

# City of 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  
Lee Eck, Secretary

Dominick Calsolaro  
Robert Schofield

Sarah Reginelli, Chief Executive Officer  
Mark Opalka, Chief Financial Officer  
Marisa Franchini, Agency Counsel  
A. Joseph Scott, Special Counsel

To: Tracy Metzger  
Susan Pedo  
Darius Shahinfar  
Lee Eck

Dominick Calsolaro  
Robert Schofield

CC: Sarah Reginelli  
Marisa Franchini  
Joe Scott  
Mark Opalka

Tom Conoscenti  
Andy Corcione  
Virginia Rawlins  
Tammie Fanfa

Date: July 2, 2020

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## IDA FINANCE COMMITTEE MEETING

A Finance Committee Meeting of the City of Albany Industrial Development Agency Board of Directors will be held on **Wednesday, July 8<sup>th</sup>, 2020 at 12:15 pm** and conducted telephonically pursuant to Executive Order No. 202.1 issued by the New York State Governor's Office.

### AGENDA

#### **Roll Call, Reading & Approval of the Minutes of the Finance Committee Meeting of June 10, 2020**

#### **Report of Chief Financial Officer**

- A. Quarterly Budget Report

#### **Unfinished Business**

- A. 1211 Western Ave Property Associates, LLC
  - i. Discussion/Possible positive/negative recommendation for a Public Hearing Resolution

#### **Other Business**

- A. Agency Update

#### **New Business**

- A. Finance Committee Charter
  - i. Annual Review of Finance Committee Charter

#### **Adjournment**

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Sarah Reginelli, *Chief Executive Officer*  
Mark Opalka, *Chief Financial Officer*  
Marisa Franchini, *Agency Counsel*

## IDA MINUTES OF FINANCE COMMITTEE MEETING

Wednesday, June 10, 2020

Attending: Darius Shahinfar, Tracy Metzger, Lee Eck, and Dominick Calsolaro

Also Present: Susan Pedo, Sarah Reginelli, Mark Opalka, Joe Scott, Amy Lavine, Ashley Mohl, Tammie Fanfa, Andy Corcione. Mike Bohne, Virginia Rawlins, and Thomas Conoscenti

*These minutes are of a meeting conducted telephonically pursuant to Executive Order No. 202.1 issued by New York State Governor Andrew M. Cuomo, which suspended provisions of Article 7 of the Public Officers Law requiring public in-person access to public meetings and authorizing board members to participate in said meetings by conference call or similar service. Each of the members and staff present participated by conference call.*

Chair Darius Shahinfar called the Finance Committee meeting of the IDA to order at 12:21 p.m.

### **Roll Call, Reading and Approval of Minutes of the May 13, 2020 Finance Committee Meeting**

A roll call of the Committee members present was held. Chair Darius Shahinfar reported that all Committee members were present with the exception of Tracy Metzger. Since the minutes of the previous meeting had been distributed to Committee members in advance for review, Chair Darius Shahinfar made a proposal to dispense with the reading of the minutes. Chair Darius Shahinfar proposed to approve the minutes of the Finance Committee meeting of May 13, 2020. Dominick Calsolaro made a motion and Lee Eck seconded to accept the minutes as presented. The motion passed with all other members voting aye, minutes were accepted.

### **Report of Chief Financial Officer**

No update from the Chief Financial Officer.

### **Unfinished Business**

No unfinished business to report

### **Other Business**

#### Agency Update

IDA staff updated the committee that current projects have resumed construction and open applications continue to be vetted by staff. Staff expects that the committee will resume reviewing IDA project applications during July.

#### Compliance Update

Staff reported on an annual inquiry from the Authorities Budget Office regarding the Swinburne project which staff is quickly responding to with guidance from Hodgson Russ.

#### Quackenbush Square Project

IDA staff informed the committee that the Quackenbush project has recently been in the news regarding the project's current status. IDA staff has been in contact with the applicant regarding both the hotel project as well as the multi-family component. Currently, the applicant has not submitted an official notification or request to the

IDA, however staff does expect to have a more thorough update to present at the Board Meeting. All other Agency assisted projects appear to be moving forward as allowed.

## **New Business**

Tracy Metzger entered the meeting at 12:25 p.m

### Agency Insurance

Staff informed the committee that the IDA's insurance broker has suggested that the IDA include cyber security as part of their coverage, in part due to increased cyber activity. The coverage was part of an overall cybersecurity package Capitalize Albany Corporation is implementing including spam filtering, mobile device and remote access security. The cybersecurity policy would be an amendment to the annual insurance package approved by the board. A discussion was had about the coverage for ransomware, which staff agreed to explore. The Committee recommended staff move forward with purchase of the cyber security policy.

### New York State- Legislation Affecting IDA's

Hodgson Russ provided the committee with a memo summarizing legislation passed by the New York Assembly and Senate to allow IDAs to issue certain types of grants and loans related to COVID 19. In preparation for the signing of the legislation by the Governor, staff are preparing draft program guidelines for board approval in accordance with the legislation.

Capitalize Albany staff left the meeting at 12:37 PM.

### Capitalize Albany Corporation (Liberty Park Acquisition Assistance) – Minutes provided by Hodgson Russ

Ms. Pedo left the meeting.

Chair Darius Shahinfar asked Joe Scott to report on the status of the matter. Mr. Scott noted that there had been ongoing discussions with representatives of Capitalize Albany Corporation regarding the timing and other matters relating to the Liberty Park project. He further noted that the RFP for the appraisal services had been distributed and that responses had been received. He expected that at the full board meeting the board members would be asked to consider resolutions regarding appraisal services and a funding agreement with CAC. No action was taken during the Committee meeting.

There being no further business, Chair Darius Shahinfar adjourned the meeting at 12:42 PM.

Respectfully submitted,

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Lee Eck, Assistant Secretary

**City of Albany Industrial Development Agency  
Statement of Revenue and Expenses to Budget  
For the Quarter Ended June 30, 2020**

	2nd Qtr Actual	2nd Qtr Budget	Variance	2020 YTD Actual	2020 YTD Budget	Variance	Annual Budget
<b>Revenues:</b>							
Agency Fees	\$ 68,731	\$ 294,838	\$ (226,107)	\$ 326,176	\$ 691,176	\$ (365,000)	\$ 1,296,044
Interest	5,499	8,041.00	(2,542)	13,128	15,741	(2,613)	32,689
Total Revenues	<u>74,230</u>	<u>302,879</u>	<u>(228,649)</u>	<u>339,304</u>	<u>706,917</u>	<u>(367,613)</u>	<u>1,328,733</u>
<b>Expenses:</b>							
Professional Service Contracts	144,777	123,557	21,220	272,133	254,114	18,019	563,228
Sub-lease AHCC	-	18,750	(18,750)	1,321	37,500	(36,179)	75,000
Economic Development Support	62,500	62,500	-	125,000	125,000	-	450,000
Other Miscellaneous	50	1,650	(1,600)	3,031	3,300	(269)	16,600
Insurance	1,720	1,700	20	1,720	1,700	20	1,700
Total Expenses	<u>209,047</u>	<u>208,157</u>	<u>890</u>	<u>403,205</u>	<u>421,614</u>	<u>(18,409)</u>	<u>1,106,528</u>
<b>Excess of Revenues over expenses</b>	<u><u>\$ (134,817)</u></u>	<u><u>\$ 94,722</u></u>	<u><u>\$ (229,539)</u></u>	<u><u>\$ (63,901)</u></u>	<u><u>\$ 285,303</u></u>	<u><u>\$ (349,204)</u></u>	<u><u>\$ 222,205</u></u>

**TO:** City of Albany Industrial Development Finance Committee  
**FROM:** City of Albany Industrial Development Agency Staff  
**RE:** 1211 Western Ave Property Associates, LLC - IDA Application Summary  
**DATE:** July 2, 2020

**Applicant:** 1211 Western Ave Property Associates, LLC

**Managing Members (% of Ownership):** Yiping Hu (91.6%), Shihao Hu (8.4%) and Yuanliu Jacky He (voting rights only)

**Project Location:** 1211 Western Ave, Albany, NY

**Project Description:** The proposed Project includes the construction of a 6-story, +/- 190,968 SF mixed-use multi-family/ commercial retail complex containing approximately 136 residential apartment units and +/- 1,840 SF of commercial retail space on the ground floor. The project will also contain an internal parking garage for approx. 150 vehicles. An existing 30,000 SF vacant commercial office structure on site will be demolished.

**Estimated Project Real Property Benefit Summary (18 Years):**

	Status Quo Taxes (no project) Non-Homestead Rate	Project Impact (PILOT Payments)	Net Benefit
Revenue Gain to Taxing Jurisdictions	\$639,949	\$8,406,786	\$7,766,837

	Current Value	Anticipated Future Value*	Net Increase
Property Value Increase	\$497,400	\$19,500,000	\$19,002,600

*\*Project Impact Assessed Value based on letter from the City of Albany Assessor dated 12-04-19*

At the end of the PILOT period, the project is anticipated to make annual tax payments to the taxing jurisdictions of \$1,474,819 based on an assessed value of \$19,500,000 and an annual tax rate of \$75.63.

**Estimated Investment:** \$35,735,314 (est)

**Community Benefits:** Please see the attached CAIDA Project Evaluation and Assistance Framework Staff Analysis for more detail on the Community Benefits metrics below.

- *Revitalization:* The project is located in an area included within a Neighborhood Plan. The project is also located in a high vacancy census tract.
- *Identified Priority:* The project is located on a parcel containing a building that is vacant.

- *Identified Growth Area:* The proposed project supports the creation, retention or expansion of facilities or the creation and/or retention of permanent private sector jobs in an existing City of Albany industry cluster.
- *Job Creation:* The project is committing to the creation of four (4) full-time equivalent and ninety (90) construction jobs.
- *Investment:* The project is anticipating a project cost of more than \$35 million.

**Employment Impact Analysis:**

*\*IMPLAN Economic Impact Analysis underway*

**Employment Impact:**

- Projected Permanent: 4 jobs
- Projected Retained: 0 jobs
- Projected Construction: 90 jobs

**Type of Financing:** Straight Lease

**Amount of Bonds Requested:** None

**Estimated Total Purchases Exempt from Sales Tax:** \$12,500,000

**Estimated Total Mortgage Amount:** not to exceed \$32,000,000 (includes both construction loan of approx. \$21 M and anticipated permanent refinance of \$10M)

**Requested PILOT:** The proposal entails the Applicant entering into a PILOT agreements with the IDA consistent with CAIDA Project Evaluation and Assistance Framework abatement percentages with a deviation in that the Multi-fam residential commercial schedule also applies to the commercial retail in the project.

**Third Party Review:** In response to the Board’s request, a third party evaluation of the appropriateness of the applicant’s PILOT request has been commissioned.

Cash on cash return is a simple and straightforward method to calculate return on investments that involve long-term debt borrowing. We use this as our baseline analysis metric to keep comparisons consistent and variables limited across projects. The third-party analysis relies on the internal rate of return method due to its advantage of including the time value of money and property appreciation. Calculating the internal rate of return is more complicated because it requires the projection future of cash flows of the investment, including the sale of the investment at the end of the holding period. This analysis provides a more in-depth and project-specific measurement of anticipated return to review in conjunction with the straightforward cash-on-cash method.

**Estimated Value of Tax Exemptions:**

- NYS Sales and Compensating Use Tax: \$1,000,000
- Mortgage Recording Taxes: \$320,000
- Real Property Taxes: \$12,845,169

- Other: N/A

**Baseline Requirements:**

- Application: Complete
- Meets NYS/CAIDA Requirements: Yes
- Albany 2030 Alignment:
  - Increase job opportunities for all residents.
  - Encourage investment in urban land and buildings for employment and housing.
- Planning Approval Status: Full Planning Board approval expected in 1Q 2020
- Meets Project Use Definition: Yes
- Meets “But For” Requirement: Yes, affidavit signed.

**Cost Benefit Analysis:** See attached Exhibit A: Description of The Project Evaluation and Expected Public Benefits.

**Estimated IDA Fee**

- Fee amount: \$357,353.14

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**CAIDA 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.

**\*\*\*DRAFT - CAIDA Project Evaluation and Assistance Framework Staff Analysis**

Project:	1211 Western Ave Property Associates LLC		
Total Score:	10		
*Qualifies for a PILOT Deviation?	YES	**Qualifies for Community Commitment Enhancement?	NO
Total Improved Assessed Value Estimate:	\$19,500,000	Units:	137
Notes/Applicable Program Restrictions:	Improved Assessed Value per Unit Estimate: \$142,335.77		
	Unit count includes one (1) retail/commercial space of approx. 1,840 SF		

**COMMENTS**

<b>Revitalization</b>	<b>Target Geography</b>			
	Distressed Census Tract			
	High Vacancy Census Tract			
	Downtown Residential			
	BID			
	Neighborhood Plan			
	<b>Identified Priority</b>			
	Downtown Residential			
	Tax Exempt/Vacant			
	Identified Catalyst Site			
	Historic Preservation			
	Community Catalyst			
	<b>Identified Growth Area</b>			
	Manufacturing / Distribution			
	Technology			
	Hospitality			
	Existing Cluster	1	Education	
Conversion to Residential				
<i>Subtotal</i>	<b>1</b>			
<b>Job Creation</b>	<b>Permanent Jobs</b>			
	3 - 40	1	Est. 4 FTE's created	
	41-80			
	81 - 120			
	121-180			
	>180			
	<b>Retained Jobs</b>			
	3 - 40			
	41-80			
	81 - 120			
	121-180			
	>180			
	<b>Construction Jobs</b>			
	6 - 80	1		
	81 - 160	1	Est. 90 construction jobs	
	161 - 240			
	> 241			
<i>Subtotal</i>	<b>3</b>			
<b>Investment</b>	<b>Financial Commitment</b>			
	2.5M - 10M	1		
	10.1M-17.5M	1		
	17.6M-25M	1	\$35.7 M investment	
	<i>Subtotal</i>	<b>3</b>		
	<b>Community Commitment</b>			
	MWBE	1	20% of the value of construction contracts will be preformed by MWBE entities	
	EEO Workforce Utilization			
	Inclusionary Housing			
	Regional Labor	1	90% of construction jobs will be filled by local residents	
	City of Albany Labor	1	15% of construction jobs will be filled by City of Albany residents	
	Apprenticeship Program			
	<i>Subtotal</i>	<b>3</b>	<i>**Must achieve subtotal of 3 and threshold of 13 to qualify for Community Commitment enhancement</i>	
	<b>Total:</b>	<b>10</b>	<i>*Must achieve threshold of 10 to qualify for deviation</i>	
	<b>Baseline Requirements</b>	Complete Application	1	
		Meets NYS/CAIDA Requirements	1	
		Albany 2030 Aligned	1	
Planning Approval		1		
Meet "Project Use" definition		1		
"But For" Requirement		1		
<b>Total:</b>		<b>6</b>		

\*\*\*This analysis is prepared by staff for Board discussion purposes only. The potential scoring represented has not been vetted, agreed upon or in any way approved by the CAIDA Board of Directors



## 1211 WESTERN AVENUE PROJECT ASSISTANCE REQUEST REVIEW

### EXECUTIVE SUMMARY

DMG Investments, LLC (the Developer) is seeking Project Assistance from CAIDA to implement a 136-unit multi-family rental project with 1,840 square feet of retail (the Project). For the residential component of the Project, the Developer is seeking the standard Payment In Lieu of Taxes (PILOT) schedule for projects with an assessed value per unit of \$80,000 to \$89,999. The Developer is assuming the standard commercial PILOT for the Project's retail space.

The purpose of this analysis is to evaluate for reasonableness the Developer's assumptions regarding development costs, future operations, and proposed financing as well as the reasonableness of the PILOT request. The Developer's assumptions were gathered from the Developer's Application and an excel workbook titled "1211 Western Ave\_IDA Appraisal\_New Unit Mix\_6.29.20.xlsx".

W-ZHA evaluated the Developer's development program, rental rates and pro forma. The Project's unit mix and unit sizes are consistent with Albany apartment projects that target the University market. 1211 Western Avenue is located immediately south of the University at Albany.

Given the Developer's assumptions regarding development costs and operations and the City's affordable housing requirements the Project's economics are poor. As presented in the Application and follow-up correspondence, the Project's financial returns are well below conventional real estate returns even with the PILOT schedule requested.

However, based on published asking rents of comparable projects, W-ZHA concludes that the Developer's rent assumptions are low. W-ZHA adjusted the rent assumptions to reflect what we consider to be reasonable given market dynamics. W-ZHA's "Hybrid" scenario assumes the Project is occupied by a mix of students and traditional households. W-ZHA's assumed rents are on average higher than the Developer's and lower than the average rent at Albany's student housing projects.

Under W-ZHA's "Hybrid" scenario, the Project's economics indicate that the Multi-Family \$80,000 - \$89,999 PILOT is reasonable and appropriate.



Yuanliu (Jacky) He  
Chief Executive Officer  
Direct: 646-930-0202

[jackyhe@dmginvestments.com](mailto:jackyhe@dmginvestments.com)

1211 Western Ave Property Associates LLC  
c/o DMG Investments LLC  
100 Wall St, Suite 2203  
New York, NY, 10005

June 29, 2020

Tracy Metzger  
Chair  
City of Albany Industrial Development Agency  
21 Lodge Street  
Albany, New York 12207

RE: Request for IDA Assistance for 1211 Western Avenue Project (the "Project")

Dear Ms. Metzger:

Attached is a completed application, as well as the appropriate supplementary material required by the City of Albany Industrial Development Agency (the "CAIDA") for the consideration of financial assistance associated with the above referenced Project being developed by 1211 Western Ave Property Associates LLC (the "Project Owner").

The Project consists of the demolition of an existing office building and construction of a 6-story mixed-use, multi-family dwelling complex which will contain 136 residential apartment units, approximately 1,842 square feet of commercial space and an internal parking garage with space for 150 vehicles.

The Project Owner is hereby requesting exemptions from Sales Tax, Mortgage Tax and Real Property Tax (in accordance with the formula set forth in CAIDA's Project Evaluation & Assistance Framework) in connection with the Project. Without the requested assistance, the Project would not be feasible. After completion of the Project, the City of Albany Assessor has estimated that the property will be assessed at \$19,500,000 and, after the expiration of any Real Estate Tax exemption provided by the CAIDA, will generate significantly more school and city taxes than would the property as currently constituted. Furthermore, the assistance requested from the IDA (i) effectively reduces the capitalized development costs, thus increasing the project returns to acceptable risk-adjusted levels, (ii) alleviates the lease-up risk through real property tax exemption in the early operating years. With the assistance of the IDA, this project will transform 1211 Western Ave from a vacant office building to a vibrant stand-out residential community that will have positive fiscal and economic impact on the local community through job creation, substantial incremental real property taxes, and economic output.

On behalf of the Project Owner, thank you for your consideration and please do not hesitate to contact us if further information is needed or would be helpful. I look forward to working with the Agency on this Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacky He'.

Yuanliu (Jacky) He

DATED: JULY 18, 2019

## City of Albany Industrial Development Agency

### Application for Assistance

Date: 6/29/2020

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IMPORTANT NOTICE: The answers to the questions contained in this application are necessary to determine your firm's eligibility for financing and other assistance from the City of Albany Industrial Development Agency. These answers will also be used in the preparation of papers in this transaction. Accordingly, all questions should be answered accurately and completely by an officer or other employee of your firm who is thoroughly familiar with the business and affairs of your firm and who is also thoroughly familiar with the proposed project. This application is subject to acceptance by the Agency.  
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TO: CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY  
c/o Department of Economic Development  
21 Lodge Street  
Albany, New York 12207

This application respectfully states:

#### APPLICANT:

Name: 1211 Western Ave Property Associates LLC  
Address: 100 Wall Street, Suite 2203  
City: New York State: New York Zip: 10005  
Federal ID/EIN: 83-4503881 Website:   
Primary Contact: Ariel Hai  
Title: Authorized Representative  
Phone: (646) 930-0212 Email: arielhai@dmg-investments.com

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION:

Jeffrey Amengual, Ariel Hai, Joseph Manzo, Yuanliu(Jacky) He

IF APPLICANT IS REPRESENTED BY AN ATTORNEY, COMPLETE THE FOLLOWING:

NAME OF ATTORNEY: Robert M. Gach, Whiteman Osterman & Hanna, LLP

ATTORNEY'S ADDRESS: One Commerce Plaza, Albany, New York 12260

PHONE: (518) 487-7653 E-MAIL: rgach@woh.com

**NOTE: PLEASE READ THE INSTRUCTIONS ON PAGE 3 HEREOF BEFORE FILLING OUT THIS FORM.**

## INSTRUCTIONS

1. The Agency will not approve any application unless, in the judgment of the Agency, said application and the summary contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using “none” or “not applicable” or “N/A” where the question is not appropriate to the project which is the subject of this application (the “Project”).
3. If an estimate is given as the answer to a question, put “(est)” after the figure or answer which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) copy of this application to the Agency at the address indicated on the first page of this application.
6. The Agency will not give final approval to this application until the Agency receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are elements of the Project which are in the nature of trade secrets or information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant’s competitive position, the applicant may identify such elements in writing and request that such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The applicant will be required to pay to the Agency all actual costs incurred in connection with this application and the Project contemplated herein (to the extent such expenses are not paid out of the proceeds of the Agency’s bonds issued to finance the Project). The applicant will also be expected to pay all costs incurred by general counsel and bond counsel/special counsel to the Agency. The costs incurred by the Agency, including the Agency’s general counsel and bond counsel, may be considered as a part of the Project and included as a part of the resultant bond issue.
9. The Agency has established an application fee of One Thousand Five Hundred Dollars (\$1,500) to cover the anticipated costs of the Agency in processing this application. A check or money order made payable to the Agency must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
10. The Agency has also established an administrative fee equal to (A) one percent (1%) of the cost of the Project in the case of an Agency Straight Lease Transaction, and (B) one percent (1%) of the aggregate principal amount of the bonds to be issued by the Agency in the case of an Agency Bond Transaction. The Agency has also established an administrative fee for the issuance of refunding bonds for Agency Bond Transactions. The formula for the calculation of the administrative fee for the issuance of refunding bonds is outlined in the Agency’s Policy Manual. **THESE FEES ARE PAYABLE ON THE CLOSING DATE.**

DATED: JULY 18, 2019

Answer all questions. Use "None" or "Not Applicable" where necessary.

### SUMMARY OF PROJECT

Applicant: 1211 Western Ave Property Associates LLC

Contact Person: Ariel Hai

Phone Number: (646) 930-0212

Occupant: N/A

Project Location (include Tax Map ID): 1211 Western Ave., Albany, NY 12203 (ID:64.22-1-10)

Approximate Size of Project Site: 0.92 Acres

Description of Project: Construction of a 6-story multi-family dwelling complex containing 136 apartment units and an internal parking garage for 150 vehicles

- Type of Project:
- Manufacturing
  - Commercial
  - Other-Specify mixed-use multi-family housing
  - Warehouse/Distribution
  - Not-For-Profit

Employment Impact: Existing FTE Jobs: 0  
Retained FTE Jobs: 0  
FTE Jobs Created: 4  
Construction Jobs Created: 90+

Project Cost: \$35,735,314

Type of Financing:  Tax-Exempt  Taxable  Straight Lease

Amount of Bonds Requested: \$0

Estimated Value of Tax-Exemptions:

N.Y.S. Sales and Compensating Use Tax:	\$1,000,000
Mortgage Recording Taxes:	\$320,000
Real Property Tax Exemptions: (auto-calculated)	\$12,344,629
Other (please specify):	

Provide estimates for the following:

Average Estimated Annual Salary of Jobs to be Created: \$43,965  
Annualized Salary Range of Jobs to be Created: \$20,000- \$60,000  
Estimated Average Annual Salary of Jobs to be Retained:

**I. APPLICANT INFORMATION**

**A) Applicant:**

Name: 1211 Western Ave Property Associates LLC  
Address: 100 Wall Street, Suite 2203  
City: New York State: New York Zip: 10005  
Federal ID/EIN: 83-4503881 Website:  
Primary Contact: Ariel Hai  
Title: Authorized Representative  
Phone: (646) 930-0212 Email: arielhai@dmg-investments.com

**B) Real Estate Holding Company (if different from Applicant):**

*Will a separate company hold title to/own the property related to this Project? If yes:*

Name:  
Address:  
City: State: Zip:  
Federal ID/EIN: Website:  
Primary Contact:  
Title:  
Phone: Email:

Describe the terms and conditions of the lease between the Applicant and the Real Estate Holding Company. If there is an option to purchase the property, provide the date option was signed and the date the option expires:

[Redacted area for lease terms and conditions]

DATED: JULY 18, 2019

**C) Current Project Site Owner (if different from Applicant or Real Estate Holding Company):**

Name: [Redacted]  
Title: [Redacted]  
Address: [Redacted]  
City: [Redacted] State: [Redacted] Zip: [Redacted]  
Phone: [Redacted] Email: [Redacted]

**D) Attorney:**

Name: Robert M. Gach  
Firm Name: Whiteman Osterman & Hanna LLP  
Address: One Commerce Plaza  
City: Albany State: NY Zip: 12260  
Phone: (518) 487-7653 Email: rgach@woh.com

**E) General Contractor:**

Name: Jason Perillo  
Firm Name: Trinity Building + Construction Mgmt. Corp.  
Address: 621 Columbia Street Ext.  
City: Cohoes State: NY Zip: 12047  
Phone: 518-376-0023 Email: JPerillo@trinitybcm.com

**II. APPLICANT'S COMPANY OWNERSHIP & HISTORY**

**A) Company Organization:**

Year founded:  Founded in which state:  NAICS Code:

Type of ownership (e.g., C-Corp, LLC):

**B) Company Management**

Name	Office Held	Other Principal Business
1211 Albany Multifamily LLC	Sole Member, Manager	Real Estate Development

**Company Ownership:**

List all stockholders, members, or partners with ownership of greater than 5% and attach an organizational ownership chart with complete name, TIN, DOB, home address, office held, and other principal businesses (if applicable).

Name	Office Held	% of Ownership	% of Voting Rights
1211 Albany Multifamily LLC	Sole Member	100	100
Yiping Hu	Chairman	91.6	50
Yuanliu(Jacky) He	CEO	0	50
Shihao Hu	Member	8.4	0

Is the Applicant or management of the company now a plaintiff or a defendant in any civil or criminal litigation?  Yes  No

If yes, describe:

Has any person listed above ever been a plaintiff or a defendant in any civil or criminal litigation?  Yes  No

If yes, describe:

Has any person listed above ever been charged with a crime other than a minor traffic violation?  Yes  No

If yes, describe:

Has any person listed above ever been convicted of a crime other than a minor traffic violation?  Yes  No

If yes, describe:

Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated a bankrupt?  Yes  No

If yes, describe:



DATED: JULY 18, 2019

**C) Company Description:**

Describe in detail the Company's background, products, customers, goods and services:

The Company, 1211 Western Ave Property Associates LLC, is a Delaware Limited Liability Company formed on April 12, 2019. The Company is affiliated with DMG Investments LLC ("DMG"). DMG is a fully integrated real estate investment firm headquartered in New York City. DMG specializes in developing, investing and operating residential projects, with condo, multifamily and student housing projects in New York, New Jersey, Texas, Tennessee, Wisconsin and South Carolina. DMG is also the developer, owner and property manager of Auden Albany, a student complex located at 1385 Washington Avenue, Albany.

Existing Banking Relationship(s): KeyBank

Has the Company ever received incentives tied to job creation?  Yes  No

If yes, describe:

Were the goals met?

Yes  No  N/A

If no, why not?

*Additional sheets may be attached, if necessary.*

**III. PROJECT DESCRIPTION AND DETAILS**

**A) Assistance requested from the Agency:**

Select all that apply:

- Exemption from Sales Tax
- Exemption from Mortgage Tax
- Exemption from Real Property Tax
- Taxable Bonds
- Tax-exempt Bonds (typically for non-for-profits or qualified manufacturers)
- Other, specify:

**B) Project Description:**

Attach a map, survey or sketch of the Project site, identifying all existing or new buildings/structures.

Summary: (Please provide a brief narrative description of the Project.):

Construction of a 6-story multi-family dwelling complex containing 136 apartment units and an internal parking garage for 150 vehicles. The completed property will have 24/7 on-site professional management.

Location of Proposed Project:

Street Address - Tax Map ID(s):

Is the Applicant the present legal owner of the Project site?  Yes  No

If yes: Date of Purchase:  Purchase Price:

If no:

1. Present legal owner of the Project site:

2. Is there a relationship, legally or by common control, between the Applicant and the present owner of the Project site?  Yes  No

If yes:

3. Does the Applicant have a signed option to purchase the site?  Yes  No  N/A

If yes: Date option signed:  Date option expires:

Is the Project site subject to any property tax certiorari?  Yes  No

DATED: JULY 18, 2019

Describe the Project including, scope, purpose (e.g., new build, renovations, and/or equipment purchases, equipment leases, etc.), timeline, and milestones. The Project scope must entail only future work, as the Agency's benefits are not retroactive:

How many units will the project encompass (include total of number of commercial and residential units)?

How many square feet of commercial space will the project entail?

1211 Western Ave is a one hundred and thirty-six unit, state-of-the-art mixed-used multifamily development. Over two-hundred residents will be able to call the project home including young professionals, families, professors, and graduate students. The project will provide forty one-bedroom units, seventy-three two-bedroom units, as well as twenty-three three-bedroom units. In addition to the beautifully designed units, the project has an impressive list of curated amenities including the courtyard, roof deck, multi-functional media room, computer lounge, fitness center, parking garage, and bicycle racks. The project will also enhance the surrounding neighborhood by providing ground floor retail in the form of small groceries, convenience stores, or restaurants. The project will truly be a mixed-use multifamily development that will give back to the city of Albany and will be a place that residents will be proud to call home.

Would this Project be undertaken **but for** the Agency's financial assistance?  Yes  No

If yes, describe why the Agency's financial assistance is necessary and the effect the Project will have on the Applicant's business or operations:

DATED: JULY 18, 2019

**C) Project Site Occupancy**

Select Project type for all end-users at Project site (choose all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Industrial                       | <input type="checkbox"/> Service*                        |
| <input type="checkbox"/> Acquisition of existing facility | <input type="checkbox"/> Back-office                     |
| <input checked="" type="checkbox"/> Housing               | <input checked="" type="checkbox"/> Mixed use            |
| <input checked="" type="checkbox"/> Multi-tenant          | <input type="checkbox"/> Facility for Aging              |
| <input checked="" type="checkbox"/> Commercial            | <input type="checkbox"/> Civic facility (not-for-profit) |
| <input checked="" type="checkbox"/> Retail*               | <input type="checkbox"/> Other                           |

\* The term "retail sales" means (1) sales by a registered vendor under Article 28 of the Tax Law of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property, as defined in Section 1101(b)(4)(i) of the Tax Law, or (2) sales of a service to customers who personally visit the Project location. If "retail" or "service" is checked, complete the Retail Questionnaire contained in Section IV.

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute.

List the name(s) of the expected tenant(s), nature of the business(es), and percentage of total square footage to be used by each tenant. Additional sheets may be attached, if necessary:

Company:	Nature of Business:	% of total square footage:
1. TBD	grocery, convenience store	100% of retail square footage
2.		
3.		

Are there existing buildings on project site?  Yes  No

a. If yes, indicate number and approximate size (in square feet) of each existing building:

One(1) building approximately 30,000 square feet in size

b. Are existing buildings in operation?  Yes  No  N/A

If yes, describe present use of present buildings: former business office space

c. Are existing buildings abandoned?  Yes  No  N/A

About to be abandoned?  Yes  No  N/A

If yes, describe: Sage Engineering has relocated within the region & the building is vacant/abandoned, as of Aug 2019

d. Attach photograph of present buildings.

**IV. RETAIL QUESTIONNAIRE**

**(Fill out if end users are "retail" or "service" as identified in Section III)**

To ensure compliance with Section 862 of the New York General Municipal Law, the Agency requires additional information if the proposed Project is one where customers personally visit the Project site to undertake either a retail sale transaction or purchase services.

- A) Will any portion of the Project consist of facilities or property that will be primarily used in making sales of goods or services to customers who personally visit the Project site?<sup>1</sup>  Yes  No

If yes, continue with the remainder of the Retail Questionnaire. If no, do not complete the remainder of the Retail Questionnaire.

- B) What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the Project?

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project. If the answer is less than 33.33% do not complete the remainder of the Retail Questionnaire. If the answer to Question A is Yes and the answer to Question B is greater than 33.33%, complete the remainder of the Retail Questionnaire:

1. Is the Project location or facility likely to attract a significant number of visitors from outside the Capital Region Economic Development Region (i.e., Albany, Schenectady, Rensselaer, Greene, Columbia, Saratoga, Warren, and Washington counties)?  Yes  No
2. Will the Project make available goods or services which are not currently reasonably accessible to the residents of the municipality within which the proposed Project would be located?  Yes  No
3. Will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?  
If yes, explain:
4. Will the Project be located in an area designated as an economic development zone pursuant to Article 18-B of the General Municipal Law (Source: <https://esd.ny.gov/empire-zones-program>)?  
If yes, explain:
5. Will the Project be in a "highly distressed" census tract (as defined by the United States Census Bureau <https://factfinder.census.gov/>)  Yes  No

If yes, explain:

The project is located within Albany NY Census Tract 4.03, which is contiguous to Albany NY Census Tracts 5.01 & 5.02. Census Tract 5.01 has a poverty rate of 27.3% and Census Tract 5.02 has a poverty rate of 21.8%, both according to the U.S. Census Bureau American Community Survey estimates for 2018.

Note that it is the position of the Agency that housing projects constitute "retail projects," as such term is defined under the IDA Statute. Accordingly, please answer "yes" and insert "100%" if your project is a housing project.<sup>1</sup>

**V. ENVIRONMENTAL REVIEW AND PERMITTING**

The Applicant must comply with the State Environmental Quality Review Act (SEQRA) before the Agency can vote on proposed financial incentives. It is the Applicant's responsibility to provide a copy of the final SEQRA determination to the Agency.

Environmental Assessment Form:  Short Form  Long Form

Lead Agency:

Agency Contact:

Date of submission:

Status of submission:

Final SEQRA determination:

**A) Site Characteristics:**

Describe the present zoning and land use regulation:

Will the Project meet zoning and land use regulations for the proposed location?  Yes  No

Is a change in zoning and land use regulation is required?  Yes  No

If yes, specify the required change and status of the change request:

If the proposed Project is located on a site where the known or potential presence of contaminants is complicating the development/use of the property, describe the potential Project challenge:

Does part of the Project consist of a new building or buildings?

Yes  No

If yes, indicate number and size of new buildings:

Does part of the Project consist of additions and/or renovations to the existing buildings?

Yes  No

If yes, indicate the buildings to be expanded or renovated, the size of any expansions and the nature of expansion and/or renovation:

**VI. INTER-MUNICIPAL MOVE DETERMINATION**

*The Agency is required by State law to make a determination that, if completion of a Project benefiting from the Agency's financial assistance results in the removal of a plant of the Project occupant from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the Project occupant located within the State, Agency financial assistance is required to prevent the Project occupant from relocating out of the State, or it is reasonably necessary to preserve the Project occupant's competitive position in its respective industry.*

Will the Project result in the removal of a plant of the Project occupant from one area of the State to another area of the State?  Yes  No

Will the Project result in the abandonment of one or more plants or facilities of the Project occupant located within the State?  Yes  No

If yes to either question above, explain how notwithstanding the aforementioned closing or activity reduction, the Agency's financial assistance is required to prevent the Project from relocating out of the State or is reasonably necessary to preserve the Project occupant's competitive position in its respective industry:

Does the Project involve relocation or consolidation of a Project occupant from another municipality?

Within New York State:  Yes  No

Within the City of Albany:  Yes  No

If yes, explain:

**VII. EMPLOYMENT INFORMATION**

**A) Current and Projected Employee FTEs (“Year One” will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):**

	Current FTEs	Projected FTEs			
		New Year 1- 20 <sup>21</sup>	New Year 2 - 20 <sup>22</sup>	New Year 3 - 20 <sup>23</sup>	Total Year 4-20 <sup>24</sup>
Full-time	3	4	4	4	4
Part-time					
Seasonal					

**B) Employment Plan in FTE**

Estimate the number of full-time equivalent (FTE) jobs that are expected to be retained and created as part of this Project. One FTE is equivalent to 35 hours of work per week or 1,820 hours per year. Convert part-time jobs into FTE by dividing the total number of hours for all part-time resources by 35 hours per week or 1,820 hours per year. (“Year One” will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

Attach a list that describes in detail the types of employment for this Project, including the types of activities or work performed and the projected timeframe for creating new jobs.

Occupation in Company	Current (Retained) Permanent FTE		Projected <u>New</u> Permanent FTE			
	Average Annual Salary or Hourly Wage <sup>2</sup>	Number of Current FTE	FTE in Year 1 20 <sup>21</sup>	FTE in Year 2 20 <sup>22</sup>	FTE in Year 3 20 <sup>23</sup>	Total New FTE by Year 4 20 <sup>24</sup>
Professional/ Management	\$40,000-\$60,000 (est.)		1	1	1	1
Administrative	\$30,000-\$35,000 (est.)		1	1	1	1
Sales						
Services	\$25,000+ (est.)		2	2	2	2
Manufacturing						
High-Skilled						
Medium-Skilled						
Basic-Skilled						
Other (specify)						
<b>Total (auto-calculated)</b>		0	4	4	4	4

<sup>2</sup> Wages are defined as all remuneration paid to an employee. Remuneration means every form of compensation for employment paid by an employer to an employee; whether paid directly or indirectly by the employer, including salaries, commissions, bonuses, and the reasonable money value of board, rent, housing, lodging, or similar advantage received. Where gratuities are received from a person other than the employer, the value of such gratuities shall be included as part of the remuneration paid by the employer. Source: <https://labor.ny.gov>.



**VIII. INDEPENDENT CONTRACTOR RESOURCES**

Estimate the number of full-time equivalent (FTE) jobs that are contracted to independent contractors (e.g., contractors or subcontractors) that would be retained and created as part of this Project.

Attach a list that describes in detail the types of contract resources for this Project, including the types of activities or work performed and the projected timeframe for creating new contractor positions. (“Year One” will begin upon the issuance of Certificate of Occupancy or a Temporary Certificate of Occupancy):

	Current FTEs	Projected			
		New Year 1-20	New Year 2-20	New Year 3-20	Total Year 4-20
Full-time					
Part-time					
Seasonal					

**IX. CONSTRUCTION LABOR**

\*Construction Jobs are defined by the number of persons individually identified on the pay roll of the General Contractor/Subcontractor in relation to the project.

Number of construction workers expected to be hired for this Project: 90+

When does the applicant anticipate the start of construction? 2020 Q4

When does the applicant anticipate the completion of construction? 2022 Q2

What is the total value of construction contracts to be executed? \$25,625,840

Describe the general contractor’s plans and selection process for using regional and/or City of Albany construction labor or regional and/or City of Albany sub-contractors:

General contractor plans to advertise locally and to solicit bids and proposals from qualified local/regional subcontractors and suppliers to include the policy outlined by City of Albany IDA as a requirement in all contracts and purchase orders issued for the project.

Potential general contractor would have previous experiences working with City of Albany IDA and a proven track record of meeting or exceeding the regional and City of Albany labor requirements.

**X. PROJECT COSTS AND FINANCING**

Attach additional

**A) Project Costs**

Description of Cost	Amount
Land	\$2,400,000
Buildings	\$25,625,840
Machinery and Equipment Cost	
Utilities, roads and appurtenant costs	
Architects and engineering fees	\$1,400,000
Cost of Bond Issue (legal, financial and printing)	
Construction loan fees and interest (if applicable)	\$993,790
Other (specify)	\$1,169,600
Contingency(hard&soft)	\$1,043,775
Admin, Indirect Cost	\$3,102,309
<b>TOTAL PROJECT COST (auto-calculated)</b>	<b>\$35,735,314</b>

Have any of the above costs been paid or incurred as of the date of this application?  Yes  No

If yes, describe: An estimated \$1,300,000 has been spent so far on civil engineering, architectural design, market study, traffic study & zoning attorney. Land was closed on April 19, 2020.

**B) Sources of Funds for Project Costs**

Equity:	\$14,375,314
Bank Financing: (Including permanent financing after project completion)	\$32,000,000
Tax Exempt Bond Issuance:	
Taxable Bond Issuance	

Public Sources (Include total of all State and Federal grants and tax credits):

Identify each State and Federal program:


Public Funds Total (auto-calculated): \$0

*Additional sheets may be attached, as necessary.*

TOTAL: (auto-calculated) \$46,375,314

Amount of total financing requested from lending institutions: \$32,000,000

Amount of total financing related to existing debt refinancing: \$0

Has a commitment for financing been received?  Yes  No

If yes:

Lending Institution: KeyBank

Contact: Peter Rand

Phone: (212) 424-1816

**XI. PROJECT EVALUATION AND ASSISTANCE FRAMEWORK**

**Project Evaluation and Assistance Framework.** If applicable, complete the following Matrix that is part of the Agency's Project Evaluation and Assistance Framework.

**Baseline Requirements** (Must Achieve All)

- Complete Application
  - Albany 2030 Aligned
  - Meet Project Use Definition
  - Meets NYS/CAIDA Requirements
  - Planning Approval (if applicant)
  - "But For" Requirement
- Approval Date :

**Community Benefit Metrics** (Must Achieve 10)

- |   |  |   |
|---|--|---|
| <p style="text-align: center;"><b>Revitalization</b></p> <p><b>Target Geography</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Distressed Census Tract</li> <li><input type="checkbox"/> High Vacancy Census Tract</li> <li><input type="checkbox"/> Downtown</li> <li><input type="checkbox"/> BID</li> <li><input type="checkbox"/> Neighborhood Plan</li> </ul> <p><b>Identified Priority</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Downtown Residential</li> <li><input type="checkbox"/> Tax Exempt/Vacant</li> <li><input type="checkbox"/> Identified Catalyst Site</li> <li><input type="checkbox"/> Historic Preservation</li> <li><input type="checkbox"/> Community Catalyst</li> </ul> <p><b>Identified Growth Area</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Manufacturing/Distribution</li> <li><input type="checkbox"/> Technology</li> <li><input type="checkbox"/> Hospitality</li> <li><input checked="" type="checkbox"/> Existing Cluster</li> <li><input type="checkbox"/> Conversion to Residential</li> </ul> | <p style="text-align: center;"><b>Investment</b></p> <p><b>Financial Commitment</b> (cumulative)</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 2.5M - 10M</li> <li><input checked="" type="checkbox"/> 10.1 - 17.5M</li> <li><input checked="" type="checkbox"/> 17.6M - 25M</li> </ul> <p><b>Community Commitment</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> MWBE/DBE Participation</li> <li><input type="checkbox"/> EEO Workforce Utilization</li> <li><input type="checkbox"/> Inclusionary Housing</li> <li><input checked="" type="checkbox"/> Regional Labor</li> <li><input checked="" type="checkbox"/> City of Albany Labor</li> <li><input type="checkbox"/> Apprenticeship Program</li> </ul> | <p style="text-align: center;"><b>Employment</b></p> <p><b>Permanent Jobs</b> (cumulative)</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 3 - 40</li> <li><input type="checkbox"/> 41 - 80</li> <li><input type="checkbox"/> 81 - 120</li> <li><input type="checkbox"/> 121 - 180</li> <li><input type="checkbox"/> &gt; 180</li> </ul> <p><b>Retained Jobs</b> (cumulative)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 3 - 40</li> <li><input type="checkbox"/> 41 - 80</li> <li><input type="checkbox"/> 81 - 120</li> <li><input type="checkbox"/> 121 - 180</li> <li><input type="checkbox"/> &gt; 180</li> </ul> <p><b>Construction Jobs</b> (cumulative)</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> 6 - 80</li> <li><input checked="" type="checkbox"/> 81 - 160</li> <li><input type="checkbox"/> 161 - 240</li> <li><input type="checkbox"/> &gt; 240</li> </ul> |
|---|--|---|

**XII. ESTIMATED VALUE OF INCENTIVES**

A) Property Tax Exemption:

Agency staff will complete this section with the Applicant based on information submitted by the Applicant and the City of Albany Assessor. **If you are requesting an exception to the PILOT schedule that cannot be accommodated by the UTEP or the CAIDA Project Evaluation and Assistance Framework, please provide additional sheets indicating the proposed PILOT payments.**

Does your project meet the definition of "large project" as defined in the Framework (\$25 Million, 15 Total Acres or Full Service Hotel)?  Yes  No

Current assessed full assessed value of the property **before** Project improvements (NOTE: this is for non-commercial residential) or the **purchase price of the property**, whichever is higher:

Estimated new assessed full value of property **after** Project improvement based on letter from the City of Albany Assessor:

Estimated real property 2019 tax rate per dollar of full assessment (auto-calculated):

*\*assume 2% annual increase in tax rate*

Estimated Completed Assessed Value per Unit based on letter from the City of Albany Assessor:

DATED: JULY 18, 2019

PILOT Year	Existing Real Property Taxes	Estimated Real Property Taxes on Improved Value <b>Without</b> PILOT <sup>3</sup>	Estimated Total <b>Without</b> PILOT	PILOT Abatement % based on Framework schedule Abatement percentages must be entered in decimals	*Estimated PILOT Payments
1	\$ 116,275	\$828,458	\$944,733	90%	\$199,121
2	\$ 118,600	\$845,028	\$963,628	90%	\$ 203,103
3	\$ 120,972	\$861,928	\$982,900	90%	\$ 207,165
4	\$ 123,392	\$879,167	\$1,002,558	90%	\$ 211,308
5	\$ 125,860	\$896,750	\$1,022,610	90%	\$ 215,535
6	\$ 128,377	\$914,685	\$1,043,062	90%	\$ 219,845
7	\$ 130,944	\$932,979	\$1,063,923	90%	\$ 224,242
8	\$133,563	\$951,638	\$1,085,202	90%	\$ 228,727
9	\$136,235	\$970,671	\$1,106,906	90%	\$ 233,302
10	\$138,959	\$990,084	\$1,129,044	85%	\$ 287,472
11	\$141,738	\$1,009,886	\$1,151,625	80%	\$ 343,716
12	\$144,573	\$1,030,084	\$ 1,174,657	70%	\$ 453,598
13	\$147,465	\$1,050,685	\$ 1,198,150	60%	\$ 567,739
14	\$150,414	\$1,071,699	\$ 1,222,113	50%	\$ 686,264
15	\$153,422	\$1,093,133	\$ 1,246,555	45%	\$ 754,645
16	\$156,491	\$1,114,996	\$ 1,271,487	40%	\$ 825,488
17	\$159,620	\$1,137,296	\$ 1,296,916	30%	\$ 955,728
18	\$162,813	\$1,160,042	\$ 1,322,855	20%	\$ 1,090,846
19				0%	
20				0%	
			\$ 20,228,923		\$ 7,907,844

\*PILOT payments may not to fall short of \$675 per door or .97 per Square Foot as applicable from Framework

Please note that after year twelve (12) of any Multi-Family Commercial PILOT, a bifurcated structure commences whereby projects shall pay the greater of: (a) scheduled pilot payments as stated by assistance schedule or (b) 11.5% of gross revenue.

Notwithstanding anything herein to the contrary, if the project consists of an **affordable housing project**, the applicant shall make annual payments in lieu of property taxes pursuant to the PILOT Agreement with respect to the project as follows:(i) An amount equal to ten percent (10%) of the shelter rents (rents, excluding the component thereof, if any, attributable to energy and utility costs paid by the applicant) payable by the tenants in connection with the housing project.

If the applicant is requesting assistance that is a deviation from the Agency's UTEP, please refer to the Agency's Project Evaluation and Assistance Framework to determine the appropriate, potential standard deviation abatement schedule: <http://albanyida.com/wp-content/uploads/2012/03/CAIDA-PILOT-Program-Board-Revised-1.pdf>

<sup>3</sup> The figures in this column assume that the Project is completed as described in the Application and without the involvement of the Agency and, therefore, subject to real property taxes. However, as provided in this Application, the Applicant has certified that it would not undertake the Project without the financial assistance granted by the Agency. Accordingly, this column is prepared solely for the purpose of determining the estimated amount of the real property tax abatement being granted by the Agency.

## COMMERCIAL WORKSHEET FOR ESTIMATED VALUE OF INCENTIVES

Current assessed full assessed value of the property **before** Project improvements or the purchase price of the property, whichever is higher:

Estimated new assessed full value of property **after** Project improvement based on letter from the City of Albany Assessor:

Estimated real property 2019 tax rate per dollar of full assessment (auto-calculated):

How many square feet of commercial space will the project entail?

Based on the letter from the City of Albany Assessor, which abatement schedule are you requesting:

PILOT Year	Existing Real Property Taxes	Estimated Real Property Taxes on Improved Value <b>Without</b> PILOT <sup>3</sup>	Estimated Total <b>Without</b> PILOT	PILOT Abatement % based on Framework schedule	*Estimated PILOT Payments
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

*\*assume 2% annual increase in tax rate*

*\*PILOT payments may not to fall short of \$675 per door or .97 per Square Foot as applicable from Framework*

Please note that after year twelve (12) of any Multi-Family Commercial PILOT, a bifurcated structure commences whereby projects shall pay the greater of: (a) scheduled pilot payments as stated by assistance schedule or (b) 11.5% of gross revenue.

DATED: JULY 18, 2019

If the Applicant is requesting assistance that is greater than the Agency’s standard UTEP deviations identified in the Project Evaluation and Assistance Framework, describe the incentives and provide a justification for this PILOT request:

**B) Sales and Use Tax Benefit:**

*Note: The figures below will be provided to the New York State Department of Taxation and Finance and represents the maximum amount of sales and use tax benefit that the Agency may authorize with respect to the application.*

Costs for goods and services that are subject to State and local sales and use tax <sup>4</sup> :	\$12,500,000
Estimated State and local sales and use tax benefit (sales tax amount multiplied by 8.0% plus additional use tax amounts):	\$1,000,000

**C) Mortgage Recording Tax Benefit:**

Mortgage amount (include construction, permanent, bridge financing or refinancing):	\$32,000,000
Estimated mortgage recording tax exemption benefit (mortgage amount multiplied by 1% ) <sup>5</sup> :	\$320,000

**D) Percentage of Project Costs Financed from Public Sector:**

Percentage of Project costs financed from public sector: 47.8  
 (Total B + C + D + E below / A Total Project Cost)

A. Total Project Cost:	\$35,735,314
B. Estimated Value of PILOT (auto-filled):	\$12,344,629
C. Estimated Value of Sales Tax Incentive:	\$1,000,000
D. Estimated Value of Mortgage Tax Incentive:	\$320,000
E. Total Other Public Incentives (tax credits, grants, ESD incentives, etc.):	\$0

<sup>4</sup> Sales and use tax (sales tax) is applied to: tangible personal property (unless specifically exempt); gas, electricity, refrigeration and steam, and telephone service; selected services; food and beverages sold by restaurants, taverns, and caterers; hotel occupancy; and certain admission charges and dues. For a definition of products, services, and transactions subject to sales tax see the following links: <https://www.tax.ny.gov/bus/st/subject.htm> and [https://www.tax.ny.gov/pubs\\_and\\_bulls/tg\\_bulletins/st/quick\\_reference\\_guide\\_for\\_taxable\\_and\\_exempt\\_property\\_and\\_services.htm](https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/quick_reference_guide_for_taxable_and_exempt_property_and_services.htm).

<sup>5</sup> The Mortgage Recording Tax in Albany County is equal to 1.25%. However, the Agency is authorized under the IDA Statute to exempt only 1.00%.

**XIII. COST BENEFIT ANALYSIS**

In order for the City of Albany Industrial Development Agency (the “Agency”) to prepare a Cost/Benefit Analysis for a proposed project (the “Project”), the Applicant must answer the questions contained in this Project Questionnaire (the “Questionnaire”). Such information should consist of a list and detailed description of the benefits of the Agency undertaking the Project (e.g., number of jobs created, types of jobs created, economic development in the area, community benefits (including community commitment as described in the Agency’s Project Evaluation and Assistance Framework), etc.). Such information should also consist of a list and detailed description of the costs of the Agency undertaking the Project (e.g., tax revenues lost, buildings abandoned, etc.).

This Questionnaire must be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

**PROJECT QUESTIONNAIRE**

1. Name of Project Beneficiary (“Company”):	1211 Western Ave Property Associates LLC	
2. Brief Identification of the Project:	136 unit multi-family housing facility	
3. Estimated Amount of Project Benefits Sought:	<b>\$13,664,629</b>	
A. Amount of Bonds Sought:		\$0
B. Value of Sales Tax Exemption Sought		\$1,000,000
C. Value of Real Property Tax Exemption Sought		\$12,344,629
D. Value of Mortgage Recording Tax Exemption Sought		\$320,000
4. Likelihood of accomplishing the Project in a timely fashion (please explain):	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<div style="border: 1px solid black; padding: 5px;">                 Company has been working with a local general contractor and local professionals to ensure the Project will be completed for a Summer 2022 opening.             </div>		

DATED: JULY 18, 2019

**PROJECTED PROJECT INVESTMENT**

<b>A. Land-Related Costs</b>	
1. Land acquisition	\$ 2,400,000
2. Site preparation	\$ 800,000
3. Landscaping	
4. Utilities and infrastructure development	
5. Access roads and parking development	\$ 48,000
6. Other land-related costs (describe)	
<b>B. Building-Related Costs</b>	
1. Acquisition of existing structures	
2. Renovation of existing structures	
3. New construction costs	\$ 20,275,840
4. Electrical systems	\$ 1,550,000
5. Heating, ventilation and air conditioning	\$ 1,300,000
6. Plumbing	\$ 1,700,000
7. Other building-related costs (describe)	
<b>C. Machinery and Equipment Costs</b>	
1. Production and process equipment	
2. Packaging equipment	
3. Warehousing equipment	
4. Installation costs for various equipment	
5. Other equipment-related costs (describe)	
<b>D. Furniture and Fixture Costs</b>	
1. Office furniture	
2. Office equipment	
3. Computers	
4. Other furniture-related costs (describe)	\$ 748,000
<b>E. Working Capital Costs</b>	
1. Operation costs	\$ 600,000
2. Production costs	
3. Raw materials	
4. Debt service	\$ 993,790
5. Relocation costs	
6. Skills training	
7. Other working capital-related costs (describe)	\$ 176,309
<b>F. Professional Service Costs</b>	
1. Architecture and engineering	\$ 1,400,000
2. Accounting/legal	\$ 250,000
3. Other service-related costs (describe)	\$ 1,280,000
<b>G. Other Costs</b>	
1. Development Fee	\$ 1,169,600
2. Contingency	\$ 1,043,775
<b>H. Summary of Expenditures</b>	
1. Total Land-Related Costs	\$ 3,248,000
2. Total Building-Related Costs	\$ 24,825,840
3. Total Machinery and Equipment Costs	\$ 0
4. Total Furniture and Fixture Costs	\$ 748,000
5. Total Working Capital Costs	\$ 1,770,099
6. Total Professional Service Costs	\$ 2,930,000
7. Total Other Costs	\$ 2,213,375
	\$ 35,735,314



**PROJECTED NET OPERATING INCOME**

I. Please provide projected Net Operating Income:

YEAR	Without IDA benefits	With IDA benefits
1	(\$ 259,442)	\$ 485,603
2	(\$ 113,355)	\$ 648,294
3	(\$ 68,170)	\$ 710,403
4	(\$ 21,343)	\$ 774,484
5	\$ 27,183	\$ 840,597

**PROJECTED CONSTRUCTION EMPLOYMENT IMPACT**

I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year	45+	\$3,199,117 (est.)	\$206,343 (est.)
Year 1	45+	\$3,199,117 (est.)	\$206,343 (est.)
Year 2			
Year 3			
Year 4			
Year 5			

**PROJECTED PERMANENT EMPLOYMENT IMPACT**

- I. Estimates of the total number of existing permanent FTE jobs to be preserved or retained as a result of the Project are described in the tables in Section VII of the Application.
- II. Estimates of the total new permanent FTE jobs to be created at the Project are described in the tables in Section VII of the Application.
- III. Please provide estimates for the following:
  - A. Creation of New Job Skills relating to permanent jobs. Please complete Schedule A.

**PROJECTED OPERATING IMPACT**

I. Please provide estimates for the impact of Project operating purchases and sales:

Additional Purchases (1 <sup>st</sup> year following project completion)	\$ 80,500
Additional Sales Tax Paid on Additional Purchases	\$ 64,400
Estimated Additional Sales (1 <sup>st</sup> full year following project completion)	
Estimated Additional Sales Tax to be collected on additional sales (1 <sup>st</sup> full year following project completion)	

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes (“Pilot Payments”): *If you are requesting an exception that cannot be accommodated by the auto-calculated fields, please provide additional sheets indicating the proposed PILIOT payments.*

Year	Existing Real Property Taxes (Without Project)	New Pilot Payments (With IDA)	Total (Difference)
Current Year	\$113,995	\$113,995	\$0
Year 1	\$ 116,275	\$199,121	\$82,846
Year 2	\$ 118,600	\$ 203,103	\$84,503
Year 3	\$ 120,972	\$ 207,165	\$86,193
Year 4	\$ 123,392	\$ 211,308	\$87,917
Year 5	\$ 125,860	\$ 215,535	\$89,675
Year 6	\$ 128,377	\$ 219,845	\$91,468
Year 7	\$ 130,944	\$ 224,242	\$93,298
Year 8	\$133,563	\$ 228,727	\$95,164
Year 9	\$136,235	\$ 233,302	\$97,067
Year 10	\$138,959	\$ 287,472	\$148,513
Year 11	\$141,738	\$ 343,716	\$201,977
Year 12	\$144,573	\$ 453,598	\$309,025
Year 13	\$147,465	\$ 567,739	\$420,274
Year 14	\$150,414	\$ 686,264	\$535,850
Year 15	\$153,422	\$ 754,645	\$601,223
Year 16	\$156,491	\$ 825,488	\$668,998
Year 17	\$159,620	\$ 955,728	\$796,107
Year 18	\$162,813	\$ 1,090,846	\$928,033
Year 19			
Year 20			
			\$ 5,418,130

**ADDITIONAL COMMUNITY BENEFITS**

The City of Albany Industrial Development Agency is supportive of inclusionary development practices. Please indicate which of the below described community benefits (as defined in the Agency’s Project Evaluation and Assistance Framework) will be provided as a result of the Project, and please provide a detailed description of such benefits, together with any other economic benefits and community benefits expected to be produced as a result of the Project (attach additional pages as needed for a complete and detailed response). Examples of these benefits include:

- |                                |                                 |
|--------------------------------|---------------------------------|
| (A) MWBE/DBE Participation;    | (L) Downtown Residential;       |
| (B) EEO;                       | (M) Tax Exempt/Vacant Property; |
| (C) Workforce Utilization;     | (N) Identified Catalyst Site;   |
| (D) Inclusionary Housing;      | (O) Historic Preservation;      |
| (E) Regional Labor;            | (P) Community Catalyst;         |
| (F) City of Albany Labor;      | (Q) Manufacturing/Distribution; |
| (G) Apprenticeship Program;    | (R) Technology;                 |
| (H) Distressed Census Tract;   | (S) Hospitality;                |
| (I) High Vacancy Census Tract; | (T) Existing Cluster; and       |
| (J) Downtown BID;              | (U) Conversion to Residential.  |
| (K) Neighborhood Plan;         |                                 |

1211 Western Ave is a one hundred and thirty-six unit, state-of-the-art mixed-used multifamily development. Over two-hundred residents will be able to call the project home including young professionals, families, professors, and graduate students. The project will provide forty one-bedroom units, seventy-three two-bedroom units, as well as twenty-three three-bedroom units. In addition to the beautifully designed units, the project has an impressive list of curated amenities including the courtyard, roof deck, multi-functional media room, computer lounge, fitness center, parking garage, and bicycle racks. The project will also enhance the surrounding neighborhood by providing ground floor retail in the form of small groceries, convenience stores, or restaurants. The project will truly be a mixed-use multifamily development that will give back to the city of Albany and will be a place that residents will be proud to call home.

It is anticipated the Project will provide the following community benefits:

(A) MWBE/DBE Participation;  
(E) Regional Labor;  
(F) City of Albany Labor;  
(T) Existing Cluster.

DATED: JULY 18, 2019

**XIV. OTHER**

Is there anything else the Agency's board should know regarding this Project?




DATED: JULY 18, 2019

**CERTIFICATION**

I certify that I have prepared the responses provided in this Questionnaire and that, to the best of my knowledge; such responses are true, correct, and complete.

I understand that the foregoing information and attached documentation will be relied upon, and constitute inducement for, the Agency in providing financial assistance to the Project. I certify that I am familiar with the Project and am authorized by the Company to provide the foregoing information, and such information is true and complete to the best of my knowledge. I further agree that I will advise the Agency of any changes in such information, and will answer any further questions regarding the Project prior to the closing.

I affirm under penalty of perjury that all statements made on this application are true, accurate and complete to the best of my knowledge.

Date Signed: <u>06/23/2020</u>	<b>Name of Person Completing Project Questionnaire on behalf of the Company.</b> Name: <u>Yuanliu He</u> Title: <u>Authorized Signatory</u> Phone Number: <u>                    </u> Address: <u>                                    </u> Signature: <u></u>
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**REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION**

[Yuanliu He] (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the [authorized sign] (title) of [1211 Western Ave Prop] (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. Job Listings. Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA"), as replaced by the Workforce Investment Act of 1998 (Public Law 105-220), in which the Project is located.
  
- B. First Consideration for Employment. In accordance with Section 858-b(2) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
  
- C. City Human Rights Law. The applicant has reviewed the provisions of Chapter 48, Article III of the City Code, entitled "The Omnibus Human Rights Law" and agrees to comply with such provisions to the extent that such provisions are applicable to the applicant and the Project.
  
- D. Annual Sales Tax Filings. In accordance with Section 874(8) of the New York General Municipal Law, the applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law, the applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the applicant and all consultants or subcontractors retained by the applicant.
  
- E. Annual Employment Reports. The applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the applicant agrees to file, or cause to be filed, with the Agency, on an annual basis, reports regarding the number of people employed at the Project site, including (1) the NYS-45 – Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return – for the quarter ending December 31 (the "NYS-45"), and (2) the US Dept. of Labor BLS 3020 Multiple Worksite report if applicable. The applicant also agrees, whenever requested by the Agency, to provide and certify or cause to be provided and certified such information concerning the participation of individuals from minority groups as employees or applicants for employment with regard to the project.
  
- F. Local Labor Information. The applicant is aware of and understands the provisions of Part 24 of the Policy Manual of the Agency. Pursuant to Part 24 of the Policy Manual of the Agency, the applicant agrees to provide information, in form and substance satisfactory to the Agency, relating to construction activities for projects; specifically: (i) the Company's contact person responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to this Application and the Project, (ii) the

DATED: JULY 18, 2019

nature of construction jobs created by the Project, including the number, type, and duration of construction positions; and (iii) submit to the Agency a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors, and vendors who were engaged in the construction phase of the Project.

G. Additional Fee for Low Income Housing/Tax Credit (9% only) Projects. An annual administrative fee equal to \$10,000 shall be payable annually by the applicant on each January 1 for a term equal to ten (10) years. This annual administrative fee is in addition to the standard administrative fee for Agency Straight Lease Transactions and Agency Bond Transactions and is applicable to Projects which provide for low income housing/tax credit (9% only) projects.

H. Uniform Agency Project Agreement. The applicant agrees to enter into a uniform agency project agreement with the Agency where the applicant agrees that (1) the amount of Financial Assistance to be received shall be contingent upon, and shall bear a direct relationship to the success or lack of success of such project in delivering certain described public benefits (the "Public Benefits") and (2) the Agency will be entitled to recapture some or all of the Financial Assistance granted to the applicant if (a) the project is unsuccessful in whole or in part in delivering the promised Public Benefits, (b) certain "recapture events" occur (e.g., failure to complete the Project, sale or transfer of the Project, failure to make the estimated investment, failure to maintain job employment levels and failure to make annual reporting filings with the Agency).

I. Assignment of Agency Abatements. In connection with any Agency Straight Lease Transaction or Agency Bond Transaction, the Agency may grant to the applicant certain exemptions from mortgage recording taxes, sales and use taxes and real property taxes. The applicant understands that the grant of such exemptions by the Agency is intended to benefit the applicant. Subsequently, if the applicant determines to convey the Project and, in connection with such conveyance to assign such exemptions to the purchaser, the applicant understand that any such assignment is subject to review and consent by the Agency, together with the satisfaction of any conditions that may be imposed by the Agency.

J. Post-Closing Cost Verification. The applicant agrees (1) the scope of the Project will not vary significantly from the description in the public hearing resolution for the project and (2) to deliver to the Agency within sixty (60) days following the completion date of a project an affidavit providing the total costs of the project. In the event that the amount of the total project costs described in the affidavit at the completion date exceeds the amount described in an affidavit provided by the applicant on the closing date of the project, the applicant agrees to adjust the amounts payable by the applicant to the Agency by such larger amount and to pay to the Agency such additional amounts. In the event that the amount described is less, there shall not be any adjustment to the Agency fees.

K. Representation of Financial Information. Neither this Application nor any other agreement, document, certificate, project financials, or written statement furnished to the Agency or by or on behalf of the applicant in connection with the project contemplated by this Application contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements contained herein or therein not misleading. There is no fact within the special knowledge of any of the officers of the applicant which has not been disclosed herein or in writing by them to the Agency and which materially adversely affects or in the future in their opinion may, insofar as they can now reasonably foresee, materially adversely affect the business, properties, assets or condition, financial or otherwise, of the applicant.

L. Agency Financial Assistance Required for Project. The Project would not be undertaken but for the Financial Assistance provided by the Agency or, if the Project could be undertaken without the Financial Assistance provided by the Agency, then the Project should be undertaken by the Agency for the following reasons:

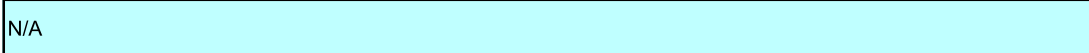


M. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of Article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.

N. Compliance with Federal, State, and Local Laws. The applicant is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

O. False or Misleading Information. The applicant understands that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the Project.

P. Absence of Conflicts of Interest. The applicant acknowledges that the members, officers and employees of the Agency are listed on the Agency's website. No member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:



Q. Additional Information. Additional information regarding the requirements noted in this Application and other requirements of the Agency is included the Agency's Policy Manual which can be accessed at [www.albanyida.com](http://www.albanyida.com).

R. Onsite Visits. The applicant acknowledges that under the Agency's Policy Manual regarding monitoring and administration of projects, the Project is subject to periodic onsite visits by Agency staff.



DRAFT FOR DISCUSSION PURPOSES ONLY  
DATED: JULY 8, 2019

STATE OF ~~NEW YORK~~ )  
<sup>Nevada</sup>  
COUNTY OF ~~ALBANY~~ )  
<sup>Clerk</sup> ) SS.:

Yuan Liu He, being first duly sworn, deposes and says: Property Associates LLC

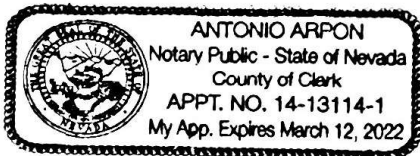
1. That I am the Yuan Liu He <sup>CEO</sup> (Corporate Office) of 1211 Western Ave (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate, and complete.

  
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury.

This 22<sup>nd</sup> day of January, 2020

  
(Notary Public)




HOLD HARMLESS AGREEMENT

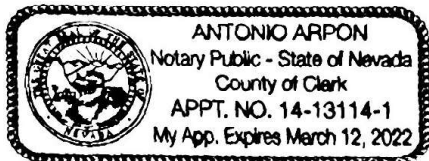
Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (i) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the application or the project described therein or the issue of bonds requested therein are favorably acted upon by the Agency, and (ii) the Agency's financing of the Project described therein; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

BY: 

State of Nevada  
County of Clark  
Sworn to before me this  
22 day of Jan, 2020

  
(Notary Public)



DATED: JULY 18, 2019

SCHEDULE A

CREATION OF NEW JOB SKILLS

Please list the projected new job skills for the new permanent jobs to be created at the Project as a result of the undertaking of the Project by the Company.

New Job Skills	Number of Positions Created	Range of Salary and Benefits
Property Manager	1 Full Time	\$50,000 - \$60,000 (est.)
Leasing/ Marketing Director	1 Full Time	\$30,000 - \$35,000 +commission (est.)
Maintenance	1 Full Time	\$25,000 + commission (est.)
Housekeeper	1 Full Time	\$25,000 + commission (est.)

Should you need additional space, please attach a separate sheet.

**NEW YORK STATE FINANCIAL REPORTING  
REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES**

Be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of importance to IDA Applicants is Section 859 (<https://www.nysenate.gov/legislation/laws/GMU/859>). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency's fiscal year ending December 31, prepared by an independent, certified public accountant, to the New York State Comptroller, and the Commissioner of the New York State Department of Economic Development. These audited financial statements shall include supplemental schedules listing the following information:

1. All straight-lease ("sale-leaseback") transactions and whether or not they are obligations of the Agency.
2. All bonds and notes issued, outstanding or retired during the period and whether or not they are obligations of the Agency.
3. All new bond issues shall be listed and for each new bond issue, the following information is required:
  - a. Name of the Project financed with the bond proceeds.
  - b. Whether the Project occupant is a not-for-profit corporation.
  - c. Name and address of each owner of the Project.
  - d. The estimated amount of tax exemptions authorized for each Project.
  - e. The purpose for which the bond was issued.
  - f. The bond interest rate at issuance and, if variable, the range of interest rates applicable.
  - g. Bond maturity date.
  - h. Federal tax status of the bond issue.
  - i. Estimate of the number of jobs created and retained for the Project.
4. All new straight lease transactions shall be listed and for each new straight lease transaction, the following information is required:
  - a. Name of the Project.

DATED: JULY 18, 2019

- b. Whether the Project occupant is a not-for-profit corporation.
- c. Name and address of each owner of the Project.
- d. The estimated amount of tax exemptions authorized for each Project.
- e. The purpose for which each transaction was made.
- f. Method of financial assistance utilized for each Project, other than the tax exemptions claimed by the Project.
- g. Estimate of the number of jobs created and retained for the Project.

Sign below to indicate that you have read and understood the above

Signature:



Name:

Yuanliu He

Title:

Authorized Signatory

Company:

1211 Western Ave Property Associates LLC

Date:

06/23/2020

**Exhibit "A"**

(Site Map of Project Site)

Gerald R Gray, PLS  
 Licensed Land Surveyor  
 Latham, New York 518-312-1335



Gerald R. Gray NYSPRLS 00513

UNRECORDED ALIENATION OR ADDITION TO TITLE. THIS SURVEY IS SUBJECT TO ANY ALIENATION OR ADDITION TO TITLE OF THIS SURVEY AND ANY DEEDS, RECORDS, ETC. THAT MAY BE APPLICABLE TO THIS SURVEY. THIS SURVEY IS NOT TO BE CONSIDERED A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEY IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEY IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE SURVEY.

No.	Traverse	Survey	Reason	Date
1	Traverse	Survey	Reason	Date

Drawn by: GREG Date: 8/24/17  
 Checked: GREG Date: 8/24/17  
 Project Number

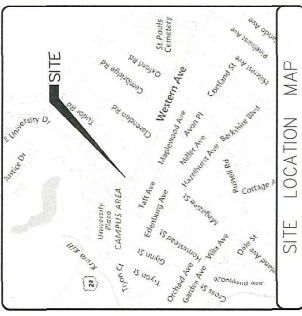
Project Title  
**Lands of Sage Enterprises LLC**  
 1211 Western Avenue  
 Albany, New York



Drawing Title  
**Boundary & Topographic Survey**

Drawing Scale:  
 1" = 20'  
 Date:  
 Jan. 10, 2017

Drawing Number  
 1 of 1

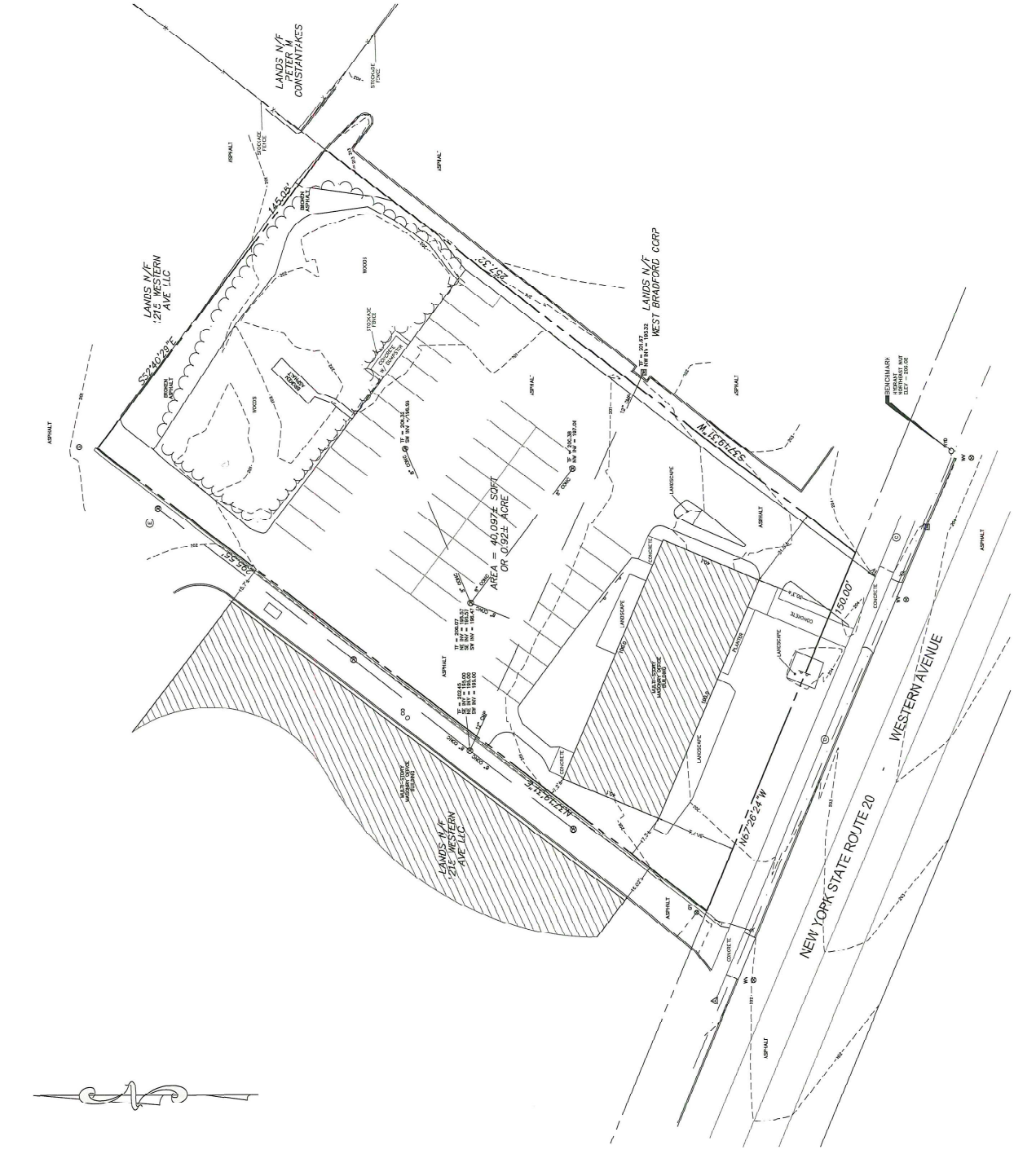
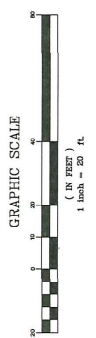


**DEED REFERENCE:**

- 1) LANDS CONVEYED BY GIS CORPORATION TO SAGE ENTERPRISES, LLC BY DEED DATED APRIL 30, 1998 AND RECORDED IN THE ALBANY COUNTY CLERK'S OFFICE ON MARCH 6, 1998 IN LIBR 2602, PAGE 394.
- 2) MAP PREPARED BY GERALD R. GRAY, PLS, FROM AN AUGUST 2017 FIELD SURVEY.
- 3) NAD 83 IS REFERENCED TO NAD 83 NEW YORK STATE 8400S EAST ZONE. ELEVATION DATUM IS BASED ON AN ASSUMED ELEVATION OF 204.

**NOTES:**

- 1) SUBJECT TO ALL EASEMENTS, EASEMENTS OR RESTRICTIONS RECORDED OR UNRECORDED.
- 2) SUBJECTS PARCELS IS SUBJECT TO ANY SURVEYS OF FACT CONTAINED IN AN UP TO DATE ABSTRACT OF TITLE OF TITLE REPORT.
- 3) UNRECORDED UTILITIES, IF SUCH UTILITIES ARE BASED ON PHYSICAL EVIDENCE, THEY SHOULD BE CONSIDERED SEPARATELY AND ARE SHOWN TO REPRESENT GENERAL UTILITY CONNECTIONS (WATER, GAS, SEWER, ETC.) AND NOT SPECIFIC UTILITIES. THE SURVEY MAKES NO CERTIFICATION AS TO THE ACCURACY OF THE UNDERGROUND UTILITY LOCATIONS AND OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP. CALL UTILITY FOR FURTHER INFORMATION.
- 4) SURVEY IS PREPARED IN ACCORDANCE WITH THE NEW YORK STATE SURVEYING AND MAPPING LAW AND REGULATIONS. THE SURVEYING FOR LAND SURVEYS AS ADOPTED IN OCTOBER OF 1986 AND LAST REVISED ON JULY 18, 1997.



**Exhibit "B"**

(Photograph of Existing Building)





## Exhibit “C”

(Detailed Descriptions of Employment)

### *Property Manager Job Description*

Job Description: The goal of a rental property manager in a growing company is such to be willing to give support in the day to day operations of handling tenant concerns, owner’s inquiries, handling and scheduling of respected trades and providing support to the General Manager as needed. In addition key importance is to ensure suitable tenants are selected as properties become available meaning responsibilities in efficient and effective leasing of units is of great importance to all levels within the organization. A rental property manager is on call regularly to receive inquiries as they may arise and address repairs as needed prioritizing those that are deemed of emergency as such.

The role in this field encompasses many skill sets but some keys items that are taken into consideration are as follows;

Office Duties:

Maintain general email accounts Answer phones, messages, general information Mail, outgoing and incoming Data Entry - QuickBooks (we will train) Prepare Leases and Tenancy Documentation Collect and process rent cheques Schedule work orders and repair Prepare bank deposits Maintain unit owner financial records Filing Posting rental advertisements General office administration General customer service

Property Management Duties:

Select unit showings, Inspections, Promotion of Services, Liaise with trades for unit repairs, Move in / Move out inspections, Tenancy Application approvals, Assist in the Management of the General Managers Rental Portfolio Requirements: Skills Required:

Proficient in using the Internet, MS Outlook, Microsoft Word and Excel Ability to learn new database software on an ongoing basis as systems change Customer service and client relations Office organization and time management Organizational skills Must be able to multi-task Excellent Communication skills in English, other languages would be an asset

For travel requirements individual must:

Own a reliable vehicle and possess a clean and valid driver’s license

### *Leasing Manager Job Description*

Responsibilities of the Leasing Manager include the following, which are subject to change or adjustment:

Leasing:

- Monitor and report building vacancy levels to management.
- Monitor lease expirations and proactively contact existing tenants for renewals or extensions.
- Assist with prospective tenant showings at properties throughout New England, as needed.
- Assist SVP in lease negotiations.
- Provide administrative support to SVP.

- Coordinate, negotiate and track first & subsequent lease drafts from LOI to execution.
- Develop tenant concept plans with architect.
- Coordinate tenant construction pricing with WCM and develop lease work letters.
- Draft Letters of Intent.
- Act as liaison between tenants, in-house personnel, outside counsel, consultants and brokers to negotiate, prepare and review leases and related documents, amendments, renewals, extensions, licenses, terminations, subleases, lessor consents, right-of-first-offer & right-of-first-refusal notices, cell tower agreements, etc
- Oversee internal lease review process.
- Coordinate with finance to provide ownership model updates
- Maintain a tracking database of all portfolio leasing matters.

**Marketing:** • Work with architects to maintain updated leasing plans for company database; ensure square footages are consistent with MRI. • Maintain database of current marketing materials (e.g. leasing brochures). • Update company website and outside listing services with current leasing-related information. • Negotiate, draft, and maintain brokerage listing agreements. • Assist in developing property specific marketing programs as needed. • Assist in maintaining company's Facebook page and other social media outlets.

**Acquisitions:** • Coordinate preparation of purchase & sales agreements with outside counsel. • Facilitate comments on agreements between parties and arrange for revisions as necessary. • Oversee execution and distribution of P&S agreements and related documents. • Prepare property purchase checklists and monitor for completion of items. • Review agreements for critical dates and contingencies, and calendar and track same. • Prepare and review due diligence contracts. • Assist in due diligence process & review. • Review title and exceptions, judgments or tax liens with outside counsel. • Coordinate contractual insurance requirements for due diligence access. • Coordinate closing with outside counsel.

**Job Prerequisites** • Demonstrated strong writing, oral and presentation skills. • Proficiency with Microsoft WORD, Excel, Outlook; MRI knowledge a plus. • Bachelor's degree and/or minimum six to eight years experience in commercial real estate, commercial leasing or commercial real estate legal.

### **Maintenance Worker Job Description**

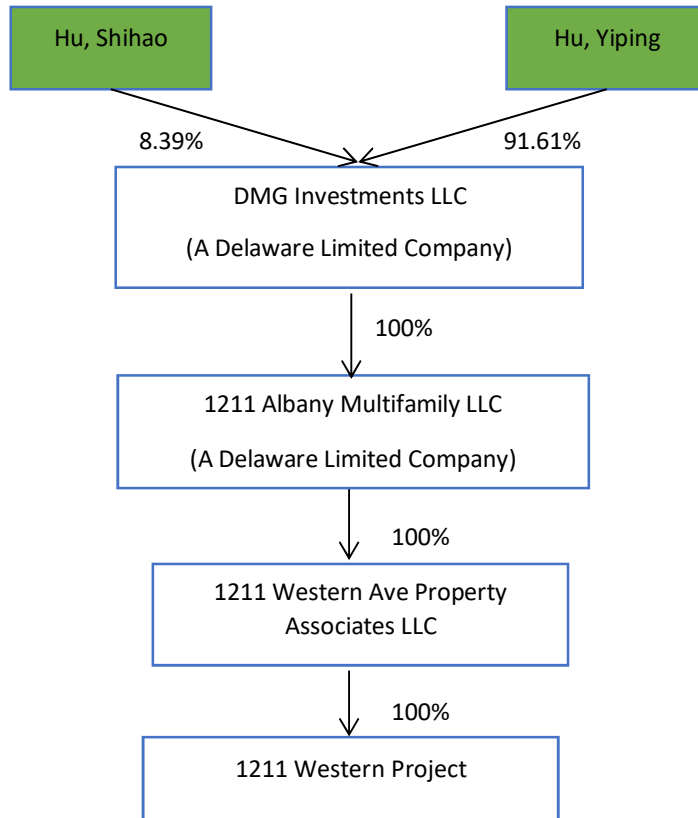
Responsibilities of the maintenance worker are commensurate with those of a typical maintenance worker in the apartment rental field.

### **Housekeeper Job Description**

Responsibilities of the housekeeper are commensurate with those of a typical housekeeper in the apartment rental field.

**Exhibit “D”**

(Company Organizational Chart)



**1211 Western Ave Property Associates, LLC - DRAFT PILOT - with \$80-89,999 Multi Fam & Standard Commercial schedules**

PILOT Year	City & County Tax Year	School Tax Year	Tax Rate <sup>(4)</sup>	Status Quo		Proposed Project													
				Estimated Total 2019 Assessment <sup>(5)</sup>	Estimated Total Taxes <sup>(6)</sup>	Normal Tax			PILOT Payments to be the Greater of <sup>(11)</sup>										
						Base Assessment <sup>(7)</sup>	Estimated Total Improved Assessment <sup>(8)</sup>	Estimated Total Taxes w/o PILOT <sup>(9)</sup>	Estimated Total Taxes w/o PILOT Per Unit <sup>(10)</sup>	Estimated Commercial PILOT Payments <sup>(11)</sup>	Estimated PILOT Payments <sup>(12)</sup>	Estimated PILOT Payments <sup>(13)</sup>	Estimated Abatement <sup>(14)</sup>	Estimated PILOT Payments Per Unit <sup>(15)</sup>	Estimated Abatement Per Unit <sup>(16)</sup>	% Abatement on Total Assessment <sup>(17)</sup>	% Abatement on Improved Assessment <sup>(18)</sup>	Commercial Abatement Percentage <sup>(19)</sup>	
Construction <sup>(1)</sup>	2021	2021/2022	\$49.90	\$497,400	\$24,820		-	-	-		-	-	-	-	-	-	-	-	-
1 <sup>(2)</sup>	2022	2022/2023	\$50.90	\$497,400	\$25,317	\$2,400,000	\$19,500,000	\$992,511	\$7,245	\$5,350	\$207,162	Not Applicable	\$779,999	\$1,551	\$5,693	78.59%	90%	50%	
2	2023	2023/2024	\$51.92	\$497,400	\$25,823	\$2,400,000	\$19,500,000	\$1,012,361	\$7,389	\$5,884	\$211,305	Not Applicable	\$795,173	\$1,585	\$5,804	78.55%	90%	45%	
3	2024	2024/2025	\$52.95	\$497,400	\$26,339	\$2,400,000	\$19,500,000	\$1,032,608	\$7,537	\$6,436	\$215,531	Not Applicable	\$810,642	\$1,620	\$5,917	78.50%	90%	40%	
4	2025	2025/2026	\$54.01	\$497,400	\$26,866	\$2,400,000	\$19,500,000	\$1,053,261	\$7,688	\$7,008	\$219,842	Not Applicable	\$826,411	\$1,656	\$6,032	78.46%	90%	35%	
5	2026	2026/2027	\$55.09	\$497,400	\$27,404	\$2,400,000	\$19,500,000	\$1,074,326	\$7,842	\$7,600	\$224,238	Not Applicable	\$842,487	\$1,692	\$6,150	78.42%	90%	30%	
6	2027	2027/2028	\$56.20	\$497,400	\$27,952	\$2,400,000	\$19,500,000	\$1,095,812	\$7,999	\$8,214	\$228,723	Not Applicable	\$858,876	\$1,729	\$6,269	78.38%	90%	25%	
7	2028	2028/2029	\$57.32	\$497,400	\$28,511	\$2,400,000	\$19,500,000	\$1,117,729	\$8,159	\$8,848	\$233,298	Not Applicable	\$875,583	\$1,767	\$6,391	78.34%	90%	20%	
8	2029	2029/2030	\$58.47	\$497,400	\$29,081	\$2,400,000	\$19,500,000	\$1,140,083	\$8,322	\$9,505	\$237,964	Not Applicable	\$892,614	\$1,806	\$6,515	78.29%	90%	15%	
9	2030	2030/2031	\$59.64	\$497,400	\$29,663	\$2,400,000	\$19,500,000	\$1,162,885	\$8,488	\$10,185	\$242,723	Not Applicable	\$909,977	\$1,846	\$6,642	78.25%	90%	10%	
10	2031	2031/2032	\$60.83	\$497,400	\$30,256	\$2,400,000	\$19,500,000	\$1,186,143	\$8,658	\$10,888	\$299,081	Not Applicable	\$876,174	\$2,263	\$6,395	73.87%	85%	5%	
11	2032	2032/2033	\$62.04	\$497,400	\$30,861	\$2,400,000	\$19,500,000	\$1,209,865	\$8,831	\$11,615	\$357,596	Not Applicable	\$840,655	\$2,695	\$6,136	69.48%	80%	0%	
12	2033	2033/2034	\$63.29	\$497,400	\$31,478	\$2,400,000	\$19,500,000	\$1,234,063	\$9,008	\$11,847	\$471,916	Not Applicable	\$750,300	\$3,531	\$5,477	60.80%	70%	0%	
13	2034	2034/2035	\$64.55	\$497,400	\$32,108	\$2,400,000	\$19,500,000	\$1,258,744	\$9,188	\$12,084	\$590,665	11.5% of Project Gross Sales/Revenue	\$655,995	\$4,400	\$4,788	52.12%	60%	0%	
14	2035	2035/2036	\$65.84	\$497,400	\$32,750	\$2,400,000	\$19,500,000	\$1,283,919	\$9,372	\$12,326	\$713,976	11.5% of Project Gross Sales/Revenue	\$557,617	\$5,301	\$4,070	43.43%	50%	0%	
15	2036	2036/2037	\$67.16	\$497,400	\$33,405	\$2,400,000	\$19,500,000	\$1,309,597	\$9,559	\$12,572	\$785,120	11.5% of Project Gross Sales/Revenue	\$511,905	\$5,823	\$3,737	39.09%	45%	0%	
16	2037	2037/2038	\$68.50	\$497,400	\$34,073	\$2,400,000	\$19,500,000	\$1,335,789	\$9,750	\$12,824	\$858,823	11.5% of Project Gross Sales/Revenue	\$464,142	\$6,362	\$3,388	34.75%	40%	0%	
17	2038	2038/2039	\$69.87	\$497,400	\$34,754	\$2,400,000	\$19,500,000	\$1,362,505	\$9,945	\$13,080	\$994,322	11.5% of Project Gross Sales/Revenue	\$355,103	\$7,353	\$2,592	26.06%	30%	0%	
18	2039	2039/2040	\$71.27	\$497,400	\$35,449	\$2,400,000	\$19,500,000	\$1,389,755	\$10,144	\$13,342	\$1,134,897	11.5% of Project Gross Sales/Revenue	\$241,516	\$8,381	\$1,763	17.38%	20%	0%	
19	2040	2040/2041	\$72.69	\$497,400	\$36,158	\$2,400,000	\$19,500,000	\$1,417,550	\$10,347	\$13,164	\$1,404,227	11.5% of Project Gross Sales/Revenue	\$159	\$10,346	\$1	0.01%	0%	0%	
20	2041	2041/2042	\$74.15	\$497,400	\$36,882	\$2,400,000	\$19,500,000	\$1,445,901	\$10,554	\$13,427	\$1,428,333	11.5% of Project Gross Sales/Revenue	\$4,141	\$10,524	\$30	0.29%	0%	0%	
Permanent <sup>(3)</sup>	2042	2042/2043	\$75.63	\$497,400	\$37,619	\$2,400,000	\$19,500,000	\$1,474,819	\$10,765	\$17,919	\$1,474,819								
<b>Estimated Totals<sup>(20)</sup></b>					<b>\$639,949</b>			<b>\$24,115,407</b>		<b>\$179,606</b>	<b>\$8,227,180</b>		<b>\$12,845,169</b>						

Notes:

(1) Project would likely close with Agency 4Q 2020.

(2) Estimated start of PILOT payments.

(3) Project returns to full taxable status.

(4) Estimated tax rate (does not include any special ad valorem taxes that are still payable under PILOT) based on City/County 2021 tax year and School 2021/2022 tax year with estimated escalation of 2.0% thereafter.

(5) Assessment value of based on the current 2019 assessment

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

(7) Assessment value of based on 2019 City of Albany Tax Rolls/property purchase price.

(8) Per letter from the City of Albany Assessor dated 12-4-19.

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

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

(11) Estimated PILOT Payments via commercial abatement schedule - 1,840 SF (.0096%).

(12) Estimated PILOT Payments.

(13) PILOT Payments in Years 1-12 will be calculated by the schedule listed for Percent Abatement on Improved Assessment. Starting in Year 13 the PILOT Payments will be calculated as the greater of the Percent Abatement on Improved Assessment or 11.5% of Gross Sales/Revenue (\*needs to be finalized).

(14) Difference of Estimated PILOT Payments from Estimated Total Taxes w/o PILOT.

(15) Estimated PILOT Payments Per Unit.

(16) Difference of Estimated PILOT Payments Per Unit from Estimated Total Taxes w/o PILOT Per Unit.

(17) Percent Abatement on Total Assessment via PILOT.

(18) Percent Abatement on Improved Assessment via PILOT.

(19) Percent Abatement on Improved Assessment via PILOT.

(20) Totals for comparison and analysis during PILOT agreement period only.

\*\*\*Analysis is ONLY an estimate\*\*\*

## EXHIBIT A

### DESCRIPTION OF THE PROJECT EVALUATION AND EXPECTED PUBLIC BENEFITS

#### 1211 WESTERN AVE PROPERTY ASSOCIATES, LLC PROJECT

Pursuant to the City of Albany Industrial Development Agency’s (the “Agency”) Uniform Criteria for the Evaluation of Projects Policy, the following general uniform criteria were utilized by the “Agency” to evaluate and select the project for which the Agency can provide financial assistance. In the discussions had between the Project Beneficiary and the Agency with respect to the Project Beneficiary’s request for Financial Assistance from the Agency with respect to the Project, the Project Beneficiary has represented to the Agency that the Project is expected to provide the following benefits to the Agency and/or to the residents of City of Albany, Albany County, New York (the “Public Benefits”):

Description of Evaluation Criteria/Benefit		Applicable to Project (indicate Yes or No)		Criteria Assessment/ Expected Benefit
1.	Retention of direct and indirect existing jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will increase the level of activity in the Upper Western Ave Corridor, thereby promoting the retention of existing jobs.</p> <p>The Company expects that the Project will result in the retention and creation of employment in the retail, restaurant, entertainment, service, education and office operations located in the surrounding area.</p>
2.	Creation of direct and indirect new permanent jobs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will increase the level of activity in the Upper Western Ave Corridor, thereby promoting the creation of new permanent jobs.</p> <p>The Project will create 4 new full time equivalent jobs.</p> <p>The Company expects that the Project will result in the retention and creation of employment in the retail, restaurant, entertainment, service, education and office operations located in the surrounding area.</p>

3.	Estimated value of tax exemptions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The exemptions have been weighed against the cumulative benefits of the Project.</p> <p>NYS Sales and Compensating Use Tax Exemption: \$1,000,000  Mortgage Recording Tax Exemption: \$320,000  Real Property Tax Exemption: \$12,845,169</p>
4.	Private sector investment	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project applicant expects to invest over \$35.7 million of private investment in the Project.</p>
5.	Likelihood of Project being accomplished in a timely fashion	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>High likelihood that Project will be accomplished in a timely fashion.</p> <p>The Project has received conditional Planning Board approval.</p> <p>The Applicant closed on the purchase of the property in April 2020.</p>
6.	Extent of new revenue provided to local taxing jurisdictions.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>Project will result in new revenue to local taxing jurisdictions under the proposed PILOT program through the City of Albany IDA.</p> <p>Project will result in an increase in assessed value from the current total assessment: \$497,400 (Per City of Albany Commissioner of Assessment and Taxation 2019 Assessment Roll) to the estimated improved total assessment: \$19,500,000 (Per City of Albany Commissioner of Assessment and Taxation).</p>



7.	Other:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The Project will develop an underutilized property and create approximately 4 FTEs.</p> <p>The Project will increase the consumer base to support local businesses and employers.</p> <p>The Project meets the intent and furthers the implementation of the following City of Albany strategic initiatives: Albany 2030.</p>
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## SCHEDULE I

### FINANCE COMMITTEE CHARTER

#### **Purpose**

Pursuant to the Agency's bylaws, the purpose of the Finance Committee is to oversee the Agency's debt and debt practices and to recommend policies concerning the Agency's issuance and management of debt.

#### **Duties of the Finance Committee**

It shall be the responsibility of the Finance Committee to:

- Review proposals for the issuance of debt by the Agency and its subsidiaries and to make recommendations concerning those proposals to the board.
- Make recommendations to the board concerning the level of debt and nature of debt issued by the Agency.
- Reviewing and filing the annual budget of the Agency.
- Make recommendations concerning the appointment and compensation of bond counsel, investment advisors and underwriting firms used by the Agency, and to oversee the work performed by these individuals and firms on behalf of the Agency.
- Meet with and request information from Agency staff, independent auditors and advisors or outside counsel, as necessary to perform the duties of the committee.
- Retain, at the Agency's expense, such outside counsel, experts and other advisors as the Finance Committee may deem appropriate. The Agency board will ensure that the Finance Committee has the sufficient resources to carry out its duties.
- Review proposals relating to the repayment of debt or other long-term financing arrangements by the Agency and its subsidiaries.
- Annually review the Agency's financing guidelines contained in Schedule L of the Agency's Policy Manual and make recommendations to the board concerning criteria that should govern its financings. These should include security provisions required for a bond financing undertaking, specific requirements of credit enhancements or additional guarantees used, such as a pledge of revenues, financial covenants or debt service reserves.
- Report annually to the Agency's board how it has discharged its duties and met its responsibilities as outlined in the charter.

- Conduct an annual self-evaluation of its performance, including its effectiveness and compliance with the charter and request the board approval for proposed changes.

### **Composition of Committee and Selection of Members**

The Finance Committee shall consist of not less than three independent members of the board of directors, who shall constitute a majority on the committee. If the board has less than three independent members, non-independent members may be appointed to the committee provided that the independent members constitute a majority of the committee. The Agency's board shall appoint the Finance Committee members and the Finance Committee chair. Members shall serve on the committee at the discretion of the board. Members appointed to the committee shall have the background necessary to perform its duties.

### **Meetings**

The Finance Committee shall meet at such times as deemed advisable by the chair, but not less than twice a year. The committee must meet prior to any debt issuance planned to be undertaken by the Agency.

Members of the Finance Committee are expected to attend each committee meeting, in person or via videoconference. The Finance Committee may invite other individuals, such as members of management, auditors or other technical experts to attend meetings and provide pertinent information, as necessary. A majority of the committee members present or participating through videoconference shall constitute a quorum.

Meeting agendas shall be prepared prior to every meeting and provided to Finance Committee members along with briefing materials five (5) calendar days before the scheduled Finance Committee meeting. The Finance Committee may act only on the affirmative vote of a majority of the members. Minutes of these meetings shall be recorded.

Minutes of the committee's meeting shall be prepared and filed in the records of the Agency and posted to the Agency's webpage.

Meetings of the committee are open to the public, and the committee shall be governed by the rules regarding public meetings set forth in the applicable provisions of the Public Authorities Law and Article 7 of the Public Officers Law that relate to public notice and the conduct of executive session.

### **Review the Agency's Annual Budget**

The Finance Committee shall:

- Review the Agency's proposed annual operating budget as presented by Agency management for the upcoming fiscal year.

- Recommend the annual budget to the board for approval after incorporating necessary amendments.
- Monitor and report to the board on the Agency's compliance with its adopted budget during the fiscal year (actual versus estimated budget) on a monthly/quarterly basis.

### **Oversee the Agency's Investments**

The Finance Committee shall:

- Annually review the Agency's investment policy and evaluate allocation of assets.
- Review and recommend to the board approval of the Agency's annual investment report.
- Annually review the Agency's audit of investments as provided by independent auditors.
- Recommend to the board the selection of investment advisors.

### **Assess the Agency's Capital Requirements and Capital Plan**

The Finance Committee shall:

- Assess the financial requirements of the Agency's capital plans. The assessment is to include current and future capital needs, a justification of why such capital expenditure is required and an explanation of funding sources for capital projects such as grants, issuance of debt or specified pay-as-you-go resources.
- Review the financial aspects of major proposed transactions, significant expenditures, new programs and services, as well as proposals to discontinue programs or services and making action recommendations to the board.

### **Review Financial and Procurement Thresholds**

The Finance Committee shall:

- Review and make recommendations to the board regarding any proposed procurements submitted to the committee by the Agency's procurement officer.
- Review and recommend changes to the thresholds for procuring goods and services in the Agency's procurement policy.
- Review and recommend changes to the Agency's uniform tax exemption policy that includes general provisions for entering into payment-in-lieu-of-taxes (PILOT) agreements and allowing tax exemptions.
- Review and recommend changes to the Agency's fee schedules.

- Review the scope and terms of the Agency's insurance policies and liability coverage on an annual basis.