

PART 19

PROCEDURES FOR PROCESSING OF PROJECTS

SECTION 1901. PURPOSE AND AUTHORITY. The purpose of this Part is to outline the procedures utilized by Schoharie County Industrial Development Agency (the "Agency") pursuant to Section 895-d of the General Municipal Law and Title One of Article 18-A of the General Municipal Law (collectively, the "Act") to process applications for financial assistance (within the meaning of Section 854(14) of the Act).

SECTION 1902. APPLICATIONS.

(A) General. The Agency shall not entertain a request for financial assistance unless the applicant shall first have filed an application with the Agency and paid the application fee of the Agency.

(B) Form. Each application shall be submitted on the official application form of the Agency. The official application form of the Agency can be found on the Agency's website.

(C) Execution. Both the application and the indemnification agreement attached thereto must be signed by (1) an authorized officer of the applicant (if the applicant is a corporation), or (2) an authorized general partner of the applicant (if the applicant is a partnership), or (3) the applicant (if the applicant is an individual).

(D) Application Information. Each application must include:

(1) the name, address and telephone number of the applicant and, if applicable, the name of applicant's chief executive officer or other official to whom inquiries should be addressed;

(2) the name, address and telephone number of applicant's attorney, if any;

(3) a general, functional description of the type and use of the project for which financial assistance is sought (the "Project");

(4) the prospective location of the Project;

(5) the initial owner, operator or manager of the Project, and whether any of same is a not-for-profit corporation;

(6) the name and address of each owner of the Project;

(7) a general description of the type of financial assistance being sought with respect to the Project;

(8) the estimated value of each type of tax exemption being sought with respect to the Project;

(9) whether any tax exemption sought is not consistent with the Agency's tax exemption policy contained in Part 18 of these Rules and Regulations;

(10) an estimate of the total number of jobs to be created and/or retained by the Project;

(11) an analysis of the costs and benefits of undertaking the project in a form made available to the applicant by the Agency;

(12) if a sales tax exemption is sought with respect to the Project, the Agreement of the applicant to file or cause to be filed with the New York State Department of Taxation and Finance the annual statements required by Section 874(8) of the Act;

(13) the agreement of the applicant that, 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 (the "Local Labor Office") 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)), such programs collectively with the DOC, hereinafter referred to as the "Workforce Investment Program";

(14) the agreement by the applicant that, except as otherwise provided by collective bargaining agreements, where practicable, the applicant will first consider persons eligible to participate in the Workforce Investment Program who shall be referred by DOC and the Local Labor Office for new employment opportunities created as a result of the Project;

(15) whether the Project includes facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities, and if so, sufficient additional information to permit the Agency to ascertain whether the Project is potentially eligible for financial assistance pursuant to Section 862(2) of the Act;

(16) verification that the applicant has obtained a list of the members, officers and employees of the Agency;

(17) a statement describing the interest of any member, officer or employee of the Agency and their immediate family members, if any, whether direct or indirect, in any of the transactions contemplated by the application; and

(18) any other information requested by the Agency.

(E) Bond Counsel. Bond Counsel of the Agency will meet with the staff of the Agency and the Agency's Counsel to discuss the proposed project and the proposed financial assistance.

(F) SEQR Documents. Each application shall be accompanied (1) by the documents required pursuant to Part 17 of these Rules and Regulations or (2) by written explanation as to why such documents are not readily available.

(G) Place for Filing. Applications shall be filed by mailing or delivering four (4) copies of the application, together with an equal number of copies of each accompanying document, to the attention of the Chief Executive Officer of the Agency at the principal office of the Agency, presently located at SUNY Cobleskill, Prentice Hall Room 104D, 152 Albany Avenue in the Town of Cobleskill, Schoharie County, New York.

(H) All materials submitted to the Agency must be submitted in "hard" copy form. The Agency will not accept e-mail transmissions unless expressly authorized by the Agency or expressly requested by

the Agency. The Agency reserves the right to request e-mail transmissions of documents and communications.

SECTION 1903. PROCEDURES FOR PROCESSING APPLICATIONS.

(A) Distribution. Upon receipt of an application, the Chairman and the Chief Executive Officer of the Agency shall examine same to determine compliance with the requirements of Section 1902 of this Part. If the application appears to substantially comply with such requirements, the Chief Executive Officer of the Agency shall distribute one copy of the application and the documentation accompanying same (together with a memorandum describing any deviations from the requirements of Section 1902 of this Part, if any) to each of the following:

- (1) the Chairman of the Agency;
- (2) counsel to the Agency; and
- (3) each of the members of the Agency.

(B) Agency Action. Once the application has been distributed pursuant to Section 1903(A) hereof, counsel to the Agency shall contact counsel to the applicant to discuss and agree, subject to approval by the members of the Agency, to a time schedule whereby the Agency will consider the application, entertain resolutions and provide the financial assistance requested in the application.

(C) Agency Consideration. The Agency will endeavor to consider the Application at the next regularly scheduled meeting of the Agency. However, in order to be considered by the Agency, the Application must be mailed to each member of the Agency at least seven (7) days in advance of the meeting date.