation of the project documents;
- h. Change in use of facility to other than the use proposed in the application for financial assistance and other directly and indirectly related uses; or
- i. Failure by the Company to make an actual investment in the Project by the Completion Deadline equal to or exceeding eighty percent (80%) of the estimated Total Project Costs as set forth in the Company's application for financial assistance.

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~~+~~ Failure to provide the Agency with requested information as described in (f) above may include, without limitation, failure to respond to Agency inquiries concerning payment of principal and interest, payments in lieu of taxes, insurance coverage, insurance premiums, failure to provide insurance certificates when and as required by the Agency transaction documents, failure to provide the Agency with any information or documents requested by the Agency in order to provide any federal, state or local agency with information or reports required under any applicable law, rule or regulation; or failure to provide any other information concerning the project or the project applicant or any project operator requested by the Agency.

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2. Additional Recapture Provisions. In addition to the provisions for recapture set forth in Paragraph E above, the Agency may, in its sole discretion and on a case-by-case basis, require recapture of benefits with respect to any project or project applicant for failure to meet specific goals established for the project and included in the Project Agreements.

- ~~a. Failure to respond to Agency inquiries concerning payment of principal and interest;~~
- ~~b. Failure to respond to Agency inquiries concerning insurance coverage or failure to provide insurance certificates when and as required by the Agency transaction documents;~~
- ~~c. Failure to respond to Agency inquiries regarding payment of monies in lieu of taxes, insurance premiums;~~
- ~~d. Failure to respond to Agency inquiries or to provide facts requested by the Agency in connection with any proceedings or determinations pursuant to Paragraphs D or E above;~~
- ~~e. Failure to respond to inquiries of the Agency or failure to provide the Agency with any information or documents requested by the Agency in order to provide any federal, state or local agency with information or reports required under any applicable law, rule or regulation;~~
- ~~f.a. Failure to provide any other information concerning the project or the project applicant or any project operator requested by the Agency.~~

3. Upon the occurrence of any of the events listed in this subsection E, the Agency will, upon at least ten (10) calendar days written notice to the project applicant, hold a hearing before the Chair or other designated party at which the project applicant will have the opportunity to provide, or explain its failure to provide, the information

requested by the Agency. Within thirty (30) calendar days after the hearing, the Agency will issue a determination whether and to what extent it will require recapture of the value of tax-exemptions granted with respect to the project by virtue of the Agency's involvement.

4. If a recapture event occurs during construction of the Project or in the first year of the real property tax abatement, the amount of tax exemptions to be recaptured shall be up to 100% of the actual tax exemptions received by the Company. If the recapture event occurs after the first year of the real property tax abatement, the maximum amount of the tax exemptions to be recaptured shall decline by 10% each year.

(F) Enforcement.

1. Pursuant to Section 874(3), PILOT payments received by the Agency shall be remitted to each affected taxing jurisdiction within thirty days of receipt.
2. PILOT payments which are delinquent under the PILOT Agreement or which the Agency fails to remit to the affected taxing jurisdiction within thirty days of receipt shall be subject to a late payment penalty of five percent of the amount due. For each month, or part thereof, that the PILOT payment is delinquent beyond the first month, interest shall accrue to and be paid to the affected tax jurisdiction on the total amount due plus a late payment penalty in the amount of one percent per month until the payment is made. If the PILOT payment is delinquent because of the applicant or occupant's failure to make the required payment, the late payment penalty shall be paid by said applicant or occupant. If the PILOT payment is delinquent because the Agency has failed to remit the payment to the affected taxing jurisdiction within 30 days of receipt, the late payment penalty shall be paid by the Agency. The late payment penalty shall be paid to the affected taxing jurisdiction at the time the PILOT payment is paid.
3. An affected tax jurisdiction which has not received a PILOT payment due to it under a PILOT Agreement may exercise its remedies under Section 874(6) of the Act. In addition, such affected tax jurisdictions may petition the Agency to exercise whatever remedies that the Agency may have under 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 actions to enforce the PILOT Agreement.

(G) Troubled Projects. Where a project is owned and operated by the Agency or has been acquired by the Agency for its own account after a failure of a project occupant, the project shall at the option of the Agency be exempt from all taxes in accordance with law.

(H) Annual Review. At least annually, the Agency should endeavor to review its tax exemption policies to determine relevance, compliance with law and effectiveness and shall adopt any modifications or changes that it shall deem appropriate.

V. This Uniform Tax Exemption Policy shall apply to all projects for which the Agency has adopted or adopts an Approving Resolution on or after the date of adoption of this amended policy and all refinancings of any project originally closed before such date.

City of Hudson Industrial Development Agency Project Evaluation Criteria

FOR DISCUSSION PURPOSES ONLY

Based on the evaluation of the application, a project may qualify for:

Category 1:		Category 2:		Category 3:		Category 4:	
INELIGIBLE		Year	Fraction of Assessment	Year	Fraction of Assessment	Year	Fraction of Assessment
		1	50%	1	50%	1	25%
		2	60%	2	55%	2	30%
		3	70%	3	60%	3	35%
		4	80%	4	65%	4	40%
		5	90%	5	70%	5	45%
		6	100%	6	75%	6	50%
				7	80%	7	55%
				8	85%	8	60%
				9	90%	9	65%
				10	95%	10	70%
				11	100%	11	75%
						12	80%
						13	85%
						14	90%
						15	95%
						16	100%

	Minimum Eval. for a Project to be eligible for IDA benefits	Base/ Minimum Evaluation to be eligible	Median Evaluation to be eligible	Maximum Evaluation / Max Benefits
	Category 1:	Category 2:	Category 3:	Category 4:
A	0 - 6	8 - 13	14 - 19	20 - 29
B	0 - 6	10 - 17	18 - 22	23 - 29
C	0 - 6	12 - 19	20 - 24	25 - 29

Summary of Board Evaluation Criteria	
Core Requirements for Project (Must meet all 6)	Total: 6
Project Community Commitments (2 for Consideration)	Total: 2
Scaled Evaluation Criteria (21 Possible)	Total Scaled: 21
	Total Project MAX Evaluation: 29

Complete Application	Meets Project Use Definition	Workforce Training	"But for" Requirement	Planning/Compliant SQQR Approval	Meet NYS/HIDA Requirements	Likely to be completed on Time
1	1	0	1	1	1	1
TOTAL:						6

Project Community Commitments (2 for Consideration)

Applicant has considered criteria evaluated, and engaged community/ community partners in making application
 Community Commitments Considered (ex. MWBE Participation, EEO Workforce Utilization, Inclusionary Housing, Regional & Local Workforce, Apprenticeship Program)

1
TOTAL:
2

Scaled Evaluation Criteria (21 Possible)

Number of Points per Criteria	Projected New Permanent Full-Time Jobs Created		Projected Wages		Economic Impacts on City and/or County		Workforce Training		Affordable Housing / Environmental		Additional Positive Impacts of Services of Goods Produced / Creativity of Project	
	Jobs Created	Retained Jobs	Minimum wage across all job categories	Projected Wages	Impact on City and/or County	Impact on City and/or County	Training	Housing	Additional Positive Impacts			
0	-	-	Current minimum wage across all job categories	-	-	-	Provides "on the job" Training	Has considered impact of project on need for affordable housing	Considered community needs for goods and/or services			
1	5 - 9	5 - 29	@ or above \$15/hr across all job categories	Retains existing businesses	Will pay for upfront training of local workforce, if available	For rental housing projects, project is consistent with City housing affordability plan	Will provide additional investment if training currently not available (such as required educational credential/ assistance with developing approved NYS Apprenticeship Program / Community College Degree Program)	Project includes inclusionary housing, and/or use of industrial site/brownfield, energy efficient technology (LEED, etc.) or significant renewable energy use	Promotes local/small business uses			
2	10 - 49	30 - 99	@ or above \$20/hr across all job categories	Project supports local businesses or clusters; Project in economically distressed area, addresses blight / underutilized space	Will provide additional investment if training currently not available (such as required educational credential/ assistance with developing approved NYS Apprenticeship Program / Community College Degree Program)	Increases diversity of services or goods offered in City/County; supports regional tourism attraction and/or promotes arts/culture						
3	50+	100+	@ or above \$25/hr across all job categories	Purchases of construction materials and/or labor within City/within County	Add'l investment in education/ credentialing/training/ apprenticeship program	Workforce housing included in project plan						
TOTALS:	2	0	some positions will start at min. wage	3	3	2	3	2	3			

SCORE NOTES:
 30 jobs

HIDA BOARD MEMBER NOTES:
 Adaptive reuse development of a building that has been vacant for more than 10 years. The development includes mixed use commercial and hotel.

With a score of 22 this business/project would be eligible for a 15 year base exemption under Scenario A or a 10 year exemption under Scenario B. (Under Scenario B, one more point would make them eligible for a 15 year base exemption (score of 23). Would this business then consider expanding offerings or increasing wages?)

Financial Summary of Project Requests (Listed for Convenience - no points)

Total Investment:	Mixed Use	Total Financial Incentive Requested:	\$1,500,000
Categorization of project: (technology, manufacturing, hospitality, education, housing, other)	Commercial/Hotel	Total PILOT Payments to be Made (15 years):	\$2,000,000
		Revenue to City:	\$500,000
		Revenue to County:	\$500,000
	Revenue to School District:	\$1,000,000	
Benefits : Cost Ratio			1.80

Total Project Score
 22

Core Requirements for Project (Must meet all 6)

Complete Application	Meets Project Use Definition	Workforce Training	"But for" Requirement	Planning/Compliant SEQR Approval	Meet NYS/HIDA Requirements	Likely to be completed on Time
1	1	0	1	1	1	1
TOTAL:						6

Project Community Commitments (2 for Consideration)

Applicant has considered criteria evaluated, and engaged community/ community partners in making application

Community Commitments Considered (ex. MWBE Participation, EEO Workforce Utilization, Inclusionary Housing, Regional & Local Workforce, Apprenticeship Program)
1
TOTAL:
2

Scaled Evaluation Criteria (21 Possible)

Number of Points per Criteria	Projected New Permanent Full-Time Jobs Created	Projected New Permanent Full-Time Retained Jobs	Projected Wages	Economic Impacts on City and/or County	Workforce Training	Affordable Housing/ Environmental	Additional Positive Impacts of Services of Goods Produced / Creativity of Project	
0	-	-	Current minimum wage across all job categories		Provides "on the job" Training	Has considered impact of project on need for affordable housing	Considered community needs for goods and/or services	
1	5 - 9	5 - 29	@ or above \$15/hr across all job categories	Retains existing businesses	Will pay for upfront training of local workforce, if available	For rental housing projects, project is consistent with City housing affordability plan	Promotes local/small business uses	
2	10-49	30 - 99	@ or above \$20/hr across all job categories	Project supports local businesses or clusters; Project in economically distressed area, addresses blight / underutilized space	Will provide additional investment if training currently not available (such as required educational credential/ assistance with developing approved NYS Apprenticeship Program / Community College Degree Program)	Project includes inclusionary housing, and/or use of industrial site/brownfield, energy efficient technology (LEED, etc.) or significant renewable energy use	Increases diversity of services or goods offered in City/County; supports regional tourism attraction and/or promotes arts/culture	
3	50+	100+	@ or above \$25/hr across all job categories	Purchases of construction materials and/or labor within City/within County	Add'l investment in education/ credentialing/training/ apprenticeship program	Workforce housing included in project plan	MWBE commitments for construction, EEO Workforce Utilization	
TOTALS:	1	0	1 some positions will start at min. wage	3 local construction force	0 if wk 5+yrs and have succ. Eval	2 new bidg & equip will focus on energy efficiency	1	
SCORE NOTES:	7 - 9 FTEs							8
Total Project Score							16	

HIDA BOARD MEMBER NOTES:
Expansion of manufacturing and distribution business.

Financial Summary of Project Requests (Listed for Convenience - no points)

Dollars to be returned to tax base:	\$	5,000,000	Total Financial Incentive Requested:	\$500,000	Benefits : Cost Ratio 1.40
Categorization of project:	Manuf. & Warehousing		Total PILOT Payments to be Made (1.5 years):	\$820,000	
(technology, manufacturing, hospitality, education, housing, other)			Revenue to City:	\$230,000	
			Revenue to County:	\$160,000	
			Revenue to School District:	\$418,000	

CITY OF HUDSON INDUSTRIAL DEVELOPMENT AGENCY

RESOLUTION

(Public Hearing Regarding Amended Uniform Tax Exemption Policy Including Criteria for the Evaluation of Projects)

A (special)(regular) meeting of the City of Hudson Industrial Development Agency was convened in public session at One Hudson City Center, Suite 301, Hudson, NY and via in person, videoconference and/or teleconference pursuant to NYS Laws of 2022, Chapter 1, and Executive Order 11, as amended, on _____, 2022 at 9:30 a.m., local time. A live transmission was available to the public as described in the notice of meeting attached hereto. The meeting was recorded and a full transcript is required to be prepared to the extent required law.

The meeting was called to order by _____, and, upon roll being called, the following members were (Note: Where members are marked Present, specify whether In Person at the conference room of the Columbia County Industrial Development Agency at One Hudson City Centre, Suite 301, Hudson, NY 12534-2354, or via Videoconference, or via Teleconference):

	Present	Absent
Chair Ryan Wallace		
Vice-Chair Kamal Johnson		
Treasurer Heather Campbell		
Secretary Richard Wallace		
Member Theresa Joyner		
Member Cheryl Kaszuga		
Member Dominic Merante		

THE FOLLOWING PERSONS WERE ALSO PRESENT via in person, videoconference or teleconference:

- Michael Tucker, President/CEO CEDC
- Lisa Drahushuk, Administrative Supervisor
- Christine M. Chale, Agency Counsel

On a motion made by _____ and seconded by _____, the following resolution was placed before the members of the City of Hudson Industrial Development Agency:

Resolution No. 2022 - ____

RESOLUTION OF THE CITY OF HUDSON INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING PUBLIC HEARING REGARDING AMENDED UNIFORM TAX EXEMPTION POLICY INCLUDING UNIFORM CRITERIA FOR THE EVALUATION OF PROJECTS

WHEREAS, General Municipal Law § 874 requires each industrial development agency to establish a uniform tax exemption policy applicable to the provision of any financial assistance of more than \$100,000 to a project, with input from affecting taxing jurisdictions, which policy is to provide guidelines for the claiming of real property, mortgage recording, and sales tax exemption and procedures for deviation from such policy; and

WHEREAS, General Municipal Law § 859-a(5) requires each industrial development agency to develop, and adopt by resolution, uniform criteria for the evaluation and selection of each category of projects for which financial assistance will be provided; and

WHEREAS, the City of Hudson Industrial Development Agency (“Agency”) currently has in place a Policy Respecting Uniform Criteria for the Evaluation of Projects adopted on September 25, 2017, and a Uniform Tax Policy last amended March 17, 2003 ; and

WHEREAS, the Agency has reviewed a proposed draft of an Amended Uniform Tax Exemption Policy incorporating revised criteria for evaluation of projects and revised guidelines for real property, mortgage recording, and sales tax exemptions, a form of which is on file with the Secretary; and

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

Section 1. The City of Hudson Industrial Development Agency will hold a public hearing regarding the proposed Amended Uniform Tax Exemption Policy. Such hearing may be held via at a regular meeting of the Agency or such other time and date as determined by the Chair in his discretion. To the extent permitted by Chapter 1 of the laws of 2022 and the Executive Order 11, as amended, such meeting may be held via videoconferencing or if such Executive Order has expired without renewal, such hearing may be held in accordance with the procedures established in the Agency’s Videoconferencing Meeting Policy approved June 22, 2022.

Section 2. In accordance with General Municipal Law § 874 a copy of such public hearing notice shall be provided to the City of Hudson, Hudson City School District, and County of Columbia.

Section 3. Following such public hearing, if it finds the same to be in the best interests of the Agency, the Agency may adopt the Amended Uniform Tax Exemption Policy. In such a case the Agency shall adopt and publish the Policy on the Agency website. The Agency retains the authority to modify such Policy from time to time in its discretion by resolution.

Section 4. The officers and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution.

Section 5. 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:

	YES	NO	ABSTAIN	ABSENT
Chair Ryan Wallace				
Vice-Chair Kamal Johnson				
Treasurer Heather Campbell				
Secretary Richard Wallace				
Member Theresa Joyner				
Member Cheryl Kaszluga				
Member Dominic Merante				

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)
) SS:
COUNTY OF COLUMBIA)

I, the undersigned Secretary of the City of Hudson Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency held on _____, 2022, including the Resolution contained therein entitled:

RESOLUTION OF THE CITY OF HUDSON INDUSTRIAL DEVELOPMENT
AGENCY AUTHORIZING PUBLIC HEARING REGARDING AMENDED
UNIFORM TAX EXEMPTION POLICY INCLUDING UNIFORM CRITERIA
FOR THE EVALUATION OF PROJECTS

with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of such proceedings of the Agency and of such Resolution set forth therein 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 respect duly held; (C) 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 _____, 2022.

Secretary

INVOICE

De Barbieri & Associates
c/o Edward W. De Barbieri
78 Marlboro Road
Delmar, NY 12054
debarbieri@gmail.com
(646) 397-0793

Invoice Date: **August 10, 2022**

Invoice Description: Work Performed from **June 16, 2022 through July 20, 2022** for Hudson Industrial Development Agency Related to Uniform Criteria & Community Benefits Metrics

Bill To:

Heather Campbell, Treasurer
Hudson Industrial Development Agency
520 Warren Street
Hudson, NY 12534

Dates	Description	Hours	Rate	Amount
6/16	Write narrative & make edits to uniform criteria matrix	1	\$425/h	\$425
6/21	Meeting w/ Chair Wallace, Counsel Chale Re: uniform criteria matrix	1	"	\$425
6/22	Edits to uniform criteria matrix	.5	"	\$212.50
6/22	Board meeting, present uniform criteria matrix, take notes on discussion for revision	1.25	"	\$531.25
6/23	Call with Mike Tucker re: uniform criteria Matrix	.34	"	\$144.50
6/29	Meeting with Jessica Gabriel re: testing Uniform criteria matrix	.34	"	\$144.50
7/6	Attend HIDA Board meeting, present on Updated uniform criteria matrix	.75	"	\$318.75
7/19	Draft CBA Toolkit narrative & cover letter	.5	"	\$212.50
7/20	Complete CBA Toolkit narrative & cover ltr	.2	"	\$85
	Total	<u>5.88</u>		<u>\$2,499</u>

Please pay upon receipt. Kindly make checks payable to "De Barbieri & Associates." Thank you for the opportunity to work with you.