

Albany Industrial Development Agency

21 Lodge Street
Albany, New York 12207
Telephone: (518) 434-2532
Fax: (518) 434-9846

Tracy Metzger, *Chair*
Susan Pedo, *Vice Chair*
Darius Shahinfar, *Treasurer*
C. Anthony Owens, *Secretary*
Lee Eck
Dominick Calsolaro
Robert Schofield

Sarah Reginelli, *Chief Executive Officer*
Mark Opalka, *Chief Financial Officer*
John Reilly, *Agency Counsel*

To: Tracy Metzger
Darius Shahinfar
Susan Pedo
Anthony Owens
Lee Eck
Dominick Calsolaro
Robert Schofield

Sarah Reginelli
John Reilly
Joe Scott
Mark Opalka
Brad Chevalier
Andy Corcione
Chantel Burnash
Sabina Mora

Date: July 10, 2015

AGENDA

A regular meeting of the City of Albany Industrial Development Agency will be held on
Thursday, July 16th at 12:15 PM at 21 Lodge Street, Albany, NY 12207

Roll Call

Reading of Minutes of the Board Meeting of June 18, 2015

Approval of Minutes of the Board Meeting of June 18, 2015

Reports of Committees

Report of Chief Financial Officer

- Financial Report

Unfinished Business

- None

New Business

- 40 Steuben LLC
 - Corporate Structure/Lease Approval Resolution
- 760 Broadway LLC
 - Project Update & Discussion

Other Business

- Board Continuing Education
 - 2015 IDA Reform Legislation

Adjournment

The next regularly scheduled Board meeting will be held Thursday, August 20, 2015

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IDA MINUTES OF REGULAR MEETING Thursday, June 18, 2015

Attending: Tracy Metzger, Darius Shahinfar, C. Anthony Owens, Dominick Calsolaro, Lee Eck, Robert Schofield, and Susan Pedo

Absent: Bradley Chevalier

Also Present: Sarah Reginelli, Mark Opalka, Andy Corcione, Chantel Burnash, Sabina Mora, Amy Gardner, Mike Bohne, Joseph Scott, and John Reilly

Chair Tracy Metzger called the regular meeting of the IDA to order at 12:17 PM.

Roll Call

Chair Tracy Metzger reported that all Board members were present.

Reading of Minutes of the June 3, 2015 Special Board Meeting

Since the minutes of the previous meeting had been distributed to Board members in advance for review, Chair Tracy Metzger made a proposal to dispense with the reading of the minutes.

Approval of Minutes of the June 3, 2015 Special Board Meeting

Chair Tracy Metzger made a proposal to approve the minutes of the Special Board Meeting of June 3, 2015, as presented. A motion to accept the minutes, as presented, was made by Susan Pedo and seconded by Lee Eck. A vote being taken, the minutes were accepted unanimously.

Reports of Committees

None

Reports of the Chief Financial Officer

Mark Opalka reviewed the monthly financial report that was provided in advance for review.

Unfinished Business

One Columbia Place Realty, LLC

The Applicant provided a brief status update on his project at One Columbia Place. The Applicant intends to have the project completed in June 2016. The Applicant also provided a brief status update on his project at 412 Broadway, stating that the construction has been finalized and that 28 out of 32 of the apartments are currently rented. Staff advised the Board that there would be a downtown residential open house in August. Invitations will be distributed to the Board once it is finalized.

Chair Tracy Metzger presented the One Columbia Place Realty, LLC – Resolution Confirming SEQR Determination to the Board. A motion to adopt the Resolution was made by Susan Pedo and seconded by Lee Eck. The resolution passed unanimously.

Chair Tracy Metzger presented the One Columbia Place Realty, LLC – Commercial/Retail Findings Resolution to the Board. A motion to adopt the Resolution was made by C. Anthony Owens and seconded by Darius Shahinfar. The resolution passed unanimously.

Chair Tracy Metzger presented the One Columbia Place Realty, LLC – PILOT Deviation Approval Resolution to the Board. A motion to adopt the Resolution was made by C. Anthony Owens and seconded by Lee Eck. The resolution passed unanimously.

Chair Tracy Metzger presented the One Columbia Place Realty, LLC – Approving Resolution to the Board. A motion to adopt the Resolution was made by C. Anthony Owens and seconded by Susan Pedo. The resolution passed unanimously.

New Business

Albany Medical Center Hospital – 2005 Project

Counsel informed the Board that there is a need to extend the letters of credit for the Albany Medical Center Hospital – 2005 Project and all parties involved need to approve the extension. Counsel explained that this is an administrative matter.

Chair Tracy Metzger presented the Albany Medical Center Hospital – 2005 Project - Resolution Approving Extension of Letters of Credit to the Board. A motion to adopt the Resolution was made by C. Anthony Owens and seconded by Dominick Calsolaro. Robert Schofield abstained from the vote. A vote being taken, the motion passed unanimously, with one abstention.

Upstate Revitalization Initiative (URI)

The Capitalize Albany Corporation's Staff left the room since Michael Castellana (Chair of Capitalize Albany Corporation) is Co-chair of the subcommittee formed to lead the region's effort to compete for the Governor's Upstate NY Economic Revitalization Competition. The Board discussed at length the Agency's participation of the URI. Robert Schofield described a presentation he attended that morning by the Chamber of Commerce where Chair Castellana spoke of the importance of participation in this effort. John DeCelle gave a presentation to the Board, on behalf of the URI's Capital Region Economic Development Council (CREDC) subcommittee, to address previous questions from the Board. The Board stressed their support for the CREDC's efforts.

Chair Tracy Metzger presented the CFA Consultant Upstate Resolution to the Board. A motion to adopt the Resolution was made by Darius Shahinfar and seconded by Robert Schofield. Susan Pedo abstained from the vote. A vote being taken, the motion passed unanimously, with one abstention.

Other Business

Staff informed the Board that they have documented the City of Albany IDA's performance relative to the recent Office of the State Comptroller report, as previously presented to the Board. The analysis was turned into a press release and distributed to the Board. It is also posted on the Agency's website. The Agency has compared favorably across all categories statewide. The Board commented that the numbers are evidence of the hard work and thoughtfulness put in to each project evaluation.

Staff advised the Board that they have been working with the Applicant for 760 Broadway LLC on the concerns raised by the Finance Committee and are hopeful to have the Applicant back for the Finance Committee meeting in July.

Staff and Board discussed Capitalize Albany activity and positive downtown projects coming to fruition, such as Coulson's News offering a full service deli, the development of Steuben Street Market, and the upcoming ribbon cutting for the Capital South Campus Center Meals on Wheels Culinary Arts Kitchen.

There being no further business, Chair Tracy Metzger adjourned the meeting at 12:58 PM.

Respectfully submitted,

C. Anthony Owens, Secretary

City of Albany IDA
2015 Monthly Cash Position
June 2015

	<i>Actual</i>						<i>Projected</i>						<i>YTD Total</i>
	January	February	March	April	May	June	July	August	September	October	November	December	
Beginning Balance	\$ 1,956,693	\$ 2,068,108	\$ 2,023,978	\$ 2,457,184	\$ 2,493,193	\$ 2,531,719	\$ 2,464,105	\$ 2,477,096	\$ 2,726,804	\$ 2,850,002	\$ 2,824,717	\$ 2,799,431	\$ 1,956,693
Revenue													
Fee Revenue													
Application Fee	\$ 1,500	\$ 3,000	\$ 1,500	\$ 1,500	\$ 1,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,000
Agency Fee	-	-	525,835	62,000	80,030	22,150	37,783	275,000	229,737	-	-	-	1,232,535
Administrative Fee	-	-	50,460	-	-	-	-	-	-	-	-	-	50,460
Modification Fee	-	500	500	-	-	-	500	-	-	-	-	-	1,500
Subtotal - Fee Revenue	\$ 1,500	\$ 3,500	\$ 578,295	\$ 63,500	\$ 81,530	\$ 22,150	\$ 38,283	\$ 275,000	\$ 229,737	\$ -	\$ -	\$ -	\$ 1,293,495
Other Revenue													
Project Benefit Agreement	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000
9% LIHTC Fee	10,000	-	10,000	-	-	-	-	-	-	-	-	-	20,000
Interest Income	34	31	42	41	43	34	41	41	45	48	47	47	494
CRC	-	-	-	-	-	-	-	-	-	-	-	45,000	45,000
NYS BIC	-	-	-	-	-	-	-	-	-	-	-	-	-
Misc	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal - Other Revenue	\$ 110,034	\$ 31	\$ 10,042	\$ 41	\$ 43	\$ 34	\$ 41	\$ 41	\$ 45	\$ 48	\$ 47	\$ 45,047	\$ 165,494
Total - Revenue	\$ 111,534	\$ 3,531	\$ 588,337	\$ 63,541	\$ 81,573	\$ 22,184	\$ 38,324	\$ 275,041	\$ 229,782	\$ 48	\$ 47	\$ 45,047	\$ 1,458,989
Expenditures													
Management Contract	\$ -	-	\$ 75,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 300,000
Downtown Tactical Plan	-	-	-	-	-	-	-	-	-	-	-	-	-
APA Contract	-	-	-	-	-	-	-	-	-	-	-	-	-
Audits	-	5,300	-	1,700	-	-	-	-	-	-	-	-	7,000
Agency Counsel	-	42,000	-	-	-	-	-	-	-	-	-	-	42,000
ED Support	-	-	62,500	-	-	62,500	-	-	62,500	-	-	62,500	250,000
Sub-lease AHCC	-	-	17,232	-	17,762	-	-	-	18,750	-	-	18,750	72,494
NYS BIC	-	-	-	-	-	-	-	-	-	-	-	-	-
D & O Insurance	-	-	-	-	-	1,410	-	-	-	-	-	-	1,410
Misc.	119	361	399	833	285	692	333	333	334	333	333	334	4,689
Legal Expenses	-	-	-	-	-	-	-	-	-	-	-	20,118	20,118
Other Expenses	-	-	-	-	-	196	-	-	-	-	-	804	1,000
Total - Expenditures	\$ 119	\$ 47,661	\$ 155,131	\$ 27,533	\$ 43,047	\$ 89,798	\$ 25,333	\$ 25,333	\$ 106,584	\$ 25,333	\$ 25,333	\$ 127,506	\$ 698,711
Ending Balance	\$ 2,068,108	\$ 2,023,978	\$ 2,457,184	\$ 2,493,193	\$ 2,531,719	\$ 2,464,105	\$ 2,477,096	\$ 2,726,804	\$ 2,850,002	\$ 2,824,717	\$ 2,799,431	\$ 2,716,972	\$ 2,716,972

City of Albany IDA

Fee Detail by Month

June 2015

	Name	Application Fee	Agency Fee	Administration Fee	Modification Fee	TOTAL FEE
<i>January</i>	SUNY Associates	\$ 1,500	\$ -	\$ -	\$ -	\$ 1,500
	TOTAL	\$ 1,500	\$ -	\$ -	\$ -	\$ 1,500
<i>February</i>	Kenwood LLC	\$ 1,500	\$ -	\$ -	\$ -	\$ 1,500
	One Columbia Place Realty LLC	1,500	-	-	-	1,500
	Penta On Broadway LLC	-	-	-	500	500
	TOTAL	\$ 3,000	\$ -	\$ -	\$ 500	\$ 3,500
<i>March</i>	Park South Partners	\$ -	\$ 525,835	\$ -	\$ -	\$ 525,835
	AFP 107 Corporation	-	-	500	500	1,000
	Albany Hotel LLC	-	-	49,960	-	49,960
	40-48 South Peal Street, LLC	1,500	-	-	-	-
	TOTAL	\$ 1,500	\$ 525,835	\$ 50,460	\$ 500	\$ 578,295
<i>April</i>	Eleftheria Properties, LLC	\$ -	\$ 62,000	\$ -	\$ -	\$ 62,000
	Broadway Albany Realty, LLC	1,500	-	-	-	1,500
	TOTAL	\$ 1,500	\$ 62,000	\$ -	\$ -	\$ 63,500
<i>May</i>	67 Howard Street, LLC	\$ -	\$ 80,030	\$ -	\$ -	\$ 80,030
	760 Broadway LLC	1,500	-	-	-	1,500
	TOTAL	\$ 1,500	\$ 80,030	\$ -	\$ -	\$ 81,530
<i>June</i>	Broadway Albany Realty, LLC	\$ -	\$ 22,150	\$ -	\$ -	\$ 22,150
	TOTAL	\$ -	\$ 22,150	\$ -	\$ -	\$ 22,150

City of Albany IDA

Fee Detail by Month

June 2015

	Name	Application Fee	Agency Fee	Administration Fee	Modification Fee	TOTAL FEE
<i>July</i>	40 - 48 North Pearl Street, LLC	\$ -	\$ 12,213	\$ -	\$ -	\$ 12,213
	Albany Medical Center	-	-	-	500	
	One Columbia Realty, LLC	-	25,570	-	-	
	TOTAL	\$ -	\$ 37,783	\$ -	\$ 500	\$ 38,283
<i>August</i>	1475 Washington Avenue Associates, LLC	\$ -	\$ 275,000	\$ -	\$ -	275,000
	TOTAL	\$ -	\$ 275,000	\$ -	\$ -	\$ 275,000
<i>September</i>	CDP Holland, LLC	\$ -	\$ 229,737	\$ -	\$ -	229,737
	TOTAL	\$ -	\$ 229,737	\$ -	\$ -	\$ 229,737
<i>October</i>		\$ -	\$ -	\$ -	\$ -	-
	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
<i>November</i>		\$ -	\$ -	\$ -	\$ -	-
	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
<i>December</i>		\$ -	\$ -	\$ -	\$ -	-
		\$ -	\$ -	\$ -	\$ -	-
	TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -
	2015 TOTAL	\$ 9,000	\$ 1,232,535	\$ 50,460	\$ 1,500	\$ 1,293,495
		<i>Application Fee</i>	<i>Agency Fee</i>	<i>Administration Fee</i>	<i>Modification Fee</i>	<i>TOTAL FEE</i>

**APPROVAL RESOLUTION
40 STEUBEN LLC PROJECT – CORPORATE STRUCTURE/LEASE**

A regular meeting of City of Albany Industrial Development Agency (the “Agency”) was convened in public session at the office of the Agency located at 21 Lodge Street in the City of Albany, Albany County, New York on July 16, 2015 at 12:15 o’clock p.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Tracy L. Metzger	Chair
Susan Pedo	Vice Chair
C. Anthony Owens	Secretary
Hon. Darius Shahinfar	Treasurer
Dominick Calsolaro	Member
Lee Eck	Member
Robert T. Schofield	Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Sarah Reginelli	Chief Executive Officer
Mark Opalka	Chief Financial Officer
Sabina Mora	Senior Economic Developer, Capitalize Albany Corporation
Andrew Corcione	Economic Developer, Capitalize Albany Corporation
Chantel Burnash	Executive Assistant, Capitalize Albany Corporation
John J. Reilly, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel

The following resolution was offered by _____, seconded by _____, to
wit:

Resolution No. ____

RESOLUTION AUTHORIZING THE EXECUTION BY CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY OF A CERTAIN CONSENT TO LEASE AND RELATED DOCUMENTS IN CONNECTION WITH THE 40 STEUBEN LLC PROJECT.

WHEREAS, City of Albany Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 325 of the 1974 Laws of New York, as amended, constituting Section 903-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as 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, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their 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 acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on October 9, 2014 (the “Closing Date”), the Agency entered into a lease agreement dated as of October 1, 2014 (the “Lease Agreement”) in connection with assisting 40 Steuben LLC (the “Company”) in undertaking a mixed use retail/residential facility project (the “Project Facility”); and

WHEREAS, pursuant to the Lease Agreement, the Company must obtain the consent of the Agency in connection with certain conveyances, leases and other uses of the Project Facility; and

WHEREAS, the Company has advised the Agency that for corporate and financial structuring reasons the Company would like to enter into a certain “master lease” with 40 Steuben Ltd., a related company (the “Request”); and

WHEREAS, in connection with the Request, the Company has requested the Agency to enter into (1) a consent to lease dated as of the closing (the “Consent”), and (2) any other documents required by the Company in order to facilitate the Request (collectively, the “Consent Documents”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to proceed with approving the Request; and

WHEREAS, pursuant to SEQRA, the Agency has examined the Request in order to make a determination as to whether the Request is subject to SEQRA, and it appears that the Request constitutes a Type II action under SEQRA;

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

Section 1. Based upon an examination of the Request, the Agency hereby determines that the Request constitutes a “Type II action” pursuant to 6 NYCRR 617.5(c)(23), and therefore that, pursuant to 6 NYCRR 617.6(a)(1)(i), the Agency has no further responsibilities under SEQRA with respect to the Request.

Section 2. The Agency hereby authorizes the execution by the Agency of the Consent Documents, subject to the following conditions: (A) approval of the form of the Consent Documents, by Agency counsel and by Special Agency Counsel, (B) receipt by the CEO of (1) the Agency's administrative fee relating to the Request, if any, and (2) counsel's fees, if any, relating to the Request, (C) compliance with the terms of the Lease Agreement (and the other applicable Financing Documents (as defined in the Lease Agreement)), and (D) the following additional conditions:

_____.

Section 3. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chair (or Vice Chair) of the Agency is hereby authorized to execute and deliver the Consent Documents to the Company, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) to constitute conclusive evidence of such approval.

Section 4. The 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 or provided for by the provisions of the Consent Documents, and to execute and deliver all such additional 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 Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Consent Documents binding upon the Agency.

Section 5. This Resolution shall take effect immediately.

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

Tracy L. Metzger	VOTING	_____
Susan Pedo	VOTING	_____
C. Anthony Owens	VOTING	_____
Hon. Darius Shahinfar	VOTING	_____
Dominick Calsolaro	VOTING	_____
Lee Eck	VOTING	_____
Robert T. Schofield	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned (Assistant) Secretary of City of Albany Industrial Development Agency (the “Agency”), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 16, 2015 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of such proceeding so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this ____ day of July, 2015.

(Assistant) Secretary

(SEAL)

TO: City of Albany Industrial Development Finance Committee

FROM: City of Albany Industrial Development Agency Staff

RE: 760 Broadway, LLC - IDA Application Summary

DATE: July 10, 2015

Staff Notes:

This project summary is in response to the request for financial assistance by the Applicant which was formally introduced to the IDA Finance Committee on May 12, 2015 where the Committee had questions and concerns. The Finance Committee requested additional information from the Applicant. The project was further discussed at the June 10th 2015 Finance Committee meeting as well as the July 8th 2015 Finance Committee. At the July 8th Finance Committee meeting, the Committee requested that the project's financial assistance be discussed further at the July 16th regular Board meeting. Staff seeks feedback and direction from the Finance Committee and the Board.

Please note: this project summary will continue to be updated as the project progresses through staff review and Agency consideration.

Applicant: 760 Broadway, LLC

Managing Members (% of Ownership): David Sarraf, (50.00%) and Harris Sarraf, (50.00%)

Project Location: 766 Broadway

Project Description: The project consists of the acquisition of a 1.4-acre parking lot at 766 Broadway and the construction of an approx. 5-story 100,000 SF market rate apartment building. The building will be comprised of 100 rental units with 125 interior garage parking spaces (approx. 34,000 SF) on the ground floor. The anticipated unit breakdown is as follows: 20 studio apartments (600 to 650 SF per unit), 65 one-bedroom apartments (850 SF per unit) and 15 two-bedroom apartments (1,100 to 1,200 SF per unit). Additionally, there will be one (1) 2,000 SF retail space on the ground floor with frontage on Broadway.

Estimated Project Cost: \$15,000,000

Type of Financing: Straight Lease

Amount of Bonds Requested: None

Estimated Total Purchases Exempt from Sales Tax: \$4,437,500

Estimated Total Mortgage Amount: \$12,000,000

Current Total Assessment: \$300,000

Estimated Improved Total Assessment: \$6,173,100

Requested PILOT: Please see attached.

Estimated Value of Total PILOT Payments: Please see attached.

Estimated Value of Tax Exemptions:

- NYS Sales and Compensating Use Tax: \$355,000
- Mortgage Recording Taxes: \$150,000
- Real Property Taxes: Please see attached.
- Other: N/A

Employment Impact:

- Projected Permanent: (3) new FTEs
- Projected Construction: (100) jobs

Strategic Initiatives:

- Albany 2030
 - Increase job opportunities for all residents.
 - Encourage investment in urban land and historic buildings for employment and housing.
 - Provide a foundation for economic activity and increase economic diversity.

Planning Board Actions:

- Applicant has not appeared before the Planning/Zoning Board

Estimated IDA Fee

- Fee amount: \$150,000

Mission

- The purpose of the Industrial Development Agency is to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research and recreation facilities. The Agency aims to protect and promote the health of the inhabitants of the City of Albany by the conservation, protection and improvement of the natural and cultural or historic resources and environment and to control land, sewer, water, air, noise or general environmental pollution derived from the operation of industrial development.

Applicant Request

776 (aka 760) Broadway: PILOT Analysis											
PILOT Year	City & County Tax Year	School Tax Year	Tax Rate ⁽⁵⁾	Status Quo		Proposed Project (Using Assessor's Assessment Assumptions)					
				Current Tax		Normal Tax			Requested PILOT		
				Current Assessment ⁽⁶⁾	Current Tax ⁽⁷⁾	Base Assessment ⁽⁸⁾	Total Improved Assessment ⁽⁹⁾	Tax w/o PILOT ⁽¹⁰⁾	PILOT Payment ⁽¹¹⁾	Abatement ⁽¹²⁾	Improvement from Status Quo ⁽¹³⁾
Interim ⁽¹⁾	2016	2015/2016	48.371452	\$300,000.00	\$14,511.44	\$750,000.00	\$750,000.00	\$36,278.59	\$36,278.59	\$0.00	\$21,767.15
Interim ⁽¹⁾	2017	2016/2017	49.338881	\$300,000.00	\$14,801.67	\$750,000.00	\$750,000.00	\$37,004.16	\$37,004.16	\$0.00	\$22,202.49
1 ⁽²⁾	2018	2017/2018	50.325659	\$300,000.00	\$15,097.70	\$750,000.00	\$6,173,100.00	\$310,665.33	\$37,744.25	\$272,921.08	\$22,646.54
2	2019	2018/2019	51.332172	\$300,000.00	\$15,399.66	\$750,000.00	\$6,173,100.00	\$316,878.64	\$38,499.13	\$278,379.51	\$23,099.47
3	2020	2019/2020	52.358816	\$300,000.00	\$15,707.65	\$750,000.00	\$6,173,100.00	\$323,216.21	\$39,269.11	\$283,947.10	\$23,561.46
4	2021	2020/2021	53.405992	\$300,000.00	\$16,021.80	\$750,000.00	\$6,173,100.00	\$329,680.53	\$40,054.49	\$289,626.04	\$24,032.69
5	2022	2021/2022	54.474112	\$300,000.00	\$16,342.24	\$750,000.00	\$6,173,100.00	\$336,274.14	\$40,855.58	\$295,418.56	\$24,513.35
6	2023	2022/2023	55.563594	\$300,000.00	\$16,669.08	\$750,000.00	\$6,173,100.00	\$342,999.63	\$41,672.70	\$301,326.93	\$25,003.61
7	2024	2023/2024	56.674866	\$300,000.00	\$17,002.46	\$750,000.00	\$6,173,100.00	\$349,859.62	\$42,506.15	\$307,353.47	\$25,503.69
8	2025	2024/2025	57.808363	\$300,000.00	\$17,342.51	\$750,000.00	\$6,173,100.00	\$356,856.81	\$43,356.27	\$313,500.54	\$26,013.76
9	2026	2025/2026	58.964531	\$300,000.00	\$17,689.36	\$750,000.00	\$6,173,100.00	\$363,993.95	\$44,223.40	\$319,770.55	\$26,534.03
10	2027	2026/2027	60.143821	\$300,000.00	\$18,043.15	\$750,000.00	\$6,173,100.00	\$371,273.83	\$45,107.87	\$326,165.96	\$27,064.72
11	2028	2027/2028	61.346698	\$300,000.00	\$18,404.01	\$750,000.00	\$6,173,100.00	\$378,699.30	\$46,010.02	\$332,689.28	\$27,606.01
12	2029	2028/2029	62.573632	\$300,000.00	\$18,772.10	\$750,000.00	\$6,173,100.00	\$386,273.29	\$46,930.22	\$339,343.07	\$28,158.13
13	2030	2029/2030	63.825104	\$300,000.00	\$19,147.54	\$750,000.00	\$6,173,100.00	\$393,998.76	\$210,077.72	\$183,921.04	\$190,930.18
14	2031	2030/2031	65.101606	\$300,000.00	\$19,530.49	\$750,000.00	\$6,173,100.00	\$401,878.73	\$214,279.27	\$187,599.46	\$194,748.79
15	2032	2031/2032	66.403638	\$300,000.00	\$19,921.10	\$750,000.00	\$6,173,100.00	\$409,916.31	\$218,564.86	\$191,351.45	\$198,643.76
16	2033	2032/2033	67.731711	\$300,000.00	\$20,319.52	\$750,000.00	\$6,173,100.00	\$418,114.63	\$222,936.16	\$195,178.47	\$202,616.64
17	2034	2033/2034	69.086345	\$300,000.00	\$20,725.91	\$750,000.00	\$6,173,100.00	\$426,476.92	\$227,394.88	\$199,082.04	\$206,668.97
18	2035	2034/2035	70.468072	\$300,000.00	\$21,140.43	\$750,000.00	\$6,173,100.00	\$435,006.46	\$231,942.78	\$203,063.68	\$210,802.35
19	2036	2035/2036	71.877434	\$300,000.00	\$21,563.24	\$750,000.00	\$6,173,100.00	\$443,706.59	\$236,581.63	\$207,124.96	\$215,018.40
20 ⁽³⁾	2037	2036/2037	73.314982	\$300,000.00	\$21,994.50	\$750,000.00	\$6,173,100.00	\$452,580.72	\$241,313.27	\$211,267.46	\$219,318.76
Permanent ⁽⁴⁾	2038	2037/2038	74.781282	\$300,000.00	\$22,434.39	\$750,000.00	\$6,173,100.00	\$461,632.34	\$461,632.34	\$0.00	\$439,197.95
Total ⁽¹⁴⁾					\$418,581.95			\$8,083,265.50	\$2,844,234.86	\$5,239,030.64	\$2,425,652.91

Notes:

(1) Property remains taxable until March 1st, 2017. Assumes project closes with IDA prior to this date.

(2) Estimated start of PILOT payments.

(3) Estimated end of PILOT payments.

(4) Property returns to taxable status.

(5) 2014 tax rate per Department of Assessment & Taxation (does not include any special district ad valorem tax that are still payable under PILOT). Assumed an estimated escalation of 2% thereafter.

(6) Proposed revised assessment of existing land.

(7) Estimated taxes if proposed project did not occur (i.e. left status quo).

(8) Proposed revised assessment of existing land.

(9) Per Commissioner of Department of Assessment & Taxation based on estimate of \$6,173,100 (inc. land and improvement assessment value). Assessment value is not fixed.

(10) Estimated taxes if proposed project occurred without PILOT assistance.

(11) PILOT payment schedule proposed by Applicant. PILOT payments in years 13-20 are 11.5% of revenue which is based on the provided operating budget projections. These projections are only estimates.

(12) Estimated abatement, using Assessor's total improved assessment assumptions, if proposed project occurred with shown PILOT assistance.

(13) Estimated difference between City revenue from Proposed PILOT and Status Quo

(14) Totals for comparison and analysis until one year after PILOT agreement period which ends on December 31, 2037.

June 26, 2015

CLIENT ALERT

IDA REFORM LEGISLATION PASSED BY NYS LEGISLATURE

On Friday, June 19, 2015, the New York State Legislature (the “Legislature”) passed legislation providing for certain reforms relating to the granting and monitoring of financial assistance by industrial development agencies (“IDA”) for IDA projects (the “Reform Legislation”). A copy of the Reform Legislation is attached.

The Office of the New York State Comptroller (the “Comptroller”) pushed for passage of the Reform Legislation, but the final version of the law was drafted with assistance and support from the New York State Economic Development Council (“NYSEDC”).

The Reform Legislation codifies a number of actions already taken by many IDAs across the State. The Reform Legislation requires each IDA to develop (1) a standard application form for requests for financial assistance, (2) uniform criteria for the evaluation and selection for each category of projects for which financial assistance is provided, and (3) uniform project agreements, including recapture provisions, for project benefits.

In addition, the Reform Legislation requires each IDA to develop policies (1) for the suspension, discontinuance, or modification of financial assistance provided for a project, (2) for the recapture of all or part of the financial assistance provided for a project, and (3) to annually monitor the progress of projects with respect to investment and job creation/retention goals.

We are reviewing in more detail the Reform Legislation and we expect to be reaching out to our IDA clients shortly with advice and options regarding these recent developments.

In the meantime, if you have any comments or questions, please do not hesitate to contact any of the attorneys listed below:

Contact Name	Phone Number	E-Mail
George W. Cregg, Jr.	(518) 433-2422	gcregg@hodgsonruss.com
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Nadene E. Zeigler	(518) 433-2420	nzeigler@hodgsonruss.com





New York State

ASSEMBLY

Carl E. Heastie - Speaker

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Bill No.:

 Summary
 Actions
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 Memo
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A07915 Summary:

BILL NO A07915
 SAME AS SAME AS S05867
 SPONSOR Magnarelli
 COSPNSR Solages, McDonald
 MLTSPNSR
 Amd SS859-a & 874, Gen Muni L

Relates to the accountability and efficiency of industrial development agencies and authorities; requires each industrial development agency to develop a standard application form to be used by the agency to accept requests for financial assistance from all individuals, firms, companies and developers; further requires industrial development agencies to develop policies for the suspension or discontinuance of financial assistance of PILOT.

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A07915 Text:

S T A T E O F N E W Y O R K

7915

2015-2016 Regular Sessions

I N A S S E M B L Y

May 29, 2015

Introduced by M. of A. MAGNARELLI -- (at request of the State Comptroller) -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to the accountability and efficiency of industrial development agencies and authorities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 859-a of the general municipal law is amended by
 2 adding three new subdivisions 4, 5 and 6 to read as follows:

3 4. EACH AGENCY SHALL DEVELOP A STANDARD APPLICATION FORM, WHICH SHALL
 4 BE USED BY THE AGENCY TO ACCEPT REQUESTS FOR FINANCIAL ASSISTANCE FROM
 5 ALL INDIVIDUALS, FIRMS, COMPANIES, DEVELOPERS OR OTHER ENTITIES OR
 6 ORGANIZATIONS. THE STANDARD APPLICATION FORM SHALL BE SUBMITTED BY OR ON
 7 BEHALF OF THE APPLICANT, AND SUBSCRIBED AND AFFIRMED UNDER THE PENALTIES
 8 OF PERJURY BY THE APPLICANT, OR ON BEHALF OF THE APPLICANT BY THE CHIEF
 9 EXECUTIVE OFFICER OR SUCH OTHER INDIVIDUAL THAT IS DULY AUTHORIZED TO
 10 BIND THE APPLICANT, AS TRUE, ACCURATE AND COMPLETE TO THE BEST OF HIS OR
 11 HER KNOWLEDGE. THE STANDARD APPLICATION FORM SHALL INCLUDE THE FOLLOW-
 12 ING, AND MAY INCLUDE SUCH OTHER SUPPLEMENTAL INFORMATION AS DETERMINED
 13 TO BE NECESSARY AND APPROPRIATE BY THE AGENCY, INCLUDING SUPPORTING
 14 DOCUMENTS AND INFORMATION PROVIDED BY OR ON BEHALF OF THE APPLICANT:

15 (A) THE NAME AND ADDRESS OF THE PROJECT APPLICANT;

16 (B) A DESCRIPTION OF THE PROPOSED PROJECT FOR WHICH FINANCIAL ASSIST-
 17 ANCE IS REQUESTED, INCLUDING THE TYPE OF PROJECT, PROPOSED LOCATION AND
 18 PURPOSE OF THE PROJECT;

19 (C) THE AMOUNT AND TYPE OF FINANCIAL ASSISTANCE BEING REQUESTED,
 20 INCLUDING THE ESTIMATED VALUE OF EACH TYPE OF TAX EXEMPTION SOUGHT TO BE
 21 CLAIMED BY REASON OF AGENCY INVOLVEMENT IN THE PROJECT;

22 (D) A STATEMENT THAT THERE IS A LIKELIHOOD THAT THE PROJECT WOULD NOT
 23 BE UNDERTAKEN BUT FOR THE FINANCIAL ASSISTANCE PROVIDED BY THE AGENCY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
 [] is old law to be omitted.

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LBD11236-02-5

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1 OR, IF THE PROJECT COULD BE UNDERTAKEN WITHOUT FINANCIAL ASSISTANCE
2 PROVIDED BY THE AGENCY, A STATEMENT INDICATING WHY THE PROJECT SHOULD BE
3 UNDERTAKEN BY THE AGENCY;

4 (E) AN ESTIMATE OF CAPITAL COSTS OF THE PROJECT, INCLUDING ALL COSTS
5 OF REAL PROPERTY AND EQUIPMENT ACQUISITION AND BUILDING CONSTRUCTION OR
6 RECONSTRUCTION, FINANCED FROM PRIVATE SECTOR SOURCES, AN ESTIMATE OF THE
7 PERCENTAGE OF PROJECT COSTS FINANCED FROM PUBLIC SECTOR SOURCES, AND AN
8 ESTIMATE OF BOTH THE AMOUNT TO BE INVESTED BY THE APPLICANT AND THE
9 AMOUNT TO BE BORROWED TO FINANCE THE PROJECT.

10 (F) THE PROJECTED NUMBER OF FULL TIME EQUIVALENT JOBS THAT WOULD BE
11 RETAINED AND THAT WOULD BE CREATED IF THE REQUEST FOR FINANCIAL ASSIST-
12 ANCE IS GRANTED, THE PROJECTED TIMEFRAME FOR THE CREATION OF NEW JOBS,
13 THE ESTIMATED SALARY AND FRINGE BENEFIT AVERAGES OR RANGES FOR CATEGO-
14 RIES OF THE JOBS THAT WOULD BE RETAINED OR CREATED IF THE REQUEST FOR
15 FINANCIAL ASSISTANCE IS GRANTED, AND AN ESTIMATE OF THE NUMBER OF RESI-
16 DENTS OF THE ECONOMIC DEVELOPMENT REGION AS ESTABLISHED PURSUANT TO
17 SECTION TWO HUNDRED THIRTY OF THE ECONOMIC DEVELOPMENT LAW OR THE LABOR
18 MARKET AREA AS DEFINED BY THE AGENCY, IN WHICH THE PROJECT IS LOCATED
19 THAT WOULD FILL SUCH JOBS. THE LABOR MARKET AREA DEFINED BY THE AGENCY
20 FOR THIS PURPOSE MAY INCLUDE NO MORE THAN SIX CONTIGUOUS COUNTIES IN THE
21 STATE, INCLUDING THE COUNTY IN WHICH THE PROJECT IS TO BE LOCATED;

22 (G) A STATEMENT TO THE EFFECT THAT THE PROVISIONS OF SUBDIVISION ONE
23 OF SECTION EIGHT HUNDRED SIXTY-TWO OF THIS CHAPTER WILL NOT BE VIOLATED
24 IF FINANCIAL ASSISTANCE IS PROVIDED FOR THE PROPOSED PROJECT;

25 (H) A STATEMENT THAT THE OWNER, OCCUPANT OR OPERATOR RECEIVING FINAN-
26 CIAL ASSISTANCE IS IN SUBSTANTIAL COMPLIANCE WITH APPLICABLE LOCAL,
27 STATE AND FEDERAL TAX, WORKER PROTECTION AND ENVIRONMENTAL LAWS, RULES
28 AND REGULATIONS; AND

29 (I) A STATEMENT ACKNOWLEDGING THAT THE SUBMISSION OF ANY KNOWINGLY
30 FALSE OR KNOWINGLY MISLEADING INFORMATION MAY LEAD TO THE IMMEDIATE
31 TERMINATION OF ANY FINANCIAL ASSISTANCE AND THE REIMBURSEMENT OF AN
32 AMOUNT EQUAL TO ALL OR PART OF ANY TAX EXEMPTIONS CLAIMED BY REASON OF
33 AGENCY INVOLVEMENT IN THE PROJECT.

34 5. EACH AGENCY SHALL DEVELOP, AND ADOPT BY RESOLUTION, UNIFORM CRITE-
35 RIA FOR THE EVALUATION AND SELECTION FOR EACH CATEGORY OF PROJECTS FOR
36 WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED. AT A MINIMUM, THE CRITERIA
37 SHALL REQUIRE THAT, FOR EACH PROJECT, THE FOLLOWING MUST OCCUR PRIOR TO
38 THE APPROVAL OF THE PROVISION OF FINANCIAL ASSISTANCE:

39 (A) AN ASSESSMENT BY THE AGENCY OF ALL MATERIAL INFORMATION INCLUDED
40 IN CONNECTION WITH THE APPLICATION FOR FINANCIAL ASSISTANCE, AS NECES-
41 SARY TO AFFORD A REASONABLE BASIS FOR THE DECISION BY THE AGENCY TO
42 PROVIDE FINANCIAL ASSISTANCE FOR THE PROJECT;

43 (B) A WRITTEN COST-BENEFIT ANALYSIS BY THE AGENCY THAT IDENTIFIES THE
44 EXTENT TO WHICH A PROJECT WILL CREATE OR RETAIN PERMANENT, PRIVATE
45 SECTOR JOBS; THE ESTIMATED VALUE OF ANY TAX EXEMPTIONS TO BE PROVIDED;
46 THE AMOUNT OF PRIVATE SECTOR INVESTMENT GENERATED OR LIKELY TO BE GENER-
47 ATED BY THE PROPOSED PROJECT; THE LIKELIHOOD OF ACCOMPLISHING THE
48 PROPOSED PROJECT IN A TIMELY FASHION; AND THE EXTENT TO WHICH THE
49 PROPOSED PROJECT WILL PROVIDE ADDITIONAL SOURCES OF REVENUE FOR MUNICI-
50 PALITIES AND SCHOOL DISTRICTS; AND ANY OTHER PUBLIC BENEFITS THAT MIGHT
51 OCCUR AS A RESULT OF THE PROJECT;

52 (C) A STATEMENT BY THE APPLICANT THAT THE PROJECT, AS OF THE DATE OF
53 THE APPLICATION, IS IN SUBSTANTIAL COMPLIANCE WITH ALL PROVISIONS OF
54 THIS ARTICLE INCLUDING, BUT NOT LIMITED TO, THE PROVISIONS OF THIS
55 SECTION AND SUBDIVISION ONE OF SECTION EIGHT HUNDRED SIXTY-TWO OF THIS
56 CHAPTER; AND

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1 (D) IF THE PROJECT INVOLVES THE REMOVAL OR ABANDONMENT OF A FACILITY
2 OR PLANT WITHIN THE STATE, NOTIFICATION BY THE AGENCY TO THE CHIEF EXEC-
3 UTIVE OFFICER OR OFFICERS OF THE MUNICIPALITY OR MUNICIPALITIES IN WHICH
4 THE FACILITY OR PLANT WAS LOCATED.

5 6. EACH AGENCY SHALL DEVELOP A UNIFORM AGENCY PROJECT AGREEMENT THAT
6 SETS FORTH TERMS AND CONDITIONS UNDER WHICH FINANCIAL ASSISTANCE SHALL
7 BE PROVIDED. THE UNIFORM AGENCY PROJECT AGREEMENT SHALL BE USED BY THE
8 AGENCY AND NO FINANCIAL ASSISTANCE SHALL BE PROVIDED IN THE ABSENCE OF
9 THE EXECUTION OF SUCH AN AGREEMENT. THE UNIFORM AGENCY PROJECT AGREEMENT
10 SHALL, AT A MINIMUM:

11 (A) DESCRIBE THE PROJECT AND THE FINANCIAL ASSISTANCE, INCLUDING THE
12 AMOUNT AND TYPE, TO BE PROVIDED, AND THE AGENCY PURPOSE TO BE ACHIEVED;

13 (B) REQUIRE EACH PROJECT OWNER, OCCUPANT OR OPERATOR RECEIVING FINAN-
14 CIAL BENEFITS TO PROVIDE ANNUALLY A CERTIFIED STATEMENT AND DOCUMENTA-
15 TION: (I) ENUMERATING THE FULL TIME EQUIVALENT JOBS RETAINED AND THE
16 FULL TIME EQUIVALENT JOBS CREATED AS A RESULT OF THE FINANCIAL ASSIST-
17 ANCE, BY CATEGORY, INCLUDING FULL TIME EQUIVALENT INDEPENDENT CONTRAC-
18 TORS OR EMPLOYEES OF INDEPENDENT CONTRACTORS THAT WORK AT THE PROJECT
19 LOCATION, AND (II) INDICATING THAT THE SALARY AND FRINGE BENEFIT AVER-
20 AGES OR RANGES FOR CATEGORIES OF JOBS RETAINED AND JOBS CREATED THAT WAS
21 PROVIDED IN THE APPLICATION IS STILL ACCURATE AND IF IT IS NOT STILL
22 ACCURATE, PROVIDING A REVISED LIST OF SALARY AND FRINGE BENEFIT AVERAGES
23 OR RANGES FOR CATEGORIES OF JOBS RETAINED AND JOBS CREATED.

24 (C) INDICATE THE DATES WHEN PILOT PAYMENTS ARE TO BE MADE AND PROVIDE
25 AN ESTIMATE OF THE AMOUNTS FOR EACH AFFECTED TAX JURISDICTION OF ANY
26 PAYMENTS IN LIEU OF TAXES THAT ARE INCLUDED AS PART OF THE TRANSACTION,
27 OR FORMULA OR FORMULAS BY WHICH THOSE AMOUNTS MAY BE CALCULATED. IN LIEU
28 OF PROVIDING SUCH INFORMATION, A COPY OF AN EXECUTED PAYMENT IN LIEU OF
29 TAX AGREEMENT THAT CONTAINS THE SAME INFORMATION MAY BE ATTACHED TO THE
30 UNIFORM AGENCY PROJECT AGREEMENT;

31 (E) PROVIDE FOR THE SUSPENSION OR DISCONTINUANCE OF FINANCIAL ASSIST-
32 ANCE, OR FOR THE MODIFICATION OF ANY PAYMENT IN LIEU OF TAX AGREEMENT TO
33 REQUIRE INCREASED PAYMENTS, IN ACCORDANCE WITH POLICIES DEVELOPED BY THE
34 AGENCY PURSUANT TO SECTION EIGHT HUNDRED SEVENTY-FOUR OF THIS TITLE;

35 (F) PROVIDE FOR THE RETURN OF ALL OR A PART OF THE FINANCIAL ASSIST-
36 ANCE PROVIDED FOR THE PROJECT, INCLUDING ALL OR PART OF THE AMOUNT OF
37 ANY TAX EXEMPTIONS, WHICH SHALL BE REDISTRIBUTED TO THE APPROPRIATE
38 AFFECTED TAX JURISDICTION, AS PROVIDED FOR IN POLICIES DEVELOPED BY THE
39 AGENCY PURSUANT TO SECTION EIGHT HUNDRED SEVENTY-FOUR OF THIS TITLE,

40 UNLESS AGREED TO OTHERWISE BY ANY LOCAL TAXING JURISDICTION OR JURISDIC-
41 TIONS; AND

42 (G) PROVIDE THAT THE OWNER, OCCUPANT OR OPERATOR RECEIVING FINANCIAL
43 ASSISTANCE SHALL CERTIFY, UNDER PENALTY OF PERJURY, THAT IT IS IN
44 SUBSTANTIAL COMPLIANCE WITH ALL LOCAL, STATE AND FEDERAL TAX, WORKER
45 PROTECTION AND ENVIRONMENTAL LAWS, RULES AND REGULATIONS.

46 S 2. Section 874 of the general municipal law is amended by adding
47 three new subdivisions 10, 11 and 12 to read as follows:

48 (10) EACH AGENCY SHALL DEVELOP POLICIES FOR THE SUSPENSION OR DISCON-
49 TINUANCE OF FINANCIAL ASSISTANCE, OR FOR THE MODIFICATION OF ANY PAYMENT
50 IN LIEU OF TAX AGREEMENT TO REQUIRE INCREASED PAYMENTS UNDER CIRCUM-
51 STANCES AS SPECIFIED IN THE POLICY, WHICH MAY INCLUDE BUT SHALL NOT BE
52 LIMITED TO EVENTS OF MATERIAL VIOLATION OF THE TERMS AND CONDITIONS OF A
53 PROJECT AGREEMENT.

54 (11) EACH AGENCY SHALL DEVELOP POLICIES FOR THE RETURN OF ALL OR A
55 PART OF THE FINANCIAL ASSISTANCE PROVIDED FOR THE PROJECT, INCLUDING ALL
56 OR PART OF THE AMOUNT OF ANY TAX EXEMPTIONS, AS SPECIFIED IN THE POLICY,
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1 WHICH MAY INCLUDE BUT SHALL NOT BE LIMITED TO MATERIAL SHORTFALLS IN JOB
2 CREATION AND RETENTION PROJECTIONS OR MATERIAL VIOLATIONS OF THE TERMS
3 AND CONDITIONS OF PROJECT AGREEMENTS. ALL SUCH RETURNED AMOUNTS OF TAX
4 EXEMPTIONS SHALL BE REDISTRIBUTED TO THE APPROPRIATE AFFECTED TAX JURIS-
5 DICTION, UNLESS AGREED TO OTHERWISE BY ANY LOCAL TAXING JURISDICTION.

6 (12) EACH AGENCY SHALL AT LEAST ANNUALLY ASSESS THE PROGRESS OF EACH
7 PROJECT FOR WHICH BONDS OR NOTES REMAIN OUTSTANDING OR STRAIGHT-LEASE
8 TRANSACTIONS HAVE NOT TERMINATED, OR WHICH CONTINUE TO RECEIVE FINANCIAL
9 ASSISTANCE OR ARE OTHERWISE ACTIVE, TOWARD ACHIEVING THE INVESTMENT, JOB
10 RETENTION OR CREATION, OR OTHER OBJECTIVES OF THE PROJECT INDICATED IN
11 THE PROJECT APPLICATION. SUCH ASSESSMENTS SHALL BE PROVIDED TO BOARD
12 MEMBERS.

13 S 3. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law and shall apply to industrial development
15 agencies created pursuant to article 18-A of the general municipal law
16 and shall also apply with full force and effect to the cities of Troy
17 and Auburn industrial development authorities established pursuant to
18 the public authorities law; provided, however, the provisions of subdi-
19 vision 12 of section 874 of the general municipal law as added by
20 section two of this act shall apply only to projects approved on or
21 after the effective date of this act.