

**MINUTES**  
**COUNTY OF OSWEGO INDUSTRIAL DEVELOPMENT AGENCY**  
**November 7, 2016**  
**IDA OFFICE BUILDING**  
**44 W. BRIDGE ST.**  
**OSWEGO, NEW YORK**

**PRESENT:** Canale, Kunzwiler, Rush, Schick, Sorbello and Toth

**Absent/Excused:** None

**Also Present:** Kevin C. Caraccioli, Jaimie Galante, Christina Ondrako and L. Michael Treadwell

Chair Rush called the meeting to order at 9:00 a.m. at the offices of the County of Oswego IDA in Oswego, NY.

**APPROVAL OF MINUTES**

On a motion by Mr. Kunzwiler, seconded by Mr. Schick, the minutes of the October 13, 2016 meeting were approved as amended.

**TREASURER'S REPORT**

On a motion by Mr. Toth, seconded by Mr. Schick, the Financial Statements for the period ended August 31, 2016 were approved.

**NOTICE OF MEETING**

Meeting notices were posted at the Oswego County Building, the IDA Office Building and on the IDA website. A notice was published in The Palladium Times on October 25, 2016.

**Executive Session**

Chair Rush and Mr. Caraccioli reported that due to matters involving the financial history of a business/organization and individuals and pending and current contractual matters, on a motion by Mr. Sorbello, seconded by Mr. Canale, it was approved to go into Executive Session at 9:07 a.m.

On a motion by Mr. Canale, seconded by Mr. Toth, the Executive Session ended at 11:33 a.m.

**Audit Report for FY Ended 7/31/16**

Ms. Ondrako and Ms. Galante of Grossman St. Amour CPAs, PLLC presented the Summary of the 2016 Audit Report dated November 7, 2016. A draft of the Financial Statements of the County of Oswego IDA was reviewed. Ms. Ondrako reported that the Schedule of Bonds Issued and Schedule of Straight Leases have not been finalized due to delays in receiving confirmations from companies. Mr. Treadwell reported that this supplemental part of the report would be finalized in the next few weeks.

Following a discussion, a meeting of the Audit Committee will be scheduled prior to the next COIDA meeting to review the auditor's recommendations on Schedule A – Control Deficiencies, the Schedules of Straight Leases and Bonds and make a recommendation to the COIDA Board on action on the Audit Report for FY ended 7/31/16.

**Annual Report FY 8/1/15 – 7/31/16**

Following a review, on a motion by Mr. Canale, seconded by Mr. Toth, the Annual Report was approved and it was authorized to be posted on the Agency's website. A copy of the Annual Report is attached and made an official part of the minutes. It was agreed that the Annual Report would be presented to the Oswego County Legislature's Economic Development and Planning Committee at its November meeting.

### **Annual Performance Reviews for CEO and CFO**

Following a review concerning the job performance of the CEO and CFO, the consensus was that both were doing an outstanding job.

### **Housing Visions/Harbor View Square**

Following a discussion and review of the application, on a motion by Mr. Canale, seconded by Mr. Kunzwiler, a resolution was approved determining that the acquisition, construction and equipping of a commercial facility at the request of the company constitutes a project and describing the financial assistance requested in connection therewith and authorizing a public hearing. A copy of the Initial Resolution is attached and made an official part of the minutes.

It was also recognized that the requested PILOT terms would be a deviation from the Agency's UTEP.

### **Newman Development Group/Lakeside Commons**

Following a discussion and review of the application, on a motion by Mr. Toth, seconded by Mr. Schick, a resolution was approved determining that the acquisition, construction and equipping of a student housing facility at the request of the Company constitutes a project and describing the financial assistance requested in connection therewith and authorizing a public hearing. A copy of the Initial Resolution is attached and made an official part of the minutes.

It was also recognized that the requested PILOT terms would be a deviation from the Agency's UTEP.

### **Delinquent Loan Report**

The report for the period ended October 31, 2016 was reviewed.

On a motion by Mr. Canale, seconded by Mr. Sorbello, a 6-month deferment was approved for Mother Earth Baby (October 2016 – March 2017).

On a motion by Mr. Sorbello, seconded by Mr. Toth, a 1-month deferment was approved for WiseBuys (November 2016).

### **Price Chopper/Incubator Project**

A review of the appraisal conducted by Appraisal Research, Inc. was conducted. Mr. Treadwell reported that the appraisal was provided to the Oswego Port Authority for consideration on establishing a price for the property. Mr. Caraccioli noted that the Finance Committee for the Port was scheduled to review the matter.

### **Disposition of Property Guidelines**

Following a review and discussion on the current Disposition of Property Guidelines, on a motion by Mr. Schick, seconded by Mr. Kunzwiler, the County of Oswego IDA's Disposition of Property Guidelines were approved with no changes. A copy of the Guidelines are attached and made an official part of the minutes. On a motion by Mr. Canale, seconded by Mr. Sorbello, the CEO was appointed as the Contracting Officer. The Guidelines will be posted on the Agency's website and the action filed with the Office of the State Comptroller.

### **Election of Officers**

Following the resignation of Ms. Rush as Chair to the COIDA, an election was held for all three Officer positions. On a motion by Mr. Canale, seconded by Mr. Schick, Mr. Toth was elected as Chair. On a motion by Mr. Schick, seconded by Mr. Toth, Mr. Canale was elected Vice Chair. On a motion by Mr. Toth, seconded by Mr. Canale, Mr. Schick was elected as Secretary/Treasurer.

**UEJ Coalition**

Mr. Canale, Mr. Toth and Mr. Caraccioli provided an update on matters relating to the Exelon acquisition and license transfer for FitzPatrick, opposition by anti-nuclear groups and the upcoming ZEC action by the PSC. The PSC meeting is scheduled for November 17, 2016. A discussion was held relative to support of the CES and participating in a billboard campaign to create awareness. Authorization was approved to partner with the IBEW on this initiative.

**Fulton Thermal Co.**

Mr. Treadwell provided an update on the IRS Compliance Audit on the 2010 Bond Series. Following a discussion, on a motion by Mr. Canale, seconded by Mr. Schick, authorization was approved to execute loan agreement documents required for additional financing from M&T Bank.

**Next Meeting**

December 14, 2016 at 9:00 a.m. was scheduled.

**Adjournment**

On a motion by Mr. Kunzwiler, seconded by Mr. Toth, the meeting was adjourned at 12:30 p.m.

Respectfully Submitted,

H. Leonard Schick  
Secretary

# County of Oswego Industrial Development Agency



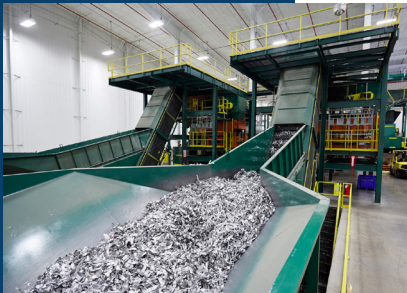
*Happy Hearts Childcare*



*Oswego County Federal Credit Union*



*FitzPatrick Nuclear Power Plant*



*Novelis*



*Tailwater Lodge*



*Universal Metal Works - Davis-Standard*



**Annual Report**  
*FY 8/1/15-7/31/16*

## Enabling Legislation

In accordance with New York State General Municipal Law article 18-A, the County of Oswego Industrial Development Agency was formed on April 25, 1973. Section 911-b constitutes the enabling legislation for the County of Oswego Industrial Development Agency.

## Section 911-b: County of Oswego Industrial Development Agency

For the benefit of the County of Oswego and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF OSWEGO INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of the General Municipal Law. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of article eighteen-A of the General Municipal Law upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the county of Oswego, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of the General Municipal Law. Its members shall be appointed by the governing body of the county of Oswego. The agency, its members and officers and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of the General Municipal Law.

### Board of Directors

Carolyn A. Rush  
*Chair*

Gary T. Toth  
*Vice Chair*

H. Leonard Schick  
*Secretary/Treasurer*

Nicholas M. Canale

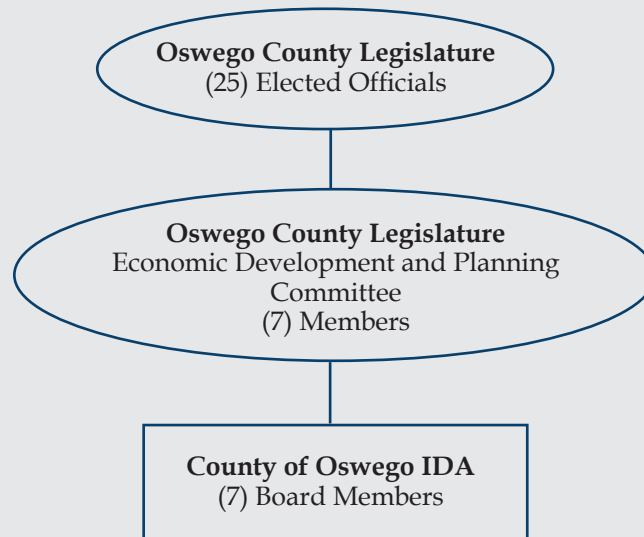
Jonathan Daniels\*\*

Donald H. Kunzwiler

Morris Sorbello

L. Michael Treadwell, CEcD\*  
*Chief Executive Officer*

David S. Dano\*  
*Chief Financial Officer*



\* Contracted administrative agreement with Operation Oswego County, Inc. for professional services.

\*\*Vacancy as a result of resignation dated 8/6/13.

### Mission Statement

The County of Oswego Industrial Development Agency’s mission is to establish and implement sound economic development strategies in order to enhance the economic vitality of Oswego County’s businesses, industries, communities, and citizens, leading to an overall better quality of life. Key to the Agency’s mission is the creation and retention of job opportunities, diversification and strengthening of Oswego County’s economic base, and developing the local economy in a planned, organized, and environmentally compatible manner.

## Goals

- To create new employment opportunities through the attraction of or the creation of new businesses;
- To create new employment opportunities through the expansion of existing businesses;
- To retain existing employment opportunities;
- To enhance and encourage capital investment by new and expanding businesses;
- To increase the County's tax base;
- To help stabilize and diversify the County's local economy;
- To help facilitate the development of essential services or businesses generally lacking in the County;
- To recognize the importance of the overall multiplier economic impacts of projects;
- To target financial assistance to key industrial clusters critical to the County's economy, including manufacturing, healthcare, education, tourism, energy, and agribusiness;
- To support the nuclear industry in Upstate New York through the Upstate Energy Jobs Coalition;
- To leverage the greatest level of private and non-IDA financial assistance as possible;
- To coordinate efforts to help improve the competitive position of businesses and spur initiatives that help to improve the overall business climate;
- To work cooperatively with local governments, economic development partners, and school districts to further economic development progress;
- To advance Oswego County's economy through regional cooperation and collaboration;
- To enhance media and educational outreach initiatives; and
- To improve the quality of life in Oswego County.

## Objectives

- The issuance of Private Activity Bonds (tax-exempt or taxable bonds) to finance eligible manufacturing and commercial projects. The issuance of Civic Facility Revenue Bonds (tax-exempt or taxable bonds) to finance eligible not-for-profit 501(c)(3) organizations' projects (subject to authorizing NYS legislation).
- To help support and work cooperatively with the Oswego County Civic Facilities Corporation to help finance eligible not-for-profit 501(c)(3) organizations' projects with Civic Facility Revenue Bonds.
- The issuance of tax-exempt bonds for pollution control facilities.
- The issuance of tax-exempt bonds for other projects that are eligible for financing in compliance with Federal and NYS legislation.
- Providing to eligible and qualified businesses exemptions from real property taxes, sales and use taxes, and mortgage recording taxes consistent with the County of Oswego IDA's Uniform Tax Exemption Policy and in compliance with NYS legislation.
- Providing financial assistance to micro-enterprise businesses utilizing the County of Oswego IDA's Micro-Enterprise Economic Development Fund.

**Objectives, cont.**

- Partnering with IDAs and EDOs in CNY to support the CNY REDC’s efforts to secure CFA funding and utilize URI funding.
- Providing financial assistance to eligible and qualified businesses utilizing the County of Oswego IDA’s PILOT Economic Development Fund and HUD Economic Development Fund.
- Utilizing the County of Oswego IDA’s General Economic Development Fund to enhance economic development initiatives and strategies.
- Providing financial assistance to eligible and qualified businesses utilizing the USDA Intermediary Relending Program (IRP).
- Serving as a conduit, as appropriate, to apply for and secure Federal and State government grants and/or loans for economic development projects.
- Providing interim financing for eligible and qualified businesses that will be receiving permanent financing through the SBA 504 loan program in cooperation with Operation Oswego County, Inc.
- Assisting in acquiring, constructing, and renovating necessary and appropriate real estate, working in cooperation with Operation Oswego County, Inc., to enhance and further economic development, including industrial park properties, incubator facilities, speculative buildings, and sites, etc.
- Collecting and distributing PILOT payments to taxing authorities in accordance with the General Municipal Law of the State of New York.
- Complying with the State Environmental Quality Review Act (SEQRA) on all projects assisted by the County of Oswego IDA.
- Working in partnership with government, education, labor, business and economic development agencies to maximize development potential and sustainability of the economy in Oswego County.
- To be in compliance with all reporting and policy requirements specified by the NYS GML, NYS Office of the State Comptroller, NYS ABO and the NYS PAL.

<b>Meetings Held</b>		<b>Public Hearings Held</b>	
8/27/15	2/9/16	8/17/15	Oswego County Federal Credit Union
9/17/15	2/29/16	10/12/15	Rochester Cornerstone Group/Oswego County Opportunities – Champlain Commons
9/28/15	4/11/16	11/9/15	R&D Design and Associates, LLC
10/15/15	4/27/16	1/25/16	Novelis Corporation (Hawk)
11/11/15	5/10/16	2/26/16	Allen Chase Enterprises, Inc.
11/30/15	6/6/16	3/14/16	Altmar Genesee, LLC (Tailwater Lodge)
1/13/16	6/30/16	4/5/16	Nine Mile Point Nuclear Station, LLC
		4/18/16	Central New York Raceway Park, Inc.
		5/9/16	Novelis Corporation (Pusher Furnace)
		6/29/16	Oswego Lodging Group, LLC
		6/29/16	Camelot Lodge, LLC

## Compliance & Reporting/Other Activities

- The ESDC Notification of Initial Allocation for the issuance of Private Activity Bonds for 2016 was \$4,030,030.
- IDA annual employment survey completed.
- Member of the Council of Development Finance Agencies.
- Returned \$221 to HUD as required for earned interest in 2015.
- Annual Financial Report and Audit Report filed with the NYS Office of the State Comptroller, County of Oswego and ESDC for FY ended 7/31/15.
- Maintained IDA website to comply with the Public Authorities Accountability Act (PAAA) ([www.oswegocountyida.org](http://www.oswegocountyida.org)).
- Continued and renewed an administrative agreement for professional services with Operation Oswego County, Inc. through 2017.
- UTEP deviation notifications were filed with the taxing authorities for the following 4 projects:
  - Altmar Genesee, LLC (Tailwater Lodge) - Albion
  - Oswego Lodging Group, LLC - City of Oswego
  - Central New York Raceway Park, Inc. - Hastings
  - Rochester Cornerstone Group/Oswego County Opportunities (Champlain Commons) - Scriba
- 31 Appointments of Project Operator or Agent (ST-60) filed with the NYS Department of Taxation and Finance for 8 projects:
  - Altmar Genesee, LLC (Tailwater Lodge) - Albion
  - Allen Chase Enterprises, Inc. - Scriba
  - Sunoco, Inc. - Volney
  - Hohl Industrial Services, Inc. (Novelis Corporation - Hawk) - Scriba
  - Novelis Corporation (Hawk) - Scriba
  - C&D LaFace Construction (R&D Design) - Schroepfel
  - Branch Development Oswego LLC (Holiday Inn Express) - City of Oswego
  - Parsons-McKenna Construction Co. (Holiday Inn Express) - City of Oswego
  - R&D Design and Associates. LLC - Schroepfel
  - SolarCity Corporation - Scriba
  - SolarCity Corporation - Volney
  - Earth In Motion (Holiday Inn Express) - City of Oswego
  - Ruston Paving Co. (Holiday Inn Express) - City of Oswego
  - Butler Fence Co. (Holiday Inn Express) - City of Oswego
  - Concrete Slipform, Inc. (Holiday Inn Express) - City of Oswego
  - DIG Construction, LLC (Holiday Inn Express) - City of Oswego
  - C&D LaFace Construction (Holiday Inn Express) - City of Oswego
  - Ward Steel Company (Holiday Inn Express) - City of Oswego
  - Bon-Ton Glass Co. (Holiday Inn Express) - City of Oswego



*Compliance & Reporting/Other Activities, cont.*

- LeMoyne Interiors (Holiday Inn Express) - City of Oswego
- The Effect Group, Inc. (Holiday Inn Express) - City of Oswego
- James M. Anthis Painting Co. (Holiday Inn Express) - City of Oswego
- Design Pool & Spa, Ltd. (Holiday Inn Express) - City of Oswego
- Monroe Extinguisher Co. (Holiday Inn Express) - City of Oswego
- Alexander Mitchell & Son, Inc. (Holiday Inn Express) - City of Oswego
- D.V. Brown & Associates (Holiday Inn Express) - City of Oswego
- J&A Mechanical Contractors (Holiday Inn Express) - City of Oswego
- Colonial Fire Protection Systems (Holiday Inn Express) - City of Oswego
- All Seasons Mechanical, Inc. (Holiday Inn Express) - City of Oswego
- Bruce Electric, Inc. (Holiday Inn Express) - City of Oswego
- Industrial Contracting, Inc. (Novelis Corporation - Hawk) - Scriba
  
- Filed RP-412-a applications to all taxing authorities in accordance with Real Property Tax Law and General Municipal Law, Section 874, for the following 6 projects:
  - SolarCity Corporation - Scriba
  - SolarCity Corporation - Volney
  - Altmar Genesee, LLC (Tailwater Lodge) - Albion
  - Sunoco, Inc. - Volney
  - R&D Design and Associates, LLC - Schroepfel
  - Branch Development Oswego, LLC (Holiday Inn Express) - City of Oswego
  
- Officers included Carolyn A. Rush (chair), Gary T. Toth (vice chair), and H. Leonard Schick (secretary/treasurer).
  
- L. Michael Treadwell served as CEO and David S. Dano served as CFO.
  
- Reviewed monthly loan delinquent reports.
  
- Continued to follow NYSEDC Best Practice Recommendations.
  
- Four IDA Directors, Counsel and the CEO have participated in PAAA Training sponsored by the NYSEDC or other State approved training.
  
- In compliance with the Public Authorities Law, filed Budget Reports for FY ending 7/31/15, 7/31/16 and 7/31/17 with the NYS ABO and County.
  
- Complied with the filing of the Annual Certification of Code of Ethics and Annual Financial Disclosure Statement to the County of Oswego Board of Ethics.
  
- Goals of the Agency were reviewed and amended to include support for the nuclear industry.
  
- Entered into an Affiliation Agreement for Start-Up NY with SUNY Oswego for the R&D Design and Associates, LLC project.
  
- Continued to use the Discretionary Funds Policy.
  
- CEO continued to be authorized to be the primary Authorizer Designation for PARIS.
  
- Reviewed and continued to use the Procurement Policy in compliance with GML.

*Compliance & Reporting/Other Activities, cont.*

- Continued the Disposition of Property Guidelines, no changes made, CEO continued to serve as the Contracting Officer as filed with the NYS OSC.
- Annual Report for FY ended 7/31/15 was prepared and posted on the Agency's website.
- The Investment Policy was in compliance with the collateral requirements for FY ended 7/31/15.
- Annual review of the Conflict of Interest Policy was conducted, no changes recommended. Conflict of Interest Annual Statements completed.
- Temporary deferments on loan/lease payments were granted for the following 2 projects:
  - Happy Hearts Childcare - Scriba
  - K&N's Foods USA - City of Fulton
- Grossman St. Amour CPAs, PLLC conducted the audit for FY ended 7/31/15.
- PARIS reporting for FY ended 7/31/15 was successfully completed.
- The Agency's approval to participate in the USDA Business & Industry Guarantee Programs as a "Non-Traditional Lender" was continued to be evaluated for projects.
- At the request of the Agency, the Oswego County Legislature has created a development corporation under 1411 of the NYS Not-for-Profit Law for the sole purpose of issuing Civic Facility Bonds for eligible 501 (c)(3) organizations. The Oswego County Civic Facilities Corporation was not active during the FY.
- Annual Board of Directors Evaluation was completed in accordance to the NYS ABO Policy Guidance for 2015.
- The Agency continued to operate the USDA Intermediary Relending Program for working capital and equipment. A three year extension request and a scope of work change through 2017 has been approved.
- In compliance with Section 2824-a and Section 2800 of the PAL, the Agency's Mission Statement and Performance Measurements that were submitted to the NYS ABO remained unchanged.
- Annual performance review of the CEO and CFO was deferred to the next FY.
- Continued the designation of the Secretary of State as an Agent for Service of a Notice of Claim pursuant to GML.
- A CFA application in Round 4 for \$30,000 in ESDC funding to conduct a feasibility study to develop a small business incubator in the City of Oswego was completed.
- Code of Ethics Policy was reviewed and no changes made.
- A CFA application in Round 5 for ESDC funding to assist in the development of the 43,000 SF former Price Chopper into a mixed-use incubator in the City of Oswego was approved for funding in the amount of \$900,000.
- Pursuant to Section 103 and Sections 142 and 144 of the Internal Revenue Code, a Tax-Exempt Bond Post-Issuance Compliance Policy was unchanged.

*Compliance & Reporting/Other Activities, cont.*

- Adopted FOIL Policy was continued.
- Creation of the Upstate Energy Jobs Coalition was completed and was focused on supporting efforts to continue the operations of the James A. FitzPatrick Nuclear Facility, supporting the Upstate Nuclear Industry and supporting the NY PSC's Clean Energy Standard that was approved and included a Zero Emission Credit for nuclear power plants determined to be eligible for the ZECs.
- Filed COIDA's Authority Performance Measures Report for FY Ended 7/31/15.
- Completed changes and modifications to the Agency's website in response to NYS ABO review recommendations.
- Retained Sutton Real Estate Company, LLC for Real Estate Broker Services to help secure properties to expand industrial site capacity. A RFP process was used.
- Supported both the Cities of Fulton and Oswego in their quest to compete for the Central NY Downtown Revitalization Initiative \$10 million competition.
- Contributed \$2,500 to the Oswego County Workforce Development Board to support the One Stop Center's employment and training efforts.
- Authorized \$100,000 in funding to support the Advanced Manufacturing Institute associated with Cayuga Community College's Fulton Campus.
- Contributed \$50,000 to support the Oswego County Land Bank Corporation.
- In compliance with Chapter 563 of the Laws of 2015 of the State of New York ("New IDA Legislation") to amend the Act to increase accountability and improve efficiency and transparency of IDAs, the following were approved: Annual Assessment Policy, Project Agreement, Project Approval Policy, and an amended Application for Financial Assistance.
- The Oswego County Legislature approved on August 13, 2015 Resolution No. 143, "Resolution Regarding An Alternative Allocation of PILOT Payments Received By The Oswego County Industrial Development Agency Pursuant To General Municipal Law §858(15)." The Resolution was a major component of the Agency's Corrective Action Plan filed for the NYS OSC Audit Report of Examination 2014M-356.

## Project Assistance

Project	Location	Type	Projected Jobs		Financial Assistance		Total Project Cost \$	Status
			New	Ret.	Type	Amount \$		
Tavern on the Lock	Fulton City	Service	—	9	HUD EDF	48,805**	48,805	Funded
Oswego County Federal Credit Union	Fulton City	Service	12	—	S/L	49,780	1,083,000	Leased
Camelot Lodge	Oswego City	Housing/Service	1	—	S/L	183,430	1,210,500	Approved
Oswego Lodging Group	Oswego City	Service/Tourism	10	—	S/L	3,141,640	9,936,000	Approved
Eco-Foam Insulators	Oswego City	Construction	8	—	MEP EDF	25,000	132,232	Funded
Sweet Cindy's Gluten Free Bakery	Fulton City	Retail/Mfg.	3	—	MEP EDF	15,000	202,000	Funded
Happy Hearts	Scriba	Service	5	—	MEP EDF	20,000	167,630	Funded
					Gen. EDF	51,627*		Funded
Zink Shirts	Oswego City	Manufacturing	8	—	MEP EDF	25,000	140,000	Funded
Debz Diner	Hannibal	Service	3	3	IRP EDF	28,000	85,000	Funded
Design Concepts and Enterprises, LLC	Hastings	Manufacturing	40	—	S/L	118,260	849,500	Delayed
R&D Design and Associates, LLC	Schroepffel	Manufacturing	9	—	PILOT EDF	45,000	345,200	Leased
					S/L	50,900		Leased
Champlain Commons	Scriba	Housing	2	—	HUD EDF	300,000	10,156,827	Approved
					S/L	2,054,782		Approved
Debbie's Hash & Mash Café	Volney	Service	6	—	MEP EDF	25,000	134,000	Funded
Sunoco, Inc.	Volney	Manufacturing	18	—	S/L	5,566,000	35,500,000	Leased
Port City Logistics	Oswego City	Warehousing	3	—	S/L	251,200	1,480,000	Leased
SolarCity Corporation	Scriba	Energy	2	—	S/L	110,298	2,051,717	Leased
SolarCity Corporation	Volney	Energy	3	—	S/L	284,612	4,107,628	Leased
Universal Metal Works	Fulton City	Manufacturing	9	—	IRP EDF	100,000	2,392,500	Funded
Kleis Equipment	Constantia	Service/Retail	2	—	IRP EDF	66,000	132,000	Funded
Dick's Auto Specialities	Richland	Service	4	4	IRP EDF	38,000	402,286	Approved
Branch Development Oswego, Inc. (Holiday Inn Express)	Oswego City	Service/Tourism	15	—	PILOT EDF	250,000	8,600,000	Funded
					S/L	3,141,500		Leased
COIDA Incubator	Oswego City	Service	50	—	PILOT EDF	1,500,000	6,000,000	Approved (Bldg.)
					PILOT EDF	500,000		Approved (Tenants)
Operation Oswego County SBA 504	Countywide	Financing	N/A	N/A	Gen. EDF	275,000	687,500	Approved
Central New York Raceway Park	Hastings	Tourism	136	—	S/L	9,130,000	37,750,000	Approved
Novelis Corporation (Pusher Furnace)	Scriba	Manufacturing	97	—	S/L	1,712,500	21,406,250	Leased
Altmar Genesee, LLC (Tailwater Lodge)	Albion	Service/Tourism	25	—	S/L	529,680	2,000,000	Leased
Allen Chase Enterprises	Scriba	Service	13	—	S/L	131,200	1,750,000	Leased
Novelis Corporation (Hawk)	Scriba	Manufacturing	—	—	S/L	1,700,000	21,250,000	Leased
		<b>Total</b>	<b>484</b>	<b>16</b>		<b>31,468,214</b>	<b>170,000,575</b>	

\*Bridge for SBA 504 through OOC, Inc.

\*\*Restructured

## Definitions for Types of Financial Assistance

- **MEP EDF**-- Micro Enterprise Program Economic Development Fund
- **PILOT EDF**-- Payment in Lieu of Taxes Economic Development Fund
- **General EDF**-- General Economic Development Fund
- **IRP EDF**-- Intermediary Relending Program Economic Development Fund
- **S/L**-- Straight Lease Transaction
- **HUD EDF**-- Housing and Urban Development Economic Development Fund
- **CFRB**-- Civic Facility Revenue Bonds
- **PAB**-- Private Activity Bonds
- **TB**-- Taxable Bonds

## Financing Programs

### Loans/Leases Paid in Full

Project	Location	Type	Original Fin. Date	Fin. Type	Amount \$
Barnett Forest Products	Scriba	Agriculture	2/12	PILOT EDF	35,000
BioSpherix	Parish	Manufacturing	7/10	PILOT EDF	145,000
Caity's Child Care	Mexico	Service	9/11	MEP EDF	15,000
D&D Logging & Lumber	Palermo	Manufacturing	11/07	PILOT EDF	40,000
Duggan Enterprises	Oswego City	Healthcare	11/08	PILOT EDF	35,000
HealthWay Products	Richland	Manufacturing	12/10	PILOT EDF	425,000
J&M Herrington	Oswego City	Retail	2/00	General EDF	120,500
Huhtamaki	Fulton City	Manufacturing	5/96	PILOT EDF	600,000
Huhtamaki	Fulton City	Manufacturing	7/06	PILOT EDF	250,000
Integrative Healing Spa	Oswego City	Service	6/11	PILOT EDF	20,000
Lower Falls Development	Fulton City	Real Estate	12/05	PILOT EDF	100,000
Mahalaxami Motels	Richland	Service/Tourism	8/06	PILOT EDF	55,000
Oswego Industries	Fulton City	Service/Mfg.	4/96	PILOT EDF	150,000
Oswego Printing	Oswego City	Service/Mfg.	12/00	HUD EDF	25,625
Sallyeander	Minetto	Manufacturing	8/00	PILOT EDF	45,000
V&D Properties	Oswego City	Healthcare	9/03	PILOT EDF	75,000
FX Caprara	Richland	Service/Retail	11/13	PILOT EDF	300,000
WD Malone Trucking & Exc.	Oswego	Construction	8/11	PILOT EDF	80,000
Wilsie Construction	Oswego City	Construction/Mfg.	3/09	PILOT EDF	129,780

### Bad Debt Loans/Leases

Project	Location	Type	Original Fin. Date	Fin. Type	Amount \$	Bad Debt \$
Fluttering Gardens	Schroepfel	Retail	4/03	MEP EDF	15,000	28

### Bad Debt Loans/Leases Recovery

None to report.

## Distribution of PILOT Payments - FY Ended 7/31/16

	<u>Amount</u>	<u>%</u>
School Districts	*\$6,011,044	65.9
City/Town/Village	\$ 868,771	9.5
County	\$2,037,451	22.3
County IDA*	<u>\$ 211,594</u>	<u>2.3</u>
<u>Total:</u>	<u>\$9,132,911</u>	<u>100.0</u>

\*County's prorata share was split 90/10 with IDA to recapitalize the IDA's PILOT EDF in 2016.

## Statement of Revenues and Expenditures and Changes in Net Position - FY Ended 7/31/16

<b>Revenues</b>	
Charges for Services	\$ 221,108
Interest income	200,938
Payments in lieu of taxes	206,417
Other revenues	103,433
Gain on RE Sale	0
<b>Total revenues</b>	<b>731,896</b>
<b>Expenditures</b>	
Administration	285,793
Professional Fees	296,785
Grants and Development	555,756
Other expenses	37,737
<b>Total expenditures</b>	<b>1,176,071</b>
Change in net position	<b>(444,175)</b>
Net position – beginning of year	19,484,786
<b>Net position – end of year</b>	<b>\$ 19,040,611</b>

Note: Audit Report is available at [www.oswegocountyida.org](http://www.oswegocountyida.org).

## Statement of Net Position - FY Ended 7/31/16

### Assets

Cash	\$ 9,314,660
Loans receivable	9,753,438
Accounts Receivable	15,086
Project Assets, net	1,184,720
<b>Total Assets</b>	<b>\$ 20,267,904</b>

### Liabilities

Accounts Payable	\$ 342
Loan Payable	526,951
Mortgage Payable	700,000
<b>Total Liabilities</b>	<b>\$ 1,227,293</b>

### Net Position

Restricted Cash	\$ 6,745,581
Restricted Loans Receivable	8,642,443
Unrestricted	3,652,587
<b>Total Net Position</b>	<b>\$ 19,040,611</b>

Note: Audit Report is available at [www.oswegocountyida.org](http://www.oswegocountyida.org).

## Schedule of Bonds/Notes - FY Ended 7/31/16

Details are provided in the Audit Report which is available at [www.oswegocountyida.org](http://www.oswegocountyida.org).

## Internal Control Structure and Procedure - FY Ended 7/31/16

Details are provided in the Audit Report which is available at [www.oswegocountyida.org](http://www.oswegocountyida.org).

## Compensation Schedule - FY Ended 7/31/16

Not applicable; IDA had no employees.

## Real Property Owned - FY Ended 7/31/16

Property	Address	Tax Map ID	Size (Acres)
Lake Ontario Industrial Park	249A Mitchell St., Oswego	110.68-01-01	56.64
Peck Road Site	Peck Road, Town of Richland	071.00-02-28.01	14.25
Columbia Mills	St. Rt. 48, Town of Minetto	183.02-02-04.02	89.4
Huhtamaki Site	411-419 First St., Fulton	253.24-01-02	1.66
Hardwood Transformations	120 St. Paul St., Oswego	128.27-01-05	6.95

## Real Property Disposed of During FY Ended 7/31/16

None to report.

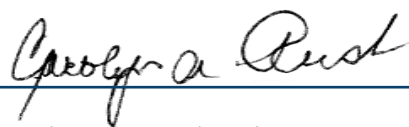
## Code of Ethics

See Code of Ethics Policy listed on website at [www.oswegocountyida.org](http://www.oswegocountyida.org).

## Approval and Certification for FY Ended 7/31/16

The Annual Report of the County of Oswego IDA was approved by the Board of the Agency on November 7, 2016.

The information contained in the Annual Report for the County of Oswego IDA for FY ended 7/31/16 represents an accurate, complete and fair presentation of the Agency's activities and financial position. In compliance with the PAAA, this report will be provided to the Chair of the Oswego County Legislature, to the NYS Authority Budget Office, and be posted on the Agency's website [www.oswegocountyida.org](http://www.oswegocountyida.org).

Certified by:  11/7/16  
 Carolyn A. Rush, Chair

 11/7/16  
 H. Leonard Schick, Secretary/Treasurer

 11/7/16  
 L. Michael Treadwell, CEO

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USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W.  
Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).



## INITIAL RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency was convened in public session on November 7, 2016, at 9:00 a.m., at 44 West Bridge Street, Oswego, New York.

The meeting was called to order by the Chair and, upon the roll being duly called, the following members were:

**PRESENT:** Nick Canale, Jr., Donald H. Kunzwiler, Carolyn A. Rush,  
H. Leonard Schick, Morris Sorbello and Gary T. Toth

**ABSENT:** None

**ALSO PRESENT:** Kevin C. Caraccioli and L. Michael Treadwell

The following resolution was duly offered and seconded:

### **RESOLUTION DETERMINING THAT THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A COMMERCIAL FACILITY AT THE REQUEST OF THE COMPANY CONSTITUTES A PROJECT AND DESCRIBING THE FINANCIAL ASSISTANCE REQUESTED IN CONNECTION THEREWITH AND AUTHORIZING A PUBLIC HEARING**

**WHEREAS**, the County of Oswego Industrial Development Agency (the “*Agency*”) is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the “*State*”), as amended, together with Chapter 234 of the Laws of 1973 of the State of New York, as amended from time to time (collectively, the “*Act*”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, prosperity and standard of living, and to prevent unemployment and economic deterioration; and

**WHEREAS**, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to grant “financial assistance” (as defined in the Act) in connection with the acquisition, reconstruction and equipping of one or more “projects” (as defined in the Act); and

**WHEREAS**, Housing Visions Consultants, Inc., on behalf of Harbor View Square, LLC, or an entity to be formed (the “*Company*”), submitted an application to the Agency on or about October 20, 2016 (“*Application*”), a copy of which is on file at the office of the Agency, requesting the Agency consider undertaking a project (the “*Project*”) consisting of: (A) (i) the acquisition of a leasehold interest in approximately 2.4 acres of land located at 58, 60, 68 West First Street and 22 Van Buren Street, City of Oswego, County of Oswego, State of New York (the “*Land*”); (ii) demolition of an existing building and construction of an approximately 86,000 square foot mixed-use building with approximately 46 one-bedroom rental units, approximately 11 two-bedroom rental units and approximately 10,000 square feet of retail/commercial space and three additional buildings containing approximately eighteen (18) three (3) bedroom town-houses rental units (the “*Facility*”) (the Facility will consist of income levels ranging from work force to market rate); (iii) the acquisition and installation in and around the Facility and/or for use in connection with the Project of various machinery, equipment and furnishings (collectively the “*Equipment*”) (the Land, Facility and Equipment are hereinafter collectively referred to as the “*Project Facility*”); (B) the granting of certain financial assistance in the form of exemptions from real property taxes, mortgage recording tax (except as limited by Section 874 of the General Municipal Law) and State and local sales and use tax (collectively, the “*Financial Assistance*”); and (C) the lease of the Land and Facility by the Agency pursuant to a lease agreement; the acquisition by the Agency of an interest in the Equipment pursuant to a bill of sale from the Company; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “*SEQRA*”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency and the preliminary agreement of the Agency to undertake the Project constitutes such an action; and

**WHEREAS**, the grant of Financial Assistance to the Project is subject to the Agency finding after a public hearing pursuant to Section 859-a of the Act that the Project will serve the public purposes of the Act by promoting economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State or increasing the overall number of permanent, private sector jobs in the State; and

**WHEREAS**, the Agency has not approved undertaking the Project or the granting of the Financial Assistance; and

**WHEREAS**, the grant of Financial Assistance to the Project is subject to the Agency finding after a public hearing pursuant to Section 859-a of the Act that the Project will serve the public purposes of the Act by promoting economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State or increasing the overall number of permanent, private sector jobs in the State.

**NOW, THEREFORE**, be it resolved by the Members of the County of Oswego Industrial Development Agency as follows:

**Section 1.** Based upon the representations made by the Company to the Agency, the Agency hereby makes the following findings and determinations:

(a) The Project Facility constitutes a “project” within the meaning of the Act.

(b) The Financial Assistance contemplated with respect to the Project consists of exemptions from real property tax, mortgage recording tax and State and local sales and use taxation.

**Section 2.** The Agency hereby directs that pursuant to Section 859-a of the Act, a public hearing with respect to the Project and Financial Assistance shall be scheduled with notice thereof published, and such notice shall further be sent to affected tax jurisdictions within which the Project is located.

**Section 3.** A copy of this Resolution shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

**Section 4.** The Chief Executive Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

**Section 5.** This Resolution shall take effect immediately.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Recuse</u>
Nick Canale, Jr.	X				
Donald H. Kunzwiler	X				
Carolyn A. Rush	X				
H. Leonard Schick	X				
Morris Sorbello	X				
Gary T. Toth	X				

The resolution was thereupon declared duly adopted.



## INITIAL RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency was convened in public session on November 7, 2016, at 9:00 a.m., at 44 West Bridge Street, Oswego, New York.

The meeting was called to order by the Chair and, upon the roll being duly called, the following members were:

**PRESENT:** Nick Canale, Jr., Donald H. Kunzwiler, Carolyn A. Rush,  
H. Leonard Schick, Morris Sorbello and Gary T. Toth

**ABSENT:** None

**ALSO PRESENT:** Kevin C. Caraccioli and L. Michael Treadwell

The following resolution was duly offered and seconded:

### **RESOLUTION DETERMINING THAT THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A STUDENT HOUSING FACILITY AT THE REQUEST OF THE COMPANY CONSTITUTES A PROJECT AND DESCRIBING THE FINANCIAL ASSISTANCE REQUESTED IN CONNECTION THEREWITH AND AUTHORIZING A PUBLIC HEARING**

**WHEREAS**, the County of Oswego Industrial Development Agency (the “*Agency*”) is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the “*State*”), as amended, together with Chapter 234 of the Laws of 1973 of the State of New York, as amended from time to time (collectively, the “*Act*”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, prosperity and standard of living, and to prevent unemployment and economic deterioration; and

**WHEREAS**, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to grant “financial assistance” (as defined in the Act) in connection with the acquisition, reconstruction and equipping of one or more “projects” (as defined in the Act); and

**WHEREAS**, Lakeside Commons LLC, or an entity to be formed (the “*Company*”), submitted an application to the Agency on or about October 20, 2016 (“*Application*”), a copy of which is on file at the office of the Agency, requesting the Agency consider undertaking a project (the “*Project*”) consisting of: (A) (i) the acquisition of a leasehold interest in approximately 7 acres of improved real property located at 7112-7114 New York State Route 104, Town of Oswego, County of Oswego, State of New York (the “*Land*”); (ii) demolition of existing structures and the construction of 11 residential buildings containing approximately 84-units (320 bedroom) of market rate student apartments, an approximately 9,000 square foot clubhouse, an approximately 1,600 square foot maintenance building and surface parking for approximately 240 cars, sidewalks, a footpath connecting to SUNY Oswego and other site amenities (collectively, the “*Facility*”); (iii) the acquisition and installation in and around the Facility and/or for use in connection with the Project of various machinery, equipment and furnishings (collectively the “*Equipment*”) (the Land, Facility and Equipment are hereinafter collectively referred to as the “*Project Facility*”); (B) the granting of certain financial assistance in the form of exemptions from real property taxes, mortgage recording tax (except as limited by Section 874 of the General Municipal Law) and State and local sales and use tax (collectively, the “*Financial Assistance*”); and (C) the lease of the Land and Facility by the Agency pursuant to a lease agreement; the acquisition by the Agency of an interest in the Equipment pursuant to a bill of sale from the Company; and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “*SEQRA*”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency and the preliminary agreement of the Agency to undertake the Project constitutes such an action; and

**WHEREAS**, the grant of Financial Assistance to the Project is subject to the Agency finding after a public hearing pursuant to Section 859-a of the Act that the Project will serve the public purposes of the Act by promoting economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State or increasing the overall number of permanent, private sector jobs in the State; and

**WHEREAS**, the Agency has not approved undertaking the Project or the granting of the Financial Assistance; and

**WHEREAS**, the grant of Financial Assistance to the Project is subject to the Agency finding after a public hearing pursuant to Section 859-a of the Act that the Project will serve the public purposes of the Act by promoting economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State or increasing the overall number of permanent, private sector jobs in the State.

**NOW, THEREFORE**, be it resolved by the Members of the County of Oswego

Industrial Development Agency as follows:

**Section 1.** Based upon the representations made by the Company to the Agency, the Agency hereby makes the following findings and determinations:

(a) The Project Facility constitutes a “project” within the meaning of the Act.

(b) The Financial Assistance contemplated with respect to the Project consists of exemptions from real property tax, mortgage recording tax and State and local sales and use taxation.

**Section 2.** The Agency hereby directs that pursuant to Section 859-a of the Act, a public hearing with respect to the Project and Financial Assistance shall be scheduled with notice thereof published, and such notice shall further be sent to affected tax jurisdictions within which the Project is located.

**Section 3.** A copy of this Resolution shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

**Section 4.** The Chief Executive Officer of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

**Section 5.** This Resolution shall take effect immediately.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	<u>Recuse</u>
Nick Canale, Jr.	X				
Donald H. Kunzwiler	X				
Carolyn A. Rush	X				
H. Leonard Schick	X				
Morris Sorbello	X				
Gary T. Toth	X				

The resolution was thereupon declared duly adopted.





**COUNTY OF OSWEGO INDUSTRIAL DEVELOPMENT AGENCY**  
**DISPOSITION OF PROPERTY GUIDELINES**

**1. DEFINITIONS.** As used herein, the following terms shall have the meaning set forth below.

1.1 “Act” shall mean Title 5-A of the New York Public Authorities Law, as amended from time to time.

1.2 “Commissioner of General Services” shall mean the Commissioner of the New York State Office of General Services.

1.3 “Contracting Officer” shall mean the officer or employee of the Agency who shall be appointed by Agency resolution to be responsible for the Disposal of Property.

1.4 “Dispose” or “Disposal” shall mean transfer of title or any other beneficial interest in Property in accordance with these Guidelines and Section 2897 of the Public Authorities Law, as amended from time to time.

1.5 “Guidelines” shall mean these Guidelines, as amended from time to time by Agency resolution.

1.6 “IDA Act” shall mean Title 18-A of the New York General Municipal Law and Section 911-b of the General Municipal Law, each as amended from time to time.

1.7 “Property” shall mean personal property in excess of five thousand dollars (\$5,000) in value, and real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party. For purposes of these Guidelines, Property shall not include the interest granted to the Agency in any “project” (as defined in Section 854(4) of the IDA Act) in connection with the provision of “financial assistance” (as defined in Section 854(14) of the IDA Act) to the extent that such project and the interest granted to the Agency secure the project occupant’s obligations to the Agency or any indebtedness obtained by or on behalf of the project occupant.

**2. CONTROLLING LEGISLATION.**

2.1 The Public Authorities Accountability Act of 2005 requires the Agency to adopt by resolution comprehensive Guidelines which detail the Agency’s operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the Disposal of Property and designate a Contracting Officer with responsibility for compliance with, and enforcement of, these Guidelines.

2.2 These Guidelines are intended to be consistent with and shall be construed in accordance with the Act and the IDA Act. The Agency shall Dispose of its Property in accordance with these Guidelines, the Act and the IDA Act.

2.3 The Act requires the Agency to establish Guidelines to ensure that the Agency shall:

- (i) maintain adequate inventory controls and accountability systems for all Property owned by the Agency and under its control;
- (ii) periodically inventory such Property to determine which Property shall be Disposed of;
- (iii) produce a written report of such Property in accordance with the Act; and
- (iv) Dispose of such Property as promptly as possible in accordance with the Act.

### **3. DUTIES OF CONTRACTING OFFICER.**

Except as otherwise provided herein and in the Act, the Contracting Officer shall have supervision and direction over the Disposal of Property of the Agency and be responsible for compliance by the Agency with, and enforcement of, these Guidelines. The Agency shall have the right to Dispose of its Property for any valid corporate purpose.

### **4. AGENCY PROPERTY.**

4.1 *Custody and Control of Agency Property.*

The custody and control of Agency Property, pending its Disposal, and the Disposal of such Property, shall be performed by the Agency or by the Commissioner of General Services when so authorized under the Act and these Guidelines.

4.2 *Disposal of Agency Property.*

(i) Fair Market Value. The Agency may Dispose of its Property for not less than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Agency by resolution deems proper under the Act and the IDA Act as implemented by these Guidelines, provided, however, except in compliance with all applicable law, no disposition of real Property, any interest in real Property, or any other Property which because of its unique nature is not subject to fair market pricing shall be made unless an appraisal of the value of such Property has been made by an independent appraiser and included in the Agency's record of the transaction.

(ii) Disposal by Commissioner of General Services. When the Agency shall have deemed that Disposal of any of the Agency's Property by the Commissioner of General Services will be advantageous to the Agency and the State of New York, the Agency may

enter into an agreement with the Commissioner of General Services pursuant to which said Commissioner may Dispose of Property of the Agency under terms and conditions agreed to by the Agency and the Commissioner. In Disposing of any such Property, the Commissioner shall be bound by the terms hereof and references to the Contracting Officer shall be deemed to refer to the Commissioner of General Services.

(iii) Public Advertising Required.

(A) All Disposals or contracts for Disposal of Property of the Agency shall be made after publicly advertising for bids except as provided in Section 4.2(iv).

(B) Whenever public advertising for bids is required under this Section 4.2(iii):

(1) the advertisement for bids shall be made at such time prior to the Disposal or contract for Disposal through such methods, and on such terms and conditions as the Contracting Officer determines will permit full and free competition consistent with the value and nature of the Agency's Property proposed for Disposal;

(2) all bids shall be publicly disclosed at the time and place stated in the advertisement; and

(3) the award shall be made by the Contracting Officer on behalf of the Agency with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Agency taking into consideration, price and other factors; provided that all bids may be rejected when the Agency determines it is in the public interest to do so.

(iv) Exception to Public Advertising.

(A) Disposals and contracts for Disposal of Property may be negotiated or made by public auction without regard to Sections 4.2(iii) but subject to obtaining such competition as the Contracting Officer determines to be feasible under the circumstances, if:

(1) the personal Property involved is of a nature and quantity which, if Disposed of under Sections 4.2(iii), would adversely affect the State or local market for such Property, and the estimated fair market value of such Property and other satisfactory terms of Disposal can in the opinion of the Board be obtained by negotiation; or

(2) the fair market value of the Property does not exceed \$15,000; or

(3) bid prices after advertising therefor are not reasonable, either as to all or some part of the Property, or have not been independently arrived at in open competition; or

(4) the Disposal will be to the State or any political subdivision and the estimated fair market value of the Property and other satisfactory terms of Disposal are obtained by negotiation; or

(5)

(a) the Disposal is for an amount less than the estimated fair market value of the Property; and

(b) the terms of such Disposal are obtained by public auction or negotiation; and

(c) the Disposal of the Property is intended to further the public health, safety or welfare or an economic development interest of the Agency, the state or a political subdivision of the State (to include but not limited to, the prevention or remediation of a substantial threat to public health or safety, the creation or retention of a substantial number of job opportunities, or the creation or retention of a substantial source of revenues, or where the IDA Act permits); and

(d) the purpose and the terms of such Disposal are documented in writing and approved by resolution of the Agency; or

(6) such action is otherwise authorized by law.

(B) An explanatory statement shall be prepared by the Contracting Officer of the circumstances of each Disposal by negotiation of:

(a) any personal Property which has an estimated fair market value in excess of \$15,000;

(b) any real Property that has an estimated fair market value in excess of \$100,000, except that any real Property Disposed of by lease or exchange shall only be subject to clauses (c) through (e) of this subparagraph;

(c) any real Property Disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of \$100,000 for any of such years;

(d) any real Property Disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of \$100,000; or

(e) any real Property or real and related personal Property Disposed of by exchange, regardless of value, or any Property any part of the consideration for which is real Property.

(C) Each such explanatory statement shall be transmitted to the Comptroller of the State, the Director of Budget of the State, the Commissioner of General Services and the New York Legislature, not less than ninety (90) days in advance of such Disposal, and a copy thereof shall be retained in the files of the Agency.

## **5. REPORTS.**

5.1 The Agency shall publish, not less frequently than annually, a report listing all Property of the Agency. Such report shall consist of a list and full description of all real and personal Property Disposed of during such period. The report shall contain the price received by the Agency and the name of the purchaser for all such Property Disposed of by the Agency during such period.

5.2 The Agency shall deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, the Commissioner of the New York State Office of General Services, and the New York State Legislature.

## **6. ANNUAL REVIEW AND AMENDMENTS OF GUIDELINES.**

The Guidelines are subject to modification and amendment at the discretion of the Agency in accordance with the Act and IDA Act. On or before March 31 of each year, the Agency shall review and approve the Guidelines annually including the name of the Contracting Officer. On or before March 31<sup>st</sup> of each year, the Guidelines most recently reviewed and approved shall be filed with the Comptroller of the State, posted on the Agency's website and maintained on the Agency's website until guidelines for the following year or amended guidelines are posted.

November 7, 2016