

**Authorizing Resolution
Uniform Evaluation Criteria**

Date: July 13, 2016

At a meeting of the City of Utica Industrial Development Agency, Utica, New York (the "Agency"), held at One Kennedy Plaza, Utica, New York on the 13th day of July 2016, the following members of the Agency were:

Members Present: Joe Hobika, Sr
Vincent Gilroy, Jr.
John Zegarelli
Emmett Martin

Staff Present: Jack Spaeth

Others Present: Linda Romano
Robert Olivieri

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to the adoption of uniform criteria for the evaluation and selection for each category fo projects for which financial assistance will be provided.

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

Joe Hobika, Sr	Aye
Vincent Gilroy, Jr.	Aye
John Zegarelli	Aye
Emmett Martin	Aye

RESOLUTION ADOPTING UNIFORM CRITERIA FOR THE EVALUATION AND SELECTION FOR EACH CATEGORY FOR PROJECTS FOR WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 710 of the Laws of 1981 of the State of New York (collectively, the "Act"), the City of Utica Industrial Development Agency (the "Agency") was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, the Agency adopted a Uniform Tax Exemption Policy on January 26, 1999, as amended (the "Policy"), which provides standards by which the Agency grants and recaptures financial assistance to companies; and

WHEREAS, the Agency wishes to adopt certain uniform criteria for the evaluation and selection of projects, in compliance with Section 859(a)(5) of the General Municipal Law.

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

Section 1. The Agency hereby finds and determines:

(a) The Agency shall assess all material information included in connection with each Application for Financial Assistance (an "Application"), as necessary to afford a reasonable basis for the decision by the Agency to provide financial assistance for each project, including but not limited to, a written cost-benefit analysis that identifies the extent to which a project will create or retain permanent, private sector jobs; the estimated value of any tax exemptions to be provided; the amount of private sector investment generated or likely to be generated by the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that might occur as a result of the project; and

(b) Each applicant shall be required to make a statement that the project, as of the date of the Application, is in substantial compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to, the provisions of Section 859(a)(5) and Section 862(1); and

(c) If a project involves the removal or abandonment of a facility or plant within New York State, the Agency shall notify in writing the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.

Section 2. The Agency shall consider the following “Material Factors” to determine if a company which is receiving IDA financial assistance is meeting the obligations required and stated in the IDA approval and project agreements:

(a) For the following project types, the Agency will consider as a Material Factor the creation and/or retention of permanent, private sector jobs:

- Industrial/Manufacturing
- Back Office
- Research/Development
- Technology/Cybersecurity
- Commercial/Multi-Tenant
- Retail

(b) For the following project types, the Agency will consider as a Material Factor the project being completed in substantially the manner as represented in the Application (e.g., the number and type of units, whether existing infrastructure is utilized, providing a community benefit):

- Housing
- Mixed Use
- Adaptive Reuse
- Brownfield
- Pollution

(c) The Agency may also identify other Material Factors, on a project by project basis, as it deems appropriate to evaluate whether a project is meeting its stated goals, including but not limited to the following:

- Amount of private sector investment
- Regional wealth creation (% of sales to customers outside the area)
- Providing a financial benefit to other businesses

Section 3. The Executive Director, officers and employees of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to execute and deliver all such additional certificates, instruments and documents and to do all such further acts and things as may be necessary or, in the opinion of the Executive Director, officer or employee acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Section 859(a)(5) of the General Municipal Law.

Section 4. This resolution shall take effect immediately.

STATE OF NEW YORK)

: ss.:

COUNTY OF ONEIDA)

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

That I have compared the annexed extract of the minutes of the meeting of the City of Utica Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on the 13th day of July 2016 with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and public notice of the time and place of said meeting was duly given in accordance with such Sections, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 18th day of April 2022.

CITY OF UTICA INDUSTRIAL
DEVELOPMENT AGENCY

By: 
Jack N. Spaeth, Assistant Secretary