



January 17, 2024 5:30 pm– 6:30 pm

111 Washington Ave, Suite 100, Albany, NY 12210 - Conference Room

1. Governance Committee Marlene McTigue, Chair
  - a. Labor Policy
  - b. Elimination of the UTEP municipal approvals
  - c. Fixed dollar PILOT payment policy
  
2. Adjournment Marlene McTigue, Chair

MEMORANDUM FROM



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**To:** Board Members and Staff of the  
Albany County Industrial Development Agency

**Date:** January 3, 2024

**Subject:** Review of the Sample Materials related to  
Local Labor Policies

MEMORANDUM

You have informed me that the Albany County Industrial Development Agency (the “Agency”) has requested materials and information relating to the consideration of adopting a local labor policy of the Agency (the “Proposed Policy”). In connection with the Proposed Policy, I have reviewed various information and authority, including: (A) the General Municipal Law of the State of New York (the “GML”); (B) local labor policies and practices of other industrial development agencies (collectively, “Agencies”) located in or near the Capital Region; and (C) other related materials (collectively, the “Local Labor Materials”). The results of my review include the chart attached hereto as Exhibit A which indicates that four (4) out of fifteen (15) Agencies surveyed have a local labor policy posted on their website. Samples of the available local labor policies are attached hereto as Exhibit B, including the Uniform Tax Exemption Policy of the Town of Colonie Industrial Development Agency which includes language related to prevailing wages.

Of the Agencies that have adopted a local labor policy, it appears that most focus on monitoring efforts to obtain local labor rather than enforcing required levels of local labor. For example, Exhibit C attached hereto includes excerpts from the form application (the “Application”) used by the City of Albany Industrial Development Agency (the “City Agency”) for various City Agency projects. Section IX of the Application asks project applicants to “describe the general contractor’s plans and selection process for using regional and/or City of Albany construction labor...” Additionally, Section XI of the Application considers the use of regional or City of Albany labor as an additional community commitment in the “Project Evaluation and Assistance Framework.” Finally, the Application requires all project applicants to make certain representations and certifications, including acknowledging Part 24 of the City Agency’s Policy Manual. Part 24 of the City Agency’s Policy Manual requires project applicants to provide information related to the construction of a project, including reports with the names and business locations of “prime contractors, subcontractors, and vendors.”

To enforce the City Agency’s policy throughout the life of each project, the local labor requirements are also set forth in the transaction documents related to each project. For example, attached hereto as Exhibit D is an excerpt from a lease agreement (the “Lease Agreement”) entered into by and between the City Agency and a project applicant demonstrating how the City Agency’s Application and Local Labor Policy are applied to active projects. Pursuant to the Lease Agreement, the project applicant is required to complete Exhibit L and Exhibit M attached thereto demonstrating the amount of local labor at the project during various phases of construction.

The purpose of this memorandum is to provide the Agency with the Local Labor Materials for review prior to the consideration by the Agency of adopting a Proposed Policy. The Agency should note, however, that the Agency has established a Governance Committee structure for the consideration of policies by the Agency. Pursuant to the charter of the Governance Committee, the Governance Committee is charged with developing and recommending to the Agency any policies or documents relating to the governance of the Agency, “including rules and procedures for conducting the business,” of the Agency. After such development and consideration by the Governance Committee, the Governance Committee may recommend policies to the full board for action.

Accordingly, if the Agency desires to develop a Proposed Policy, the Agency can direct the Governance Committee review the Local Labor Materials with Agency staff and counsel. Following such review, the Governance Committee would then be in a position to make a recommendation to the full board of the Agency to take action with respect to a Proposed Policy.

For reference, please see the following table of contents identifying the Local Labor Materials to facilitate our discussion:

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EXHIBIT A

CAPITAL REGION AGENCY  
LOCAL LABOR POLICIES

<b>AGENCY</b>	<b>LOCAL LABOR POLICY ON WEBSITE?</b>	<b>PREVAILING WAGE POLICY ON WEBSITE?</b>
Town of Colonie	No	Yes
City of Albany	Yes	No
Albany County	No	No
City of Cohoes	No	No
Green Island	No	No
Town of Guilderland	No	No
Town of Bethlehem	No	No
Columbia County	No	No
Greene County	No	No
Saratoga County	Yes	No
Rensselaer County	No	No
City of Rensselaer	No	No
Otsego County	No	No
Clinton County	Yes	No
Ulster County	Yes	No

EXHIBIT B

SAMPLE AGENCY LOCAL LABOR POLICIES

- SEE ATTACHED -

**Town of Colonie Industrial Development Agency  
Uniform Tax Exemption Policy**

Pursuant to the authority vested in it by Article 18-A of the General Municipal Law of the State of New York (the "Act"), the Town of Colonie Industrial Development Agency (the "Agency") may provide "financial assistance" to qualified applicants for qualified "project" or "facilities" as defined by the Act in the form of issuance of its tax-exempt or taxable bonds or by granting exemptions from sales and use taxes, mortgage recording taxes and real property taxes. The Agency has adopted this Uniform Tax Exemption Policy (the "Policy") to provide guidelines for the granting of "financial assistance".

A. **Application** No request for financial assistance shall be considered by the Agency unless an application and environmental assessment form are filed with the Agency on the forms prescribed by the Agency pursuant to the rules and regulations of the Agency. Such application shall contain the information requested by the Agency, including a description of the proposed project and of each tax exemption sought with respect to the project, the estimated value of each tax exemption sought with respect to the project, the proposed financial assistance being sought with respect to the project, and whether such financial assistance is consistent with this Policy. All recipients of financial assistance from the Agency shall be required to pay the Agency's fee, as may be determined from time to time by resolution of the Agency, and the fees and expenses of counsel to the Agency.

B. **Real Property Taxes**

1. **General.** Pursuant to Section 874 of the Act and Section 412-a of the Real Property Tax Law, property owned by or under the jurisdiction or supervision or control of the Agency is exempt from general real property taxes (but not exempt from special assessments and special ad valorem levies). However, it is the general policy of the Agency that, notwithstanding the foregoing, every non-governmental project will be required to enter into a payment in lieu of tax agreement (a "PILOT Agreement"). Such PILOT Agreement shall require payment of payments in lieu of taxes ("PILOT Payments") in accordance with the provisions set forth below.
2. **PILOT Requirement.** Unless the applicant and/or project occupant and the Agency shall have entered into a PILOT Agreement acceptable to the Agency, the project documents shall provide that the applicant and/or the project occupant shall be required to make PILOT Payments in such amounts as would result from taxes being levied on the project by the taxing jurisdictions if the project were not owned by or under the jurisdiction or supervision or control of the Agency. The project documents shall provide that, if the Agency and the applicant and/or project occupant have entered into a PILOT Agreement, the terms of the PILOT Agreement shall control the amount of PILOT Payments until the expiration or sooner termination of such agreement.

294339.6

3. Qualifying Projects for the “Grow Colonie Program”. The following projects shall qualify for real property tax exemptions under the Grow Colonie Program as set forth in Appendix A:
  - (a) Types of Qualifying Projects. Technology projects (either office or research and development), manufacturing projects and flex space projects. Other than in accordance with the deviation process set forth below, real property tax exemptions are not available for other types of projects.
  - (b) Job Creation Requirement. Any project requesting a real property tax exemption must meet a minimum 10% job creation goal over impacted employment within three (3) years. In the event of a new business, the project must create a minimum of ten (10) new jobs within three (3) years of commencement of operation.
  
4. Qualifying Projects for the “Enhanced Grow Colonie Program”. The following projects shall qualify for real property tax exemptions under the Enhanced Grow Colonie program as set forth in Appendix A:
  - (a) Basic Requirements. Any project requesting a real property tax exemption must comply with all of the requirements of the Grow Colonie Program.
  - (b) Additional Requirement. Any project requesting a real property tax exemption must be:
    - (i) Located in the Route 5 Corridor, beginning at the City of Albany line and ending at the City of Schenectady line, as indicated on the map attached here to as Appendix B; or
    - (ii) Located on a not less than one acre parcel that has been underutilized for a period of not less than ten (10) years; or
    - (iii) Be a “brownfield project” located in a Brownfield Opportunity Area; or
    - (iv) Be a “prevailing wage project”. A prevailing wage project is one where the contractor and subcontractors constructing or reconstructing the project facility pays its workers the prevailing rate of wages within the meaning of Section 220 of the New York State Labor Law.

Although redevelopment of existing buildings that are not currently in use do not automatically qualify for the Enhanced Grow Colonie Program, such projects may be eligible for benefits similar to those provided in the Enhanced Grow Colonie Program as part of the deviation process.

PART 24

LOCAL LABOR POLICY

SECTION 2401. PURPOSE AND AUTHORITY. The purpose of this Part is to request companies benefiting from the City of Albany Industrial Development Agency (the "Agency") programs to engage local residents from the City of Albany - in addition to residents from Albany County, Columbia County, Fulton County, Greene County, Montgomery County, Rensselaer County, Saratoga County, Schenectady County, Schoharie County, Warren County and Washington County – in and during the construction phase of projects through the addition of an amendment to the Agency project application (attached as Exhibit A). Pursuant to Section 903-a of the General Municipal Law and Title One of Article 18-A of the General Municipal Law (collectively, the "Act"), the Agency was created for the purpose of promoting employment opportunities for and the general prosperity and economic welfare of City of Albany residents.

SECTION 2402. CONSTRUCTION JOBS. Construction jobs, although limited in time duration, are vital to the overall employment opportunities within the region since construction wages earned by local residents are reinvested in the local economy, adding greatly to its vitality. It is the Agency's strong conviction that companies benefiting from its programs should employ local residents during the construction phase of projects. Only in that way can the public benefits accruing from the Agency's efforts be maximally distributed to the residents and taxpayers of the City of Albany. It is, therefore, the Agency's mission to promote employment opportunities during all project phases, including the construction phase.

SECTION 2403. REQUIREMENTS OF THE APPLICANT. Each applicant for financial assistance from the Agency will agree to satisfy the following requirements, in form and substance satisfactory to the Agency, as a condition to the receipt of such financial assistance:

- (1) Identify the name, title, mailing address, and phone/fax/e-mail of the project contact person who will be responsible and accountable for providing information about the bidding for and awarding of future construction contracts relative to the application and project.
- (2) Describe, in the best way possible, the nature of construction jobs created by the project. The description should provide as much detail as possible, including the number, type, and duration of construction positions.

(3) Submit to the Agency a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors, and vendors who have been engaged for the construction phase of the project by companies benefiting from Agency programs.

SECTION 2404. AGENCY ACTION. The Agency will:

(1) Post all applications approved for a public hearing to its website within five business days of such authorization.

(2) Promptly update the website with current data following the public hearing held by the Agency.

## LABOR POLICY

*Advancing job Opportunities, business + industrial  
investment in Saratoga County, New York*

**Saratoga County Industrial Development Agency  
Declaration of Motivation  
For the Employment of Local Tradespeople  
During the Construction Phase of IDA-Benefited Projects**

The County of Saratoga Industrial Development Agency (IDA), formed pursuant to Section 856 of the New York State Industrial Development Act (the "Act"), was created for the purpose of promoting employment opportunities for and the general prosperity and economic welfare of Saratoga County residents. The IDA is authorized by Section 858 of the Act to enter into agreements requiring payments in lieu of taxes ("PILOT Agreements") with private companies in order to facilitate the location or the expansion of their businesses in Saratoga County. A PILOT Agreement essentially extends, either in whole or in part, IDA's exemption from real property and other taxes to private companies participating in IDA programs.

Construction jobs, although limited in time duration, are vital to the overall employment opportunities within Saratoga County since construction wages earned by local residents are reinvested in the local economy, adding greatly to its vitality. It is the IDA's strong conviction that companies benefiting from its programs should employ New York State residents during the construction phase of projects. Only in that way can the public benefits accruing from the IDA's efforts be maximally distributed to the residents and taxpayers of Saratoga County. It is, therefore, the request of the IDA that firms benefiting from its programs will be fully cognizant of the IDA's mission to promote employment opportunities during all project phases, including the construction phase.

The IDA hereby declares its right to request companies benefiting from its programs to engage Saratoga County residents in and during

the project construction phase through the addition of an amendment to the IDA project application requiring applicants to:

1. Identify the name, title, mailing address, phone/FAX/E-Mail of the project contact person who will be responsible and accountable for providing information about the bidding for and awarding of future construction contracts relative to the application and project.
2. Describe, in the best way possible, the nature of construction jobs created by the project. The description should provide as much detail as possible, including the number, type and duration of construction positions.
3. Submit to the IDA a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged for the construction phase of the project by companies benefiting from IDA programs.

In turn the IDA will:

1. Post all applications approved for a public hearing to its web site ([www.saratogacountyida.org](http://www.saratogacountyida.org)) within two business days of such authorization.
2. Following the public hearing and Agency approval has been granted for an inducement resolution the web-site will be promptly updated for all current data.
3. Reserve the right to modify and/or rescind benefits granted to any company under the IDA's Uniform Tax Exemption Policy for the failure to comply with any of the provision listed herein.

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COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT  
AGENCY (THE "AGENCY")

LOCAL LABOR POLICY

SECTION 1. PURPOSE AND JUSTIFICATION. (A) The purpose of this Policy is to request that companies benefiting from the programs of County of Clinton Industrial Development Agency (the "Agency") engage residents of Clinton County, New York (the "County") in and during the construction phase of projects through the addition of an addendum to the Agency's project application and the inclusion of similar concepts in the related transaction documents executed in connection with the closing on such project.

(B) The Agency was created pursuant to Section 895-f of Title 2 of Article 18-A of the General Municipal Law and Title 1 of Article 18-A of the General Municipal Law (collectively, the "Act") for the purpose of promoting employment opportunities for, and the general prosperity and economic welfare of, residents of the County and the State of New York (the "State").

(C) The Agency is authorized by the Act and the Agency's Uniform Tax Exemption Policy ("UTEP") to grant certain tax exemptions to private entities in order to facilitate the location or the expansion of their businesses in the County. Pursuant to the Act and the Agency's UTEP, these Agency-granted tax exemptions can include exemption from certain sales and use taxes, mortgage recording taxes, and real property taxes. The Agency's UTEP requires that any private entity benefiting from a real property tax exemption granted by the Agency enter into an agreement (a "PILOT Agreement") requiring said private entity to make payments in lieu of taxes ("PILOT Payments") with respect to the real property exempted from real estate taxes by the Agency.

(D) Construction jobs, although limited in time duration, are vital to the overall employment opportunities within the County since construction wages earned by local residents are reinvested in the local economy, adding greatly to its vitality. It is the Agency's strong conviction that companies benefiting from its programs should employ New York State residents during the construction phase of projects. Only in that way can the public benefits accruing from the Agency's efforts be maximally distributed to the residents and taxpayers of the County. It is, therefore, the request of the Agency that firms benefiting from the Agency's programs will be fully cognizant of the Agency's mission to promote employment opportunities during all project phases, including the construction phase.

SECTION 2. REQUIREMENTS. (A) As a condition to the receipt of financial assistance from the Agency for a project that may involve construction activities, each applicant for such financial assistance for such a project must agree to engage residents of the County in and during the project construction phase, such engagement to be accomplished by the following actions:

- (1) Identify the name, title, mailing address, phone/fax/e-mail of the project contact person who will be responsible and accountable for providing information about

the bidding for and awarding of future construction contracts relative to the application and related project.

(2) Describe, in the best way possible, the nature of construction jobs created by the project. The description should provide as much detail as possible, including the number, type and duration of construction positions.

(3) Submit to the Agency a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged for the construction phase of the project.

(B) An Applicant for a project that may involve construction activities (a "Construction Project") can satisfy the initial requirements of subsection (A) of this Section by including an executed "Construction Employment Agreement" addendum to its project application (in substantially the form attached hereto as Exhibit A) a "Construction Employment Agreement").

(C) The Agency can satisfy the requirements of subsection (A) of this Section by including in the transaction documents executed in connection with the closing on a Construction Project concepts similar to those included in the Construction Employment Agreement, such concepts to be in form and substance satisfactory to the Agency.

SECTION 3. DISSEMINATION OF INFORMATION. (A) The Agency will post a copy of the application for any Construction Project approved for a public hearing to the Agency's web site ([www.clintoncountyida.com](http://www.clintoncountyida.com)) within five business days of the authorization of such public hearing.

(B) The Agency may update such website posting if and when the Agency receives updated data.

SECTION 4. ENFORCEMENT. The Agency reserves the right to modify and/or rescind benefits granted to any company under the Agency's UTEP for failure to comply with any of the provision described in this Policy.

Re-adopted: 8/12/13

EXHIBIT A

FORM OF CONSTRUCTION EMPLOYMENT AGREEMENT  
ADDENDUM TO THE AGENCY'S PROJECT APPLICATION

A-1

**B-11**

**CONSTRUCTION EMPLOYMENT AGREEMENT**

Recognizing the mission of County of Clinton Industrial Development Agency (the "Agency") to promote construction employment opportunities for residents of Clinton County, New York and in consideration of the extension of financial assistance by the Agency for the project which is the subject of this application (the "Project"), \_\_\_\_\_ (the "Company") understands that it is the Agency's policy that benefiting private entities should employ New York State residents and agrees to provide the information requested below as a way to provide local construction opportunities. The Company also agrees to provide an estimate of the number, type and duration of construction jobs to be created through Agency assistance, whether employment is gained directly through the Company, its general contractor, or individual vendors.

Upon completion of the Project, the Company shall, if requested by the Agency, submit to the Agency a Construction Completion Report in which is identified names and business addresses of the prime contractor, sub-contractors and vendors engaged in the construction of the Project.

Relevant Company Information:

Company: \_\_\_\_\_  
 Company representative for Contract Bids and Awards: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

General Contractor, if determined:

Contractor: \_\_\_\_\_  
 Representative: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

Construction start date is estimated to be \_\_\_\_\_ with occupancy to be taken on \_\_\_\_\_ (estimated).

Construction Phase or Process	Duration of Construction Phase	# to be employed

Construction Phase or Process	Duration of Construction Phase	# to be employed

\_\_\_\_\_  
 Dated

\_\_\_\_\_  
 Name of Applicant

\_\_\_\_\_  
 Signed

\_\_\_\_\_  
 Printed Name and Position

# UCIDA

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Ulster County Industrial Development Agency

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## LOCAL CONSTRUCTION LABOR POLICY

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The mission of the Ulster County Industrial Development Agency (UCIDA) is to advance the job opportunities, general prosperity and long-term economic vitality of Ulster County residents by targeting tax incentives, bonding and other assistance to foster creation and attraction of new business and the retention and expansion of existing business. The UCIDA offers economic incentives and benefits to both large and small qualified businesses owners who wish to acquire, construct, reconstruct, improve, maintain, equip and furnish facilities in Ulster County. When the UCIDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Because construction jobs are vital to the overall employment opportunities in Ulster County, companies benefiting from UCIDA incentive programs, including the general contractor, subcontractor and subcontractor to a subcontractor, should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices (hereinafter "construction workers"), including those who have returned from military service, during the construction phase of projects. In this way, the UCIDA can further generate significant benefits to advance the County's general prosperity. For these and other reasons, it is the policy of the UCIDA to offer greater incentives to businesses that employ workers from the local labor market during the construction phase.

For the purposes of this policy, the local labor market for construction workers shall be defined as individuals living in Ulster County or contiguous counties. Applicants receiving UCIDA benefits that utilize at least 75% local labor for their approved projects will receive 1 point on the UCIDA UTEP Matrix

Applicants receiving UCIDA benefits and contractors on the project shall make every effort to utilize vendors, material suppliers, subcontractors and professional services from Ulster County and the surrounding counties. Applicants and contractors shall keep records of those local vendors, material suppliers, contractors and professional services who they have solicited and with whom they have contracted with or awarded.

Once approved for UCIDA benefits, all applicants who received 1 point on the UCIDA UTEP Matrix will be required to sign an affidavit affirming the use of local labor and to provide to the UCIDA the following information:

- 1) Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the application and project;
- 2) Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions;

- 3) The names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of NYS Workers' Compensation Insurance, NYS Disability Insurance, General Liability Insurance and proof of current OSHA training certification for all contractors and their employees performing work on the site; and
- 4) A Local Labor Utilization Report listing the names and business locations of prime contractors, subcontractors and vendors who have been engaged in the construction phase of the project. This Report shall also include a list of the names of all construction workers on the project, including the city, town or village and associated zip code that each such worker is domiciled in. The Report shall be submitted to the UCIDA as follows: (1) immediately prior to commencement of construction activities; and (2) on or by the next following dates of January 1 and July 1 and each biannual date thereafter through the construction completion date.

All UCIDA projects are subject to local monitoring by the UCIDA. The applicant's representative shall keep a log book on site detailing the number of workers on the job for each trade and the counties in which they reside which shall be subject to inspection by the UCIDA throughout and at completion of the project. If a violation of the policy has occurred, the UCIDA shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the UCIDA may, in its discretion, take action to revoke UCIDA benefits.

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Amended: March 16, 2022

EXHIBIT C

EXCERPTS FROM THE APPLICATION OF THE  
CITY OF ALBANY  
INDUSTRIAL DEVELOPMENT AGENCY

- SEE ATTACHED -

DATED: JULY 18, 2019

**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:

When does the applicant anticipate the start of construction?

When does the applicant anticipate the completion of construction?

What is the total value of construction contracts to be executed?

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:

DATED: JULY 18, 2019

**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><b>Revitalization 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>Investment Financial Commitment</b> (cumulative)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 2.5M - 10M</li> <li><input type="checkbox"/> 10.1 - 17.5M</li> <li><input type="checkbox"/> 17.6M - 25M</li> </ul>  | <p><b>Employment Permanent 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>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>Community Commitment</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> MWBE/DBE Participation</li> <li><input type="checkbox"/> EEO Workforce Utilization</li> <li><input type="checkbox"/> Inclusionary Housing</li> <li><input type="checkbox"/> Regional Labor</li> <li><input type="checkbox"/> City of Albany Labor</li> <li><input type="checkbox"/> Apprenticeship Program</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>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 type="checkbox"/> Existing Cluster</li> <li><input type="checkbox"/> Conversion to Residential</li> </ul>          |  | <p><b>Construction Jobs</b> (cumulative)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 6 - 80</li> <li><input 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 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

REPRESENTATIONS, CERTIFICATIONS AND INDEMNIFICATION

[redacted] (name of CEO or another authorized representative of Applicant) confirms and says that he/she is the [redacted] (title) of [redacted] (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

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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.

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EXHIBIT D

EXCERPTS FROM A LEASE AGREEMENT BY THE  
CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY

- SEE ATTACHED -

other approvals issued by any other Governmental Authority with respect to the Project and/or the Project Facility. No material changes with respect to any aspect of the Project Facility have arisen from the date of such SEQR Resolution which would cause the determinations of the City of Albany Planning Board contained therein to be untrue.

(I) The Company acknowledges receipt of notice of Section 874(8) of the Act, which requires that, if the Company claims any sales tax exemption by virtue of the Agency's involvement in the Project, the Company as agent of the Agency must annually file a statement with the New York State Department of Taxation and Finance, on a form and in such a manner as is prescribed by the Commissioner of Taxation and Finance, of the value of all sales tax exemptions claimed by the Company under the authority granted by the Agency.

(J) The Company acknowledges receipt of notice of Section 858-b of the Act, which requires that the Company list new employment opportunities created as a result of the Project with the following entities (hereinafter, the "JTPA Entities"): (1) the New York State Department of Labor Community Services Division and (2) the administrative entity of the service delivery area created by the Federal Job Training Partnership Act (P.L. No. 97-300) in which the Project Facility is located (while currently cited in Section 858-b of the Act, the Federal Job Training Partnership Act was repealed effective June 1, 2000, and has been supplanted by the Workplace Investment Act of 1998 (P.L. No. 105-220)). The Company agrees, where practicable, to first consider for such new employment opportunities persons eligible to participate in federal job training partnership programs who shall be referred by the JTPA Entities.

(K) The Company acknowledges receipt of notice of Section 874(9) of the Act, which requires that, if the Company claims any sales tax exemption by virtue of the Agency's involvement in the Project, the Company, as agent of the Agency, to file within thirty (30) days of the date the Company is appointed the agent of the Agency, a statement with the New York State Department of Taxation and Finance, on a form and in such a manner as is prescribed by the Commissioner of Taxation and Finance, identifying the Company as agent of the Agency, setting forth the taxpayer identification number of the Company, giving a brief description of the goods and/or services intended to be exempted from sales taxes as a result of such appointment as agent, indicating a rough estimate of the value of the goods and/or services to which such appointment as agent relates, indicating the date when such designation as agent became effective and indicating the date upon which such designation as agent shall cease.

(L) In connection with undertaking the Project, the Company agrees as follows:

(1) On the Closing Date, to provide the Agency with the name, title, mailing address, and phone/fax/e-mail of the Project contact person who will be responsible and accountable for providing information about the bidding for and awarding of construction contracts relative to the Application and the Project.

(2) Prior to the commencement of the undertaking of the Project, to provide to the Agency written information describing the nature of the construction jobs created by the Project, including the estimated number, type, and duration of construction positions, in substantially the form attached hereto as Exhibit L.

(3) Within sixty (60) days following the Completion Date, to deliver to the Agency a written "Construction Completion Report" listing the names and business locations of the prime contractors, subcontractors, and vendors who have been engaged for the construction phase of the Project, in substantially the form attached hereto as Exhibit M.

EXHIBIT L  
FORM OF  
INITIAL FILING REGARDING LOCAL LABOR

\_\_\_\_\_, 2023

City of Albany Industrial Development Agency  
21 Lodge Street  
Albany, New York 12207  
Attention: Sarah Reginelli, CEO

Re: City of Albany Industrial Development Agency  
324 State Street LLC

Dear Ms. Reginelli:

In connection with the above referenced project, please find the requested information:

(A) Inserted on Schedule A is the name, title, mailing address and phone/fax/e-mail of the Project contact person who will be responsible and accountable for providing information about the bidding for and awarding of future construction contracts relative to the Application filed by 324 State Street LLC for the Project.

(B) Inserted on Schedule A is a description of the nature of the construction jobs created by the Project. The description contains as much detail as possible, including the number, type, and duration of the construction positions.

Please call with any comments or questions.

Very truly yours,

324 STATE STREET LLC

BY: \_\_\_\_\_  
Authorized Officer

SCHEDULE A

Project Name, LLC		Schedule A - Pre-construction Summary Report		
Developer	City of Albany, LLC			
Address	100 State Street, Albany, NY 12242			
Contact	City of Albany, LLC			
Signature	<i>[Signature]</i>			
Entity	Days on Site	General Work Performed	Est. Days on Site	Cont. Cost/Contract
Developer	2	Site/Project Management, Supervision	415	\$5,700,000
General Contractor	12	Site/Project Management, Supervision/Coordination	415	\$1,200,000
Total Subcontractors - 10		Please see Subcontractor tracking Report for additional details		\$4,500,000
Breakout of Subs				
-Plumbing	7	Kitchen and hall plumbing	19	\$63,000
-Masonry	6	Exterior Masonry & landscape wall	55	\$74,000
-HVAC	4	All HVAC units	45	\$11,455
-Roofing	16	Roofing on building and parking canopy	14	\$96,000
-Paving/fencing	9	Parking lot & SW corner sidewalk	5	\$59,765
-Drywall	12	all sheetrock	9	\$25,999
-Insulation	7	Structure insulation	3	\$14,689

The purpose of the Local Labor Tracking Report Requirement is to request companies benefiting from the City of Albany IDA programs to engage local residents from the City of Albany - in addition to residents from the following counties: Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schoharie, Schenectady, Subaqueo, Warren & Washington - in and during the construction phase of the Project

*This report must be submitted to the Agency within 30 days prior to the commencement of construction/renovations.*

EXHIBIT M  
FORM OF  
FINAL FILING REGARDING LOCAL LABOR

STATE OF NEW YORK            )  
  )Ss:  
COUNTY OF ALBANY         )

I, the undersigned, an Authorized Member of 324 State Street LLC (the "Company"), do hereby depose and state as follows:

1. The City of Albany Industrial Development Agency (the "Agency") may rely on the contents of this Affidavit in determining the compliance by the Company of the Agency's Local Labor Policy.
2. The Company has reviewed a copy of the Agency's Local Labor Policy and is familiar with its terms.
3. Attached as Schedule A is a "Construction Completion Report" listing the names and business locations of prime contractors, subcontractors, and vendors who have been engaged for the construction phase of the Project by the Company.

IN WITNESS WHEREOF, the undersigned has set forth their hand as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Very truly yours,

324 STATE STREET LLC

BY: \_\_\_\_\_  
Authorized Officer

Sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

