

AUTHORIZING RESOLUTION -Attachment One -7/28/2017 WCIDA Minutes
(Adopting Amendments to Uniform Tax Exemption Policy)

A regular meeting of the Wayne County Industrial Development Agency was convened on July 28, 2017, at 9:30 a.m. at 9 Pearl Street, Lyons, New York, 14489.

The meeting was called to order by the Chairman, with the following members being:

PRESENT: David Spickerman, James Hoffman, Robert Havrilla, Steven LeRoy

ABSENT: Pamela Heald

THE FOLLOWING PERSONS WERE ALSO PRESENT:

On motion duly made and seconded, the following resolution was placed before the members of the Wayne County Industrial Development Agency:

Resolution No. 2017 -

RESOLUTION OF THE WAYNE COUNTY INDUSTRIAL DEVELOPMENT
AGENCY (THE "AGENCY") ADOPTING AMENDMENTS TO THE
AGENCY'S UNIFORM TAX EXEMPTION POLICY ("UTEP")

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 916 of the Laws of 1969 of the State of New York, as amended (hereinafter collectively called the "Act"), the **WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, pursuant to the Act, the Agency desires to adopt certain amendments to the Agency's Uniform Tax Exemption Policy ("UTEP"), for purposes that include establishing guidelines for the provision of financial assistance to renewable energy projects, including wind and solar facilities; and

WHEREAS, Agency staff and counsel have prepared a proposed draft amendment to the Agency's UTEP (the "UTEP Amendment"), copies of which have been presented before this meeting and attached hereto as **Exhibit A**.

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

Section 1. The Agency hereby adopts the UTEP Amendment, in the form set before this meeting. The foregoing shall be utilized and take effect as of the date hereof.

Section 2. The members, officers, employees 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 required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further 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 resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. These Resolutions shall take effect immediately upon adoption.

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

	<i>Yea</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
David Spickerman, Sr.	XX			
James Hoffman	XX			
Steven LeRoy	XX			
Robert Havrilla	XX			
Pamela Heald			XX	

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF WAYNE) SS:

I, the undersigned Assistant Secretary of the Wayne County Industrial Development Agency, DO HEREBY CERTIFY:

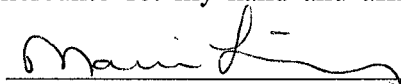
That I have compared the annexed extract of minutes of the meeting of the Wayne County Industrial Development Agency (the "Agency"), including the resolution contained therein, held on July 28, 2017, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that 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 modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 28th day of July, 2017.



Assistant Secretary

[SEAL]

EXHIBIT A
FORM OF UTEP AMENDMENT

Uniform Tax Exemption Policy

Adopted January 3, 1994, Re-Adopted 3/30/99 and

Amended July 28, 2017

Pursuant to the authority vested in it by Article 18-A of the General Municipal Law of the State of New York, the Wayne 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 property 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 determination, the Agency may consider any or all of the factors described in Paragraph D below, no one of which is determinative.

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

1. Industrial – 10 Year Exemption Period

a. New construction for the facility (as described in the IDA application) will be 100% exempt on the value added because of the IDA project (the "Added Value") for the 1st 5 years and 50% exempt on the value added because of the IDA project for the 2nd 5 years. This provision does not include assessments on land or any existing improvements (the "Base Value"), which will be frozen for the term of the PILOT Agreement.

b. An existing facility that is being renovated and/or enlarged will have its current Base Value frozen at that level for the 10 year exemption period (the "Base Value") and will be 100% exempt on the Added Value for the 1st 5 years and 50% exempt on the Added Value created by the IDA project for the 2nd 5 years.

2. Retail

The project shall be eligible to receive a PILOT benefit equivalent to those provided by Section 485-B of the Real Property Tax Law as a private project.

3. Other Non-Industrial (e.g. office buildings)

An office building connected to or part-of a manufacturing project shall receive the same benefits as described in Section 1. All others will receive those benefits as described in Section 2.

4. Mixed or Multiple Use Projects

Same as above; those portions of the project that are manufacturing or part of a manufacturing business will receive the benefits as described above in Section 1. Those portions of the project that are retail or service related will receive the benefits as described in Section 2.

5. Renewable Energy Projects

In addition to Industrial, Retail, Non-Industrial, Mixed or Multiple Use Projects, the Agency may also provide real property tax abatements to wind and other renewable energy facilities (collectively, "Renewable Energy Facilities") constructed within the County, including wind, hydro-electric, photovoltaic and biomass 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, as defined above, 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).

6. 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 D below, no one of which is determinative.

B. Sales and Use Tax Incentives

1. The Agency's policy is to permit project applicants, as agent of the Agency, to claim exemptions for sales and use taxes on the constructions and equipping of a project to the full extent permitted by New York State Law.

2. All project applicants must agree in writing to timely file with the New York State Department of Taxations an annual statement of the value of all sales and use exemptions claimed in connection with the Facility in full compliance with Section 874 (8) of the New York General Municipal Law, in the form and at the times required thereby.

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.
2. The Agency may, in its sole discretion, permit mortgage recording tax exemptions on non-project related financings, 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 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

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 deviation from the guidelines set forth above shall require 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:

- The nature of the proposed project (e.g., manufacturing, commercial, mixed use).
- The nature of the property before the project begins (e.g. vacant land, vacant buildings).
- The economic condition of the area at the time of the application and the economic multiplying effect that the project will have on the area.
- The extent to which a project will create or retain permanent, private sector jobs and the number of jobs to be created or retained and the salary ranges of such jobs.
- The estimated value of tax exemptions to be provided.
- The economic impact of the project and the proposed tax exemptions on affected tax jurisdictions.
- The demonstrated public support for the proposed project.
- The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity.
- The amount of private sector investment generated or likely to be generated by the proposed project.
- The likelihood of accomplishing the proposed project in a timely fashion.

- The effect of the proposed upon the environment.
- The extent to which the proposed project will require the provision of additional services including, but not limited to, additional educational, transportation, policy, emergency medical or fire services.
- The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located.
- The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located.

E. Recapture of Benefits

All projects and financial assistance provided by the Agency shall be subject to the Agency's Project Recapture and Termination Policy, adopted September 23, 2016, as may be amended from time to time.

F. This Uniform Tax Exemption Policy shall apply to all projects for which the Agency has adopted or adopts an Inducement Resolution after July 21, 1993 and all refinancings of any project induced or closed before July 21, 1993.

G. 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.