

Date: March 20, 2019

At a regularly scheduled meeting of the City of Poughkeepsie Industrial Development Agency (the "Agency") duly convened by the Vice Chair of the Agency and held on Wednesday, March 20, 2019, at 6:30 p.m. at Common Council Chambers, Poughkeepsie City Hall, 62 Civic Center Plaza, 3rd Floor, Poughkeepsie, New York 12601, the following members of the Agency were:

Present: Melanie Vetter
 Randall Johnson, Sr.
 Nathan Shook
 Norman Smith

Absent:

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to the adoption of certain revisions to the Uniform Tax Exemption Policy of the Agency.

The following resolution was duly moved and seconded, discussed and adopted with the following members voting:

Voting Aye

Voting Nay

Ms Vetter

Mr. Smith

Mr. Johnson

Mr. Shook

RESOLUTION OF THE CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY REGARDING THE ADOPTION OF CERTAIN FURTHER REVISIONS TO THE AGENCY'S UNIFORM TAX EXEMPTION POLICY.

WHEREAS, by Title I of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 304 of the Laws of 1974 of the State of New York, as the same may be amended from time to time (collectively, the "Act"), the **CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency"), was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, the Act authorizes the Agency (1) to promote the economic welfare, recreational opportunities and prosperity of the inhabitants of the City of Poughkeepsie (the "City"), and (2) to promote, attract, encourage and develop recreation and economically sound commerce and industry through governmental action for the purpose of preventing unemployment and economic deterioration; and

WHEREAS, Section 874 of the General Municipal Law of the State of New York (the "GML") requires that each industrial development agency establish a uniform tax exemption policy ("UTEP"), with input from affected tax jurisdictions, which shall be applicable to the provision of financial assistance pursuant to Section 859-a of the GML and shall provide guidelines for the claiming of real property, mortgage recording, and sales tax exemptions; and

WHEREAS, Section 859-a(5) of the GML requires that each industrial development agency adopt by resolution, on or before June 15, 2016, uniform criteria for the evaluation and selection for each category of projects for which financial assistance by such industrial development agency will be provided; and

WHEREAS, after giving all affected tax jurisdictions notice of, and an opportunity to provide input with respect thereto, the Agency, at a meeting duly convened and conducted on or about August 25, 2016, adopted a UTEP in accordance with the requirements of the GML (the "Existing UTEP"); and

WHEREAS, the Agency undertook a review of the Existing UTEP and determined that certain revisions thereto were appropriate and necessary; and

WHEREAS, pursuant to the requirements of Section 874 of the GML, all affected tax jurisdictions were given notice of, and an opportunity to provide input with respect to, the proposed revisions to the Existing UTEP; and

WHEREAS, although not mandated by law, on March 20, 2019 the Agency also conducted a public hearing on the revisions to the Existing UTEP.

NOW, THEREFORE, BE IT RESOLVED by the Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. The Agency hereby adopts the revisions to the Existing UTEP (the "Revised UTEP"), which Revised UTEP is set forth on Exhibit A annexed hereto.

Section 2. From and after the effective date of this resolution all references to the UTEP shall be deemed to be to the Revised UTEP.

Section 3. A copy of this Resolution and the Revised UTEP 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 Agency, acting by and through its Chairperson, Vice Chair or Executive Director, is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Agency with respect to the Revised UTEP are hereby approved, ratified and confirmed.

Section 6. This resolution shall take effect immediately.

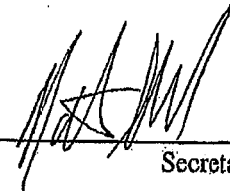
STATE OF NEW YORK)
) : SS.:
COUNTY OF DUTCHESS)

I, the undersigned Secretary of the City of Poughkeepsie Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the City of Poughkeepsie Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on the 20th day of March, 2019, 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 resolutions 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 public notice of the time and place of said meeting was duly given to the public and the news media in accordance with the New York Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, that all members of said Agency had due notice of said meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand, as of the 20th day of March, 2019.



Secretary

EXHIBIT A

Revised Uniform Tax Exemption Policy

(See attached)

CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY TAX EXEMPTION POLICY

The Uniform Tax Exemption Policy of the City of Poughkeepsie Industrial Development Agency ("Agency") is to grant qualifying applicant(s)/owner(s) or their principals ("Applicant") standard real property tax abatements and exemptions from sales, use and mortgage recording taxes as described below. The Agency will determine in its discretion whether a project qualifies for the standard tax abatements and/or exemptions according to the Evaluation Criteria and Scoring System. The applicant will be required to pay full taxes in connection with any Agency financial assistance unless the Agency has determined to provide for the standard exemptions. The Agency may determine to deviate from the standard exemptions to provide benefits on a case-by-case basis.

1. IDA Mission Statement and Goals

Mission Statement

The mission of the City of Poughkeepsie, NY Industrial Development Agency (IDA) is to build the industrial and economic strength and resilience of the City with the intent of growing employment, jobs and city revenue. The IDA will fulfill its mission by:

- Actively promoting and encouraging the attraction, cultivation, growth and retention of city industry and business
- Awarding financial incentives to projects, including exemptions from property, sales, use and mortgage recording taxes, grants, and bond financing for projects aligned with city success

Goals

- I. **Improve Employment**
 - Increase number of new permanent jobs
 - Increase income and wage levels
 - Retain jobs
- II. **Attract, Grow and Accelerate Investment**
 - Reward large investments
 - Provide incentives for smaller projects
 - Preserve affordable housing
 - Mitigate blight and abandoned existing structures
- III. **Protect and Build Tax Base**
 - Maximize long-term tax revenue from new development
 - Optimize near term tax revenue while minimizing developer front end cashflow risk
 - Encourage development in distressed areas of the City
 - Build density in the City core
 - Preserve historic assets

2. Real Property Taxes

UTEP Evaluation Criteria and Scoring System for Real Property Tax Exemptions

UTEP Disqualifiers

Applicant(s)/Owner(s) or its principals has/have:

- Previously been granted a PILOT by the City of Poughkeepsie IDA where the **previous project failed to meet its agreed to objectives** (e.g., number of permanent jobs created)
- Have any **outstanding unmet obligations** (financial or otherwise) to the City of Poughkeepsie
- Previously been convicted of **financial criminal offense**

- Ever been in receivership or been adjudicated of **bankruptcy**
- Submitted a currently proposed project for which 30% or more of the total project cost will be devoted to the development of **retail trade square footage**
- Submitted a currently proposed project with an **insufficient UTEP score (below 35)** to be eligible for any type of PILOT
- Cost Benefit Analysis does not meet **ROI** and project payback period as determined by the IDA

UTEP Evaluation Criteria

The new UTEP Evaluation Criteria and Scoring System reflects all the above goals manifested in nine mutually exclusive evaluation criteria:

1. Number of New Full-Time Permanent Jobs Created (minimum annual income = NYS minimum wage at 40 hours/week)
2. Project Location
3. Total Square Footage Size of Building
4. Building Size to Development Site Size Square Footage Density Ratio
5. Average Annual Income of New Full-Time Permanent Jobs Created
6. Affordability of Housing Created (Affordable = 30% of City of Poughkeepsie Median Income)
7. Building Occupancy Commercial to Residential Usage
8. Development Site Condition
9. Existing Structure Preservation

Note: See Appendix for specifics

Scoring System

The City of Poughkeepsie IDA takes the following steps to score a proposed project:

- Applicant's project will be scored for each of the nine criteria. The nine scores will be added together to determine a total qualification score for that applicant's project and PILOT eligibility
- Uses the total project score to determine for which type of standard UTEP PILOT and associated tax exemption schedule the project is eligible, if any

Deviations

In some rare cases where appropriate or necessary, the IDA may deviate from a standard PILOT tax exemption amount, timing, and PILOT qualification at its discretion as allowed by New York State. IDA tax exemption amounts, timing, and qualification may also be modified to account for other financial assistance for which a development project is eligible or has been granted (including low-interest loans, federal economic development zones, etc.) In general, the IDA will adhere to the standard UTEP PILOT tax exemption schedules for all projects and will deviate from the UTEP for projects under the following unusual circumstances:

- Projects that have highly desirable **special attributes/characteristics** with substantial merit that are not considered under standard UTEP evaluation
- **Exceptional opportunities** with clearly-identifiable, highly-beneficial, large positive impact to the City above or beyond the UTEP's range of typical projects
- Projects with **marginal insufficient UTEP scores** but are consistent with IDA goals and deemed valuable to the city that would not otherwise be completed or successful without tax exemption
- Projects referred to the IDA for consideration by the City's **Anti-Blight** Task Force which renovate, rehabilitate or repurpose three or more existing vacant structures within the City

Any deviation from the guidelines set forth above requires the written notification by the Agency to affected tax jurisdiction as to the proposed deviation and the reason(s) therefore.

Basic UTEP Parameters

- IDA UTEP PILOT Schedules apply only to the percent tax exemption of annual incremental tax increase amounts as determined by the City Tax Assessor for completed improved properties
- The Agency will assess 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
- The Agency will conduct or cause to be conducted a written cost-benefit analysis that identifies the extent to which a proposed project will create or retain permanent, private sector jobs; the estimated value of any tax exemptions to be provided; 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; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that might occur as a result of the project
- The applicants will be required to represent that the project, as of the date of the application, is in substantial compliance with all provisions of Article 18-A of the General Municipal Law including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862
- If the project involves the removal or abandonment of a facility or plant within the state, notification by the agency to officers of the municipality or municipalities in which the facility or plant was located
- It is the policy of the IDA that firms benefiting from its programs shall employ, to the extent possible, workers in the City of Poughkeepsie and the local labor market during all project phases, including the construction phase. For the purposes of this Policy, the local labor market shall be defined as the region consisting of the City of Poughkeepsie pursuant to Section 230 of the Economic Development Law (the "Region")
- The UTEP has four standard schedules each based on a range of potential total scores against the evaluation criteria
- Any PILOT recommended by the IDA with a deviation for a term greater than 20 years or a tax exemption exceeding \$5 million total for any exemption period requires approval by the City's Common Council
- All PILOT projects allow for a construction period of one year before PILOT structure begins. Any PILOT projects that take longer than one-year construction time to be completed must be re-evaluated by the IDA and the PILOT may be withdrawn or the terms of the PILOT modified at the sole discretion of the IDA
- ROI and payback periods set by IDA must be met
- If developer is also the contractor or subcontractor, contractor or subcontractor markup may not be included in ROI calculation. Only actual costs of material and labor should be included

City of Poughkeepsie Property Improvements Exemption Table

**City of Poughkeepsie, NY
IDA Real Property Tax UTEP Schedules
Percent Tax Exemption of Annual Incremental Tax Increase Amount for
Completed Improved Property**

Year	None	A	B	C	D
1	0	20	70	100	95
2	0	20	60	100	90
3	0	20	50	85	85
4	0	20	40	75	80
5	0	20	30	65	75
6	0	0	10	55	70
7	0	0	10	45	65
8	0	0	10	35	60
9	0	0	10	25	55
10	0	0	10	15	50
11	0	0	0	0	45
12	0	0	0	0	40
13	0	0	0	0	35
14	0	0	0	0	30
15	0	0	0	0	25

TAX EXEMPTION ELIGIBILITY	
Tax Exemption	Score Range
None	0-34
Schedule A	35-44
Schedule B	45-64
Schedule C	64-84
Schedule D	85-100

Impact of Additional Project Financial Assistance

The exemptions noted above presume no additional subsidies for proposed developments from federal, state or local sources. Projects with other subsidies must document to the IDA that the subsidy provider was provided a budget which clearly showed the IDA property tax exemption. The IDA reserves the right to reduce the exemption if additional subsidies are provided after approval by the IDA or the subsidy provider was not aware of the exemption. Projects wishing to deviate from the exemptions on this table must secure, at their own expense, the approval of each taxing authority (city, county and school district).

3. Sales and Use Tax Exemptions

The Agency's policy is to permit purchases of construction materials and equipment rentals and purchases of project related Equipment, furnishings and services to be made as agent of the Agency to the fullest extent permitted by New York State Law. Projects approved by the Agency are afforded full exemption from local and New York State Sales and Use Taxes until 1) project completion as determined by issuance of a certificate of occupancy, or 2) a date certain established by the Agency on a project-by-project basis. Operating and maintenance expenses of projects are not

incurred as agent of the Agency, and no sales or use tax exemption is provided therefor. Projects eligible for sales and use tax exemptions include industrial projects and non-industrial projects.

All applicants must agree in writing to file with the New York State Department of Taxation and Finance an annual statement of the value of all sales and use tax exemptions claimed in connection with the project on a form and in such a manner as prescribed by §874(8) of the New York General Municipal Law.

4. Mortgage Recording Tax Exemption

The Agency's policy is to permit mortgage tax exemptions on all project related tax financing to the fullest extent permitted by New York State law, whether or not the Agency has issued its bonds to finance the project. Projects eligible for mortgage recording tax exemptions include industrial projects and non-industrial projects. The Agency may, in its sole discretion, permit mortgage recording tax exemptions on all non-project related financings, for example, second mortgages on the project to secure subordinated indebtedness of the project applicant.

5. Public Improvement Exemption

The Agency may, in its sole discretion, grant an additional exemption from real property taxes for approved voluntary public improvements. An applicant must qualify for financial assistance and the exemption is an addition to an exemption contained in Paragraph 2. Such exemption shall be in the amount set by the Agency, but not greater than the cost of the public improvement. The exemption shall be amortized over a period not to exceed twenty (20) years and in an amount not to exceed \$25,000 per year. A Public Improvement shall be defined as the construction, or contribution to construction, enlargement, extension or repair of a facility available for use by the public at-large including but not limited to curbs, sidewalks, street furniture, fountains, landscaping, land purchase, upgraded architecture, structured parking, pedestrian bridges, parks, plazas, open space, water, sewer and storm water facilities, roads, street lights, traffic signals, trails and other public amenities. In order to be entitled to an exemption under this provision, the Public Improvement must be approved by the Agency, in its sole discretion. Improvements required by the Planning Board as part of a site plan application and or required to mitigate potential impacts which are required pursuant to the State Environmental Quality Review Act ("SEQRA"), do not qualify for public improvement.

6. Reporting and Monitoring

All City of Poughkeepsie IDA projects are subject to local monitoring by the IDA. It is incumbent on the applicant to provide all required accurate reporting and data to the IDA and the City Tax Assessor annually to maintain the PILOT exemption. The PILOT will automatically not be renewed if the required reporting is not sent to the IDA and the City Tax Assessor by January 15th of any given year. The project agreement will include a requirement for annual reporting to the IDA in the form required by the IDA, including at least a certified statement and documentation as to:

- The total project investment during the annual period and to date
- The number of FTE construction and permanent jobs retained and created during the annual period and to date as a result of the financial assistance, by category, including full time equivalent independent contractors or employees of independent contractors that work at the project location, and indicating that the salary and fringe benefit averages or ranges for categories of jobs retained and jobs created that was provided in the application is still accurate and if it is not still accurate, providing a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created
- The total value of taxes and assessments paid to local taxing jurisdictions including real property tax and PILOT during the annual period and to date
- A copy of the annual sales and use tax exemption report and the total value of sales and use taxes paid during the annual period and to date
- The completion date or expected completion date of the project

- The owner, occupant or operator receiving financial assistance shall certify, under penalty of perjury, that it is in substantial compliance with all local, state and federal tax, worker protection and environmental laws, rules and regulations
- Whether the project is in compliance with the terms and conditions of the IDA project financial assistance agreement
- All other information required to be reported by the IDA with respect to the project pursuant to applicable law

7. Financial Assistance Agreements; Payment in Lieu of Taxes

Each project receiving an abatement and/or exemption of real property taxes 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 paragraph 1 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. To the extent required by Section 85B (15) of the General Municipal Law, unless otherwise agreed by the affected tax jurisdictions, payment in lieu of taxes shall be allocated among the affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been tax exempt due to the status of the Agency involved in the project.

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 §85B (15) of the New York General Municipal Law.

Projects granted exemptions from sales and use taxes and/or mortgage tax exemption will also be required to execute a financial assistance agreement. A PILOT Agreement or other financial assistance agreement will be in substantially the form of the standard financial assistance agreement approved by the Agency, including provisions for reporting and recapture as described herein.

8. Recapture of Benefits

The financial assistance agreement will include a provision that the Agency, at its sole discretion and on a case-by-case basis, may determine with respect to a particular project that such project has failed to meet its intended goals and suspend, discontinue or recapture by the Agency 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 are not limited to:

- Significant employment reduction
- Significant change in use of facility
- Significant change in business activities or project applicant operator
- Material non-compliance with or breach in terms of Agency transaction documents or of zoning or land use laws or regulations or federal, state or local environmental laws or regulations
- If a PILOT property is sold or refinanced with the 5-year PILOT schedule (First year of construction not included) owners will repay 100% of tax exemptions granted to developer under the PILOT granted on the property.
- If a PILOT property is sold or refinanced with the 6+ years of PILOT schedule (First year of construction not included) owner will repay 50% of tax exemptions granted to developer under the PILOT granted on the property
- PILOT projects cannot be transferred to new ownership
- If some ownership remains the same and an owner of the PILOT changes a PILOT claw back may be triggered

The Agency in its sole discretion and on a case-by-case basis, determines the timing and percentage of the recapture.

9. Fees

The Agency shall, at its annual meeting establish a fee schedule by separate resolution.

10. Effective Date

Unless otherwise determined by the Agency this Uniform Tax Exemption Policy shall apply to all agreements for the provision of financial assistance entered into on or after February 19, 2019.

11. Amendments

The Agency, by resolution of its members, and upon notice to all affected taxing jurisdictions as may be required by law, may amend or modify the foregoing policy as it may, from time to time to time, in its sole discretion. The City's Uniform Exemption Policy shall be reviewed by the IDA board and reaffirmed every two years.

APPENDIX

APPENDIX

IDA PILOT PROJECT SCORING CRITERIA	
1. DIRECT PERMANENT FULL-TIME JOBS *	
a. High (Over 40)	.....
b. Moderate (15 - 40)	.....
c. Low (5 - 14)	.....
2. TARGET LOCATIONS	
a. Main Street Center **	.....
b. Primary Target Areas ***	.....
c. All Other City Areas	.....
3. PROJECT SQUARE FOOTAGE SIZE	
a. Large (Over 50,000)	.....
b. Medium (20,000 - 50,000)	.....
c. Small (5,000 - 19,999)	.....
4. BUILDING DENSITY (Total Building SQFT/Total Lot SQFT)	
a. High (Over 8)	.....
b. Medium (4.6 - 8)	.....
c. Low (2 - 4.5)	.....
5. AVERAGE ANNUAL INCOME OF NEW PERMANENT JOBS CREA	
a. High (Over \$75,000)	.....
b. Medium (\$50,000 - \$75,000)	.....
c. Low (\$32,000 - \$49,000)	.....
6. COMMERCIAL-RESIDENTIAL BUILDING SQUARE FOOT USAGE	
a. Industrial/Commercial (Over 75% Commercial)	.....
b. Mixed Use (25 - 75% Commercial)	.....
c. Residential (Less Than 25% Commercial)	.....
7. BUILDING SITE CONDITION	
a. Brownfield with Complications	.....
b. Abandoned or Blighted Building	.....
c. Undeveloped Open Vacant Land or Infill	.....
8. HOUSING AFFORDABILITY ****	
a. High (Over 60% Affordable Units)	.....
b. Moderate (35 - 60% Affordable Units)	.....
c. Low (20 - 34% Affordable Units)	.....
9. EXISTING STRUCTURE PRESERVATION	
a. Adaptive Reuse	.....
b. Historic Restoration	.....
c. All Other Structure	.....

Footnotes

* Annual Income Minimum = State Minimum Wage at Full Time

** Main Street Center = Main Street Between Market Street and Grand Avenue

*** Primary Target Area Includes:

- City Core = Area Between Eastbound Arterial and Westbound Arterial Bordered by Western Arterial and Grand Street, Excluding Main Street Between Market Street and Grand Avenue
- Industrial Zone = Smith Street from Mansion to Salt Point Turnpike; All of Cottage Street; All of Oakley Street; All of Pershing Avenue
- Walkway Area = Washington Street Between Brookside Avenue and Taylor Avenue; Parker Avenue Between Washington Street and Clinton Street

**** Affordable = 70% or Less of County Market Rate Rental Cost by Number of Bedrooms Provided in Annual County Rental Survey