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ECONOMIC DEVELOPMENT & PLANNING | INDUSTRIAL DEVELOPMENT AGENCY | LOCAL DEVELOPMENT CORPORATION

**Tioga County Industrial Development Agency  
Governance Committee Meeting  
March 23, 2026 – 2:00 pm  
Ronald E Dougherty County Office Building  
56 Main Street, Owego, NY 13827  
Agenda**

**I. Call to Order and Introductions:**

**II. Attendance:**

- a. Governance Committee Members: Jon Ward, Eric Knolles, Barbara Case
- b. Guests: C. Yelverton, B. Woodburn, L. Williams
- c. Excused:

**III. Approval of Minutes:**

- a. December 9, 2025

**IV. New Business:**

- a. MRB Group Policy Recommendations for Uniform Tax Exemption Policy
- b. Assessment of Internal Controls Policy and Procurement Policy
- c. IDA Pilot Application

**V. Adjourned:**



**Tioga County Industrial Development Agency  
Governance Committee Meeting  
December 9, 2025 – 10:00 am  
Ronald E Dougherty County Office Building  
56 Main Street, Owego, NY 13827  
Minutes**

- I. Call to Order and Introductions: 10:05 am
- II. Attendance:
  - a. Governance Committee Members: Jon Ward, Eric Knolles
  - b. Excused:
  - c. Guests: B. Woodburn, C. Yelverton, M. Schnabl, B. Case
- III. Approval of Minutes from Meeting Dated December 4, 2024.

**Motion to approve December 4, 2024, meeting minutes, as written (E. Knolles).**

**DRAFT**      **Aye – 2**      **Abstain – 0**  
**No – 0**      **Carried**

New Business

- A. Annual Policy Review
  - a. Mission Statement
  - b. By-Laws
  - c. Code of Ethics
  - d. Assessment of Internal Controls
  - e. Procurement Policy
  - f. Property Disposition Policy
  - g. Whistle Blowers Policy
  - h. Employee Handbook
  - i. Governance Committee Charter
  - j. Procedure Manual
  - k. TCIDA Sexual Harassment Policy

J. Ward recommended updating internal controls policy and changing the listed accountant to Bowers CPA’s and Advisors. It was also recommended to modify the procurement policy to increase purchase limit of \$500.00 to \$999.00 and \$501 to \$1000.00. Article Bylaw articles will be reviewed to ensure the corresponding articles and references are correct in section 4-7.

- B. Committee member review
  - 1. Executive Board Members
    - a. Chair- Jon Ward
    - b. Vice Chair- Kevin Gillette
    - c. Secretary- Eric Knolles
    - d. Treasurer- Brenda Evanek



**Motion to recommend the approval of slate of officers at annual meeting (E. Knolles).**

**Aye – 2**      **Abstain – 0**  
**No – 0**      **Carried**

2. Committee Appointments

- a. Governance- J. Ward, E. Knolles, Vacancy
  - i. Recommendation to appoint Barbara Case
- b. Audit- Brenda Evanek , E. Knolles, J. Ward
  - i. Per Bylaws, B. Evanek will be the chair of the Audit Committee.
- c. Railroad- T. Monell, K. Gillette, Vacancy
  - i. Martha Sauerbrey resigned as of 12/31/25
- d. Finance- E. Knolles, J. Ward, Vacancy
  - i. Recommendation to appoint Barbara Case
- e. Loan- K. Dougherty, D. Barton, J. Lavo, J. Ward, E. Knolles, Brenda Evanek
- f. Public Relations- T. Monell, B. Woodburn
  - i. Martha Sauerbrey resigned as of 12/31/25
  - ii. Recommendation to appoint Ron Ciotoli to IDA board.

**DRAFT**

Ron Ciotoli has expressed interest in joining the IDA Board of Directors. The Tioga County Legislature appointed R. Ciotoli to the IDA Board effective January 1, 2026. R. Ciotoli can be appointed to the Public Relations, Railroad or Loan Committee. The Public Relations and Railroad Committee have vacancies due to M. Sauerbrey's resignation.

**Motion to recommend appointing B. Case to the Governance and Finance Committee (E. Knolles).**

**Aye – 2**      **Abstain – 0**  
**No – 0**      **Carried**

**Motion to recommend appointing Ron Ciotoli to IDA Board of Directors (E. Knolles).**

**Aye – 2**      **Abstain – 0**  
**No – 0**      **Carried**

3. Other Appointments

- a. Designee (per Employee Handbook) –
- b. Compliance Officer-
- c. Contracting Officer-
- d. Freedom of Information Officer- J. Meagher
- e. Code of Ethics Officer- J. Meagher
- f. Internal Controls Officer- Bowers CPA's and Advisors



J. Ward recommended that J. Meagher review the IDA Bylaws to identify if assigning members as the compliance and contracting officer are necessary.

4. Governance Committee Performance Summary review- The performance summary will be modified to include modifications presented in this governance committee and bylaw modifications discussed at last year's meeting.

**Adjourned (J. Ward) 10:28 am**

**DRAFT**

**TIOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, INC.  
UNIFORM TAX EXEMPTION POLICY**

I. General Policy-Case by Case Basis

The ~~g~~General policy of Tioga County Industrial Development Agency ("TCIDA") in accordance with Article 18-A of the New York State General Municipal Law (the "Act") is to grant financial assistance in the forms of ~~applicants~~-real property tax abatements ~~equal to that provided pursuant to Section 485-b of the Real Property Tax Law as well as full~~and exemptions from sales, use and mortgage recording taxes as described below. In addition the Tioga County Industrial Development Agency may grant enhanced benefits on a case-by-case basis for a project expected to have significant impact in the locality where the project will be located. The provision of tax exemptions by the TCIDA in this manner shall be governed by the content of this policy, pursuant to Section 874(4) of the Act.

The Tioga County Industrial Development Agency considers the following factors in making such determination, no single one of which is determinative:

- The nature of the proposed project (e.g., manufacturing, commercial, civic)
- The nature of the property before the project begins (e.g., vacant land, vacant buildings)
- The economic condition of the area at the time of the application
- The extent to which a project will create or retain permanent, private sector jobs
- The estimated value of tax exemptions to be provided
- The impact of the project and the proposed tax exemptions on affected tax jurisdictions
- The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity
- 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
- The effect of the proposed project upon the environment
- The extent to which the proposed project will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services

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- The extent to which the proposed project will provide additional sources of

- revenue for municipalities and school districts in which the project is located.
- The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located.
- (Civic Facility Projects Only:) The extent to which the proposed project encourages charitable entities to locate within the municipality in which the project is located.

II. Real Property Tax Abatements

A. All projects unless deviation results from the factors listed in "I. General Factors" shall pay to the Tioga County Industrial Development Agency in lieu of Real Property Taxes, including Village, Town, County and School, the following amounts:

|           |                             |
|-----------|-----------------------------|
| 1st Year  | 0% of Real Property Taxes   |
| 2nd Year  | 10% of Real Property Taxes  |
| 3rd Year  | 20% of Real Property Taxes  |
| 4th Year  | 30% of Real Property Taxes  |
| 5th Year  | 40% of Real Property Taxes  |
| 6th Year  | 50% of Real Property Taxes  |
| 7th Year  | 60% of Real Property Taxes  |
| 8th Year  | 70% of Real Property Taxes  |
| 9th Year  | 80% of Real Property Taxes  |
| 10th Year | 90% of Real Property Taxes  |
| 11th Year | 100% of Real Property Taxes |

B. No project shall be exempt from Special Assessments or Special Taxing Districts including fire, water, refuse, garbage, sewer and the like.

C. Where there is an existing Facility and the Owner of the existing Facility requests tax abatement under this policy for additional construction and/or renovation, the tax abatement shall apply only to the additional assessed value of the construction/renovation.

~~C.~~ D. Commercial Solar Projects

III. Sales Tax Exemptions

A. ~~All Projects shall have~~ may be approved for Sales Tax Exemption during the initial construction, renovation or equipping of the Facility. Such Sales Tax Exemption shall cease upon completion of the construction, renovation or equipping or upon the expiration of one year which-ever occurs first.

B. Sales Tax Exemptions may be approved separate from real property tax exemptions.

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C. The Owner of the Project shall file all necessary documents required by the New York State Department of Taxation and Finance, along with forwarding copies of same to the TCIDA.

D. Eligible and Ineligible Items:

1. Items Exempted. The sales and use tax exemption granted by the Agency with respect to project shall normally extend only to the following items: items incorporated into the real property, tangible personal property, including furniture, furnishings and equipment used to initially equip the project or otherwise forming part of the project, if purchased by the Applicant as agent of the Agency; the rental of tools and other items necessary for the construction and/or equipping of the project, if rented by the Applicant as agent of the Agency; and fuel and similar items consumed in the process of acquiring, constructing and/or equipping the project, if purchased by the Applicant as agent of the Agency.
2. Items Not Exempted. A sales and use tax exemption with respect to a project shall not be granted by the Agency for the following: repairs, replacements or renovations of the project, unless such repairs, replacements or renovations constitute major capital-type expenses approved by the Agency as a separate project in the manner contemplated by the Act; or operating expenses.

B.

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~~C.E.~~ Any Recapture shall include Sales Tax Exemptions.

~~D.F.~~ Deviations may be made from the policy on a case by case basis according to the factors set forth in "I. General Policy".

IV. Mortgage Tax Exemption and other recording taxes.

A. ~~All Projects shall have~~ be approved for recording tax exemptions for all documents recorded within one year from the date of the closing of the Project for all Project related transactions.

B. Any Recapture shall include Recording Tax Exemptions.

C. Deviations may be made from the policy on a case by case basis according to the factors set forth in "I. General Policy".

V. Recapture of Benefits

A. The TCIDA will be able to recapture tax exemptions provided and distribute the taxes in proportion to the taxing authorities in relation to the taxes abated if any events as set forth in subparagraph V.B. below occur.

B. Recapture of the benefits will be decided on a case by case basis with such factors to include sale or closure of the Facility, significant employment reductions from those projected by the Applicant, significant change in use of the Facility including to a Facility which Industrial Development Agencies are prohibited from engaging, or any other significant change in the business activities of the Facility.

C. If any event(s) occurs resulting in a recapture the following schedule shall be used for the recapture of tax abatement:

| Event occurs:                               | Recovery: |
|---|-----------|
| Within 1 year after<br>PILOT effective date | 100%      |
| Within 2 years                              | 75%       |
| Within 3 years                              | 50%       |
| Within 4 years                              | 25%       |
| After 4 years                               | 0%        |

VI. Payment of PILOTS

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a. All PILOT payments received will be distributed to the taxing authorities in proportion to the share each would have received had the parcel not been exempt, except as set forth below.

b. In cases where a municipality expends capital funds for the establishment of a project; i.e. sewer and water hook ups, the taxing jurisdiction expending the capital funds shall receive 50% of all PILOT payments received until such time as the municipality is fully reimbursed or the PILOT period has expired. In cases of recapture, the municipality shall receive 50% of the monies recaptured. In cases where more than one municipality has a capital expenditure, the municipalities shall share proportionately in the PILOT or Recapture amounts received in relation to the proportionate amount expended by each municipality.

c. In cases where the Agency has obtained financing from grant projects such as New York Urban Development Corporation and is under obligation to repay such debt, the Agency reserves the right to use any or all PILOT payments or recapture payments for repayment of such debt.

d. In all other cases in which the Agency determines that a deviation of the PILOT payment policy is necessary to the Project, such deviation from this policy shall be made in accordance with the laws of the State of New York.

VII. Sole Discretion/Advisement by Taxing Authorities

The TCIDA shall notify all taxing authorities prior to any extending tax exempt status to a project and prior to any Recapture. All final decisions, however, shall be at the sole discretion of the Tioga County Industrial Development Agency, Inc. and shall be made in accordance with the laws of New York State.

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VIII. Administrative Fee

The TCIDA shall collect an administrative fee for all exemption incentives upon signing of project agreements as outlined in ""

IX. Effective Date

This Uniform Tax Exemption Policy shall apply to all projects for which the Agency has adopted or adopts a Resolution authorizing the grant of financial assistance after XX XX, 2026 and all refinancing of any project induced or closed before said date.

X. Amendments

Revised XX/XX/2026

The Agency, by resolution of its members, and upon notice to all affected tax jurisdictions as may be required by Law, may amend or modify the foregoing policy as it may, from time to time, in its sole discretion determine.

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**Tioga County Industrial Development Agency  
Internal Control Policies and Procedures**

# **Tioga County Industrial Development Agency Internal Control Policies and Procedures**

## **Page 1**

### **Mission:**

The purpose of the TCIDA is to advance the job opportunities, health, general prosperity and economic welfare of the people of Tioga County and improve their recreation opportunities and standard of living.

### **Organization Chart:**

Board Officers  
Board Members  
Internal Control Officer (ICO)  
Administrator  
Administrative Assistant

### **Committees:**

Governance Committee  
Audit Committee  
Finance Committee  
Executive Committee  
Loan Committee  
Railroad Committee  
Public Relations Committee

### **Attorney:**

Thomas, Collison & Meagher Attorneys at Law

### **Certified Public Accountants:**

Piaker and Lyons

### **Management Objectives:**

It is the goal of the Tioga County Industrial Development Agency to maintain a reputation which reflects integrity and ethical value, to fairly present financial information in conformity with generally accepted accounting principles, to insure compliance with applicable laws and regulations, and to maintain efficient and effectiveness of operations and safeguarding of assets.

# **Tioga County Industrial Development Agency Internal Control Policies and Procedures**

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**The Tioga County Industrial Development Agency operates various programs with in its stated mission. Each program involves various tasks to be performed as follows;**

### *Revolving Loan Program*

- issuance of loan proceeds as lender
- receipt of monthly payments
- amortization of loan payments
- payment of USDA/HUD loans
- receipt of loan proceeds from participating funding sources
- calculation and payment of administrative fee charged to the loan programs

Funds are provided by loans or grants from government agencies with restrictions to use proceeds and repaid loan principal and interest to fund additional applicants with low interest business start up or expansion loans. Loan applications are taken and summarized by the Administrator for submission to the Board for approval. Once approved the proceeds are distributed to the applicant, and recorded as a receivable in the agency records.

### *PILOT (Conduit) Program*

- Receipt of payments from PILOT participants
- Calculation and payment of amounts provided in the PILOT for Administrative purposes
- Calculation and payment of real property tax payments due to municipalities
- Monitor of compliance provided in the PILOT by participants
- Alert PILOT participants when program is complete

The TCIDA generally takes title to a project or a piece of real property being improved and may provide funds for site preparation, infrastructure, construction, equipment acquisition, and improvements. The TCIDA collects Payment In Lieu Of Taxes and allocates a portion of the payment to repay monies due on the project, with the balance returned to the municipalities in the form of reduced real property taxes.

### *Real property lease program*

- Receipt and deposit of lease payments
- Payment of bills out of funds specifically related to program (RR)

The TCIDA leases real property, including railroads, over long term agreements. The agreements provide for monthly, yearly or one-time payments and have various renewal periods and terms.

# **Tioga County Industrial Development Agency Internal Control Policies and Procedures**

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### *Operating grants*

- Application for grants
- Receipt of grant funds
- Make remittances based up grant restrictions

The IDA periodically receives grant proceeds. Those proceeds are separately accounted for in the records and if necessary are maintained in a separate bank account. Grant proceeds are recorded in a separate income account in the year earned, and any obligation is recorded in a separate expense account in the year incurred, according to generally accepted accounting principals.

### **The Financial Reporting System and Transaction Classes**

#### *Cash Receipts*

- The Board annually authorizes all bank accounts and check signers
- Mail is received by the Administrator and a deposit is prepared, and the deposit is checked by the Assistant Administrator (or visa versa)
- All documentation is attached to the deposit, and copies are made of the checks
- Deposits are made at least weekly if checks have been received in the mail
- Checks received are maintained locked in the Administrator's office until such time as a deposit is made
- Deposits are entered into the accounting system as the deposit is made.
- The Administrator is responsible for investigating and pursuing NSF checks
- The Agency does not receive any currency
- Wire transfers into account are recorded when notified or at the time they become funds in an account

#### *Cash Disbursements*

- All disbursements are made by check or wire transfer
- The Administrator is responsible for maintaining unused checks, including void checks, and they are kept locked in the Administrator's office
- Checks are used in numerical sequence
- Checks are drawn by the Administrator or Assistant
- Board approval and a second signature are required for all checks

The Administrator is responsible for math checking all invoices and providing the checks and all supporting documentation to a board member for approval. A board member reviews and initials all invoices.

## **Tioga County Industrial Development Agency Internal Control Policies and Procedures**

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#### *Cash Disbursements - continued*

- Administrator properly cancels the supporting documents by indicating date paid, check number, and authorization at time of signature to prevent duplication
- Administrator physically mails checks
- All wire transfers are approved by the Board of Directors
- No signature stamps are in use, and no checks are pre-signed
- Checks are recorded by the Administrator in both the computerized accounting program and also on a manual account register

#### *Bank Reconciliations*

Monthly bank reconciliations are promptly performed at the end of each month by either the Administrator or the Assistant and checked by the other. They are further checked by the ICO at the end of each quarter.

The reconciliation includes:

- Comparison of the date of deposit to the date on the bank statement
- Comparison of canceled checks with number, payee, and amount in records
- Sequence of checks
- Examination of endorsements
- Examination for alterations
- Date of checks clearing versus date drawn
- Investigating bank transfers to determine that both sides of the transaction have been properly recorded on the books
- Old outstanding checks, over 90 days, are investigated, and appropriate measures are taken

#### *Fixed Assets*

- Review the policy for determining whether an expenditure is a capital item or a repair and maintenance
- Maintain detailed list of fixed assets, including real property, office equipment, improvements, and other capitalized expenditures
- Compare fixed asset list with depreciation schedule on annual basis
- Physically review the items on the fixed asset list for damage, obsolescence, sales, disposals, etc.
- Review and maintain adequate insurance on assets

# **Tioga County Industrial Development Agency**

## **Internal Control Policies and Procedures**

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#### *Investments (Certificates of Deposit)*

- The Board of Directors and the agency Attorney determine the investments, whether they are permitted by law, and what the income is to be used for
- All documentation related to investments is maintained by the Administrator, locked in the office at all times. That includes identification, date of acquisition, cost, interest-dividend rate, renewal dates, and purpose.
- Only the Administrator and Assistant have access to the investment documents
- Investment income is recorded by the Administrator on either a monthly, quarterly, or annual basis based upon the individual investment
- The ICO is responsible to review this information each quarter

#### *Notes Receivable*

Notes receivable are related to the revolving loan program.

The Administrator receives monthly payments on the revolving loans. Each loan has an identification number to remove the names of the participants from reports available at the monthly Board meetings. The payments are broken down by interest and principle in accordance with an amortization schedule and entered into the accounting program. Actual payment dates are manually written on the amortization schedule. The amortization schedule is re-run twice annually to enter the actual payment date into the computerized amortization program and be recalculated based upon the date the actual payment is made. The ICO reviews this process quarterly to insure that the number of payments received is correct and the subsidiary record (amortization schedule) agrees with the accounting system.

- All documentation related to the loans, including the description of collateral, approvals, extensions, etc. is the responsibility of the Administrator. This information is kept in a locked file in the Administrator's office.
- It is the Administrator's responsibility to communicate delinquencies to the Board. It is the Board's responsibility to direct the Administrator in the resolution of the delinquencies
- Extensions, write-offs, and releases of collateral are approved by the Board of Directors

#### *Debt Service*

Bonding is generally used to finance a large project, is authorized by the Board, and structured by a law firm to assure compliance with all legal requirements, and is administered by an outside agent.

## **Tioga County Industrial Development Agency Internal Control Policies and Procedures**

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#### *Debt Service- continued*

- In general paying agents are used for the payment of bond principal and interest and all fees associated. The IDA receives monthly statements from the bond agent with respect to all payments made from the bond trust account.
- The statements from the bond trust account are reviewed by the Administrator on a monthly basis, and the outstanding balance on the bond is verified by the CFO during quarterly review and the Independent Accounting firm annually with documentation provided by the agent.
- No internal personnel or Board members have access to the bonds, redeemed bonds, unclaimed interest checks, payments of principal or interest, or payments of any fees.

#### *Expenditures for Goods and Services and Accounts Payable*

- The Board of Directors or the Administrator authorizes all purchases. Generally the Board of Directors approves purchases through check signing.
- Purchases are made in accordance with all applicable legal requirements
- If competitive bids are required, copies are retained on file
- The Administrator is responsible for inspecting all goods purchased and received
- Only vendor invoices are considered support for payment, no vendor statements are used as the sole support for payments of goods or services
- There is no inventory reported in the accounting records
- Accounts payable is generally not recorded on a monthly basis by the Administrator. It is reviewed on a quarterly basis by the ICO, and on an annual basis by the independent accounting firm during the audit to insure a proper cut-off of purchases at quarter and year end.
- The Administrator is responsible for properly posting the expenditures to the correct account and researching any overpayments
- The ICO reviews the postings on a quarterly basis

#### *Payroll*

The Board of Directors hires, establishes pay rates, and insures that applicants prepare the required application, supplied references are verified including prior employers, and an adequate background check is completed.

The Administrator maintains personnel files in secure area, which includes original application, date hired, new hire compliance (W-4), rate of pay, retirement contribution information, sick and vacation pay policy and usage, support and collection documentation, direct deposit, and Federal and New York State withholding forms, notification of reprimands, notification of employment related meetings, signed termination notices, and correspondence signed by employee related to reprimands and termination.

## **Tioga County Industrial Development Agency Internal Control Policies and Procedures**

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### *Payroll-continued*

- At this time no time cards are used, sole employee is paid salary
- Leave time is reviewed quarterly by the Governance Committee
- An annual review is completed by the Board of Directors and communicated to the employee, and entered into the employment file
- Payroll processor is advised of hire date, pay rates and approved changes, deductions, and pension participation, and request for direct deposit. The payroll processor does not have any access to the bank account. All payroll checks contain the detail of gross pay and the respective deductions.
- The Administrator is required to take vacations and at that time their responsibilities are assumed by the Assistant Administrator
- The Administrator currently writes net checks which are co-signed by a Board Officer
- The Administrator makes payroll tax payments and retirement contributions, and support and collection if applicable in a timely fashion
- The ICO reviews payments on a quarterly basis
- Payroll and payroll tax accruals (if any) and expenses are reviewed quarterly by the ICO and annually by the Independent Auditor
- All employees who have access to the bank records are bonded

### *Federal, State and Other Award Programs*

It is the Administrators responsibility to prepare and file all necessary documentation for the application process. It is also the responsibility of the Administrator to prepare and file all documentation to support the utilization of grant funds within the time imposed by the funding agencies. The application and supporting documentation are also reviewed by the appropriate Committee prior to filing.

It is the responsibility of the Administrator and the Board of Directors to fulfill the compliance requirements of the grantor. Such compliance requirements may include the use of separate cash accounts, requests for advances, use of advances within a limited time period, provision of supporting documentation, and continued monitoring of the project. Compliance requirements may also include competitive bidding, direct cost allocation, matching, and the OMB Circular133 requirement for a Single-Audit.

- The Administrator is responsible for properly recording the individual receipts and the individual disbursements related to each program in a separate income or expense account. Those accounts are used to support reimbursement requests or substantiating expenditures.
- The Administrator and the Board of Directors are responsible for reviewing and verifying that only allowable costs and expenditures are being charged toward programs.

## **Tioga County Industrial Development Agency Internal Control Policies and Procedures**

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#### *The Computer System (IT):*

- The books and records are kept by the Administrator
- Transactions are initiated and authorized by the Board of Directors
- The Administrative assistant is trained to take on the role of the Administrator in case of temporary emergency, vacation, etc.
- The accounting records for the TCIDA are kept on QuickBooks. The office also utilizes a separate amortization program, Microsoft Office, Excel, and various other applications to produce and maintain the records of the TCIDA.
- IT personnel do not have access to initiate or authorize any transactions
- IT personnel are prohibited from initiating changes to master files unless specifically instructed to do so by the Administrator
- Passwords are used to secure the data files from unauthorized access
- All invoices, receipts, bills, bank statements, and support are maintained and stored in the Administrators office. After two years, the records are moved to, Tioga County storage space, and maintained indefinitely.

All data files are backed up on a daily basis on the Tioga County server. The daily back up picks up the recent changes, each week a complete back up is run. Essentially no data files exist on the hard drive located in the Administrator's office. The Administrator has a file on the Tioga County Server which serves as the hard drive. The Tioga County IT Department is a separate and distinct branch of the County, and is independent of the TCIDA. The Tioga County IT department serves as technical support, and off-site storage of data. The data is stored for legally required periods of time, seven years in most cases, and for indefinite periods of time when necessary. A separate back up is stored off-site for emergency management purposes.

#### *Ancillary tasks*

The Administrator attends and reports to the Board of Directors on a monthly basis the financial reports, including balance sheet and profit and loss for the month and year to date. The Administrator also records and distributes minutes to the Board of Directors meeting.

#### *Budgets*

The Administrator prepares a budget for all funds in accordance with state statutory requirements. The Board of Directors adopts the budget. Accounting principals used for preparation of the budget are the same as those used in the preparation of the financial statements. All amendments are properly authorized and approved by the Board.

#### *Maintain the Authority Budget Office PARIS System for the TCIDA*

The Public Authorities Reporting Information System is a source of information available to the public, to insure a transparent nature of the activities of the TCIDA. The Administrator is responsible for updating this website on an annual basis with financial information, evaluations, missions statements, internal control assessments etc.

## **Tioga County Industrial Development Agency Internal Control Policies and Procedures**

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### *Respond to FOIL requests*

It is the Administrator's responsibility to respond to Freedom of Information Letters of request. The Administrator informs the Board of Directors of each Freedom of Information request and copies the Board on all correspondence related to the request.

### *Monitoring*

Each year the TCIDA is required to prepare a report on the assessment of its internal controls. The purpose is to determine the effectiveness of its internal control system. The assessment includes evaluation of each policy established by the TCIDA. The Governance/Audit Committee reviews each of the policies of the TCIDA on an annual basis.

Current policies:

|                              |                           |
|------------------------------|---------------------------|
| Code of Ethics               | Audit Committee Charter   |
| Procurement Policy           | Investment Policy         |
| Governance Committee Charter | Finance Committee Charter |
| Property Disposition Policy  | By-Laws                   |
| Whistle Blower Policy        | Internal Controls Policy  |
| Employee Handbook            |                           |

In addition, the adjustments to the financial statements are reviewed. The purpose is to determine whether the board has adequate information, on a monthly basis, to make informed decisions. Each process is evaluated to determine effectiveness and efficiency. If the process identifies actions that are needed to correct weaknesses, then those weaknesses are addressed and monitored until the agency deems them corrected.

This document should be made available to each officer, employee, and subcontractor responsible for the daily activity of the TCIDA. The purpose of this document is to stress the importance of and responsibility for effective internal controls. It is the objective of this document to establish and maintain a system of internal controls and a program of internal control review for the Agency. The program of internal control review shall be a structured, continuing and documented system designed to identify internal control weaknesses, actions that are needed to correct weaknesses, monitor implementation of necessary corrective actions and assess the adequacy of the Agency's internal controls.

*This document is not statutory and is intended as a guide for the employees, Board of Directors, Administrators and the Internal Control Officer of the Tioga County Industrial Development Agency. This is subject to change and revision at the direction of the regulatory authorities and the Board of Directors.*

# Tioga County Industrial Development Agency Procurement Policy

## **SECTION 1: PURPOSE AND AUTHORITY**

The purpose of this document is to outline the procurement policy (the "Policy") of the Tioga County Industrial Development Agency (the "Agency") applicable to procurement of goods and services paid for by the Agency for its own use and benefit. The Act requires that goods and services must be procured by the Agency in such a manner so as to assure the prudent and economic use of public funds, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption.

## **SECTION 2: SECURING GOODS AND SERVICES**

Each action taken in connection with each procurement must be supported by documentation. When an award is made to other than the lowest responsible bidder, the determination to make the award must be supported by documentation that justifies the award and sets forth the reasons why the award furthers the purposes of this Policy and provisions of section 104-b of the New York General Municipal Law.

## **SECTION 3: METHOD OF PURCHASE**

The following method of Purchase will be used when required by this Policy in order to achieve the highest quality and savings:

| <u>Estimated Amount of Purchase</u> | <u>Method Required</u>   |
|-------------------------------------|--|
| Up to \$500                         | Discretion of the Chairperson to secure best pricing available under prevailing circumstances  |
| \$501 - \$4,999                     | 3 verbal or written quotations employing reasonable methods to secure best pricing available under prevailing circumstances with written documentation the process employed to obtain the quotes |
| \$5,000 to \$9,999                  | Lowest responsible bidder price based on 3 written/fax quotations in   |

response to a request for proposal unless emergency circumstances dictate otherwise, in which case such circumstances shall be documented in writing

\$10,000 and above

Lowest responsible bidder in response to advertisement for sealed bids. The bid which is the most advantageous to the Agency and pursuant to section 103 of the General Municipal Law, except as otherwise permitted by Article 5-A of the General Municipal Law

Number of Proposals or Quotations

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

Documentation

Documentation is required for each action taken in connection with each procurement. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible bidder. This documentation will include an explanation of how the award will achieve savings or how the bidder was not acceptable. A determination that the bidder is not acceptable shall be made by the purchaser with the approval of the Audit Committee.

Payment

The TC IDA will endeavor to pay each qualified vendor within 15 days after receiving: (1) the good or service; and (2) a proper invoice.

MWBE

The TCIDA will make good faith efforts to procure goods and services from MWBEs.

Procurement Contact

The TCIDA Executive Administrator is the authorized contact for all procurements.

**SECTION 4: CIRCUMSTANCES WHERE SOLICITATION OF ALTERNATIVE PROPOSALS AND QUOTATIONS ARE NOT IN THE BEST INTEREST OF THE AGENCY**

Pursuant to Section 104-b (2) (f) of the General Municipal Law, this policy may contain circumstances when, or types of procurement for which, in the sole discretion of the members of the Agency, the solicitation of alternative proposals or quotations will not be in the best interest of the Agency. In the following circumstances, it may not be in the best interest of the Agency to solicit quotations or document the basis for not accepting the lowest bid.

### Professional and Contracted Services

Professional services or services requiring special or technical skill, training or expertise. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgment, integrity, continuity of service and moral worth. Furthermore, certain professional services to be provided to the Agency, e.g., legal and accounting services, impact liability issues of the Agency and its members, including securities liability in circumstances where the Agency is issuing bonds. These qualifications and the concerns of the Agency regarding its liability and the liability of its members are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Agency shall take into consideration the following guidelines: (a) whether the services are subject to state licensing or testing requirements; (b) whether substantial formal education or training and experience is a necessary prerequisite to performance of the services. Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; marketing, advertising and/or printing services involving extensive writing, editing, or art work; management of Agency-owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-package software.

### Emergency Purchases

Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the public. This section does not preclude alternate proposals if time permits. The Chairman or Designee shall obtain a verbal quote, at a minimum, which shall be documented and shall also include a description of the facts giving rise to the emergency and that it meets the criteria set forth herein. Said documentation may also include the opinions of Counsel regarding the exception from bidding.

### Purchases of Secondhand Goods

If alternate proposals are required, the Agency is precluded from purchasing surplus and second-hand goods at auctions or through specific advertising sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

Sole Source

Defined as a situation when there is only one possible source item which to procure goods and/or services and it is shown that the item needed has unique a benefit, the cost is reasonable for the product offered and there is not competition available. In this situation, a request for a resolution waiving bidding requirements is required.

Goods or Services Under \$500

The time and documentation required to Purchase through this Policy may be more costly than the item itself and would therefore not be in the best interest of the taxpayer. In addition, it is not likely that such minimal contracts would be awarded based on favoritism.

Buy Local

Reasonable preference will be given to making purchases from Tioga County businesses.

**SECTION 5: UNINTENTIONAL FAILURE TO COMPLY**

The unintentional failure to comply with the provision of Section 104-b of the General Municipal Law shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

**SECTION 6: POLICY REVIEW**

The statute requires that the Policy must be reviewed by the Agency annually. Any amendments will be approved by the Agency's Board of Directors.

## **INSTRUCTIONS**

- a. Please respond to all items either by filling in blanks, by attachment (by marking space "See Attachment Number 1," etc.) or by N.A., where not applicable. This application must be filed in 4 copies. A complete application is essential for the Agency's determination of whether to provide the financial assistance requested.
- b. If more space is needed to answer any specific question, attach separate.
- c. The attached Environmental Assessment Form ("EAF") is an integral part of this application. This application will not be deemed complete unless accompanied by a fully completed EAF.
- d. Completed application and EAF must be submitted to Tioga County Industrial Development Agency (TCIDA). Electronic applications can be submitted to [tcida@tiogacountyny.gov](mailto:tcida@tiogacountyny.gov) . Hard copies can be mailed to: **Tioga County Industrial Development Agency 56 Main Street Owego, NY 13827**
- e. TCIDA has established a non-refundable application fee of \$2,500.00 and is required at the time of submission of this application. A check or money order payable to Tioga County Industrial Development Agency. In the event that multiple public hearings are required, \$500.00 per hearing will be charged in addition to the application fee.
- f. TCIDA has established a project fee for each project in which the IDA participates. The project fee is 1% of the total Project Cost. The applicant is required to pay the IDA Twenty-Five Percent (25%) of the project fee thirty (30) days after approval of benefit, with the remaining balance of the fee to be paid in Twenty-Five Percent (25%) increments every six (6) months, or in full at the time of closing, whichever occurs first. The project fee is non-refundable. The applicant will also be expected to pay all actual costs incurred in connection with the application including all costs incurred by general counsel and bond counsel. In addition, any cost associated with a requested change, modification or alteration to the PILOT agreement during the term of the PILOT including, but not limited to refinancing, renaming, reassignment and PILOT termination shall be the responsibility of the applicant.
- g. TCIDA has established an annual administration fee of \$1500 to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.
- h. The applicant is responsible for any costs the IDA incurs, including the CBA and Test of Reasonableness, legal fees and closing costs.*
- i. Before inducement, Bond Counsel (or Transaction Counsel, in the case of a Sale/Leaseback) will require a \$2,500 deposit which will be applied to actual out-of-pocket fees and disbursements made during the inducement and negotiation processes and will be reflected on their final statement at closing. Information provided herein will not be made public by TCIDA prior to the passage of an Official Inducement Resolution but may be subject to disclosure under the New York Freedom of Information Law.*
- j. Information provided herein will not be made public by the Agency prior to the passage of an Official Inducement Resolution, but may be subject to disclosure under the New York Freedom of Information Law*

**I. APPLICANT:**

NAME [BUSINESS OWNER(S)]:

APPLICANT STREET ADDRESS:

CITY:

STATE:

ZIP:

PHONE:

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

NAME:

PHONE:

TITLE:

EMAIL:

**II. TYPE OF APPLICATION:**

TAX-EXEMPT BONDS

TAXABLE BONDS

BOTH TAXABLE AND TAX-EXEMPT BONDS

SALE/LEASEBACK

BANK FINANCING

REFUNDING

SECOND MORTGAGE

TRANSFER

AMENDMENT

**III. PROJECT SUMMARY:**

A. TYPE OF PROJECT: SELECT PROJECT TYPE FOR ALL END USERS AT PROJECT SITE (YOU MAY CHECK MORE THAN ONE)

INDUSTRIAL/MANUFACTURING

HOUSING

WAREHOUSING

COMMERCIAL/OFFICE

ENERGY/COGENERATION FACILITY

NONPROFIT/CIVIC

POLLUTION CONTROL

OTHER\_\_\_\_\_

B. DESCRIPTION OF PROJECT (CHECK ONE OR MORE):

NEW CONSTRUCTION

ACQUISITION OF EXISTING FACILITY

PURCHASE OF NEW MACHINERY/EQUIPMENT

ADDITION TO EXISTING FACILITY- EXISTING IDA PROJECT

PURCHASE OF USED MACHINERY/EQUIPMENT

RENOVATION/MODERNIZATION OF EXISTING FACILITY - EXISTING IDA PROJECT

C. EMPLOYMENT IMPACT (TIOGA COUNTY):

NEW JOBS EXISTING/RETAINED JOBS

D. PROJECT COST: \$

TYPE OF FINANCING:  TAX-EXEMPT  TAXABLE  STRAIGHT LEASE

E. AMOUNT OF BONDS REQUESTED:

F. AMOUNT OF NEW MORTGAGE(S) REQUIRED FOR PROJECT:

G. PROJECT-RELATED COSTS SUBJECT TO SALES TAX:

H. ESTIMATED VALUE OF TAX EXEMPTIONS:

I. NYS SALES AND COMPENSATING USE TAX \$

MORTGAGE RECORDING TAXES \$

REAL PROPERTY TAX EXEMPTIONS \$:

REQUESTED TERM OF PILOT:

**IV. APPLICANT INFORMATION:**

EMPLOYER'S FEDERAL ID NO.

NAICS CODE:

**INDICATE TYPE OF BUSINESS ORGANIZATION OF APPLICANT**

1.  CORPORATION INCORPORATED IN WHAT COUNTRY WHAT STATE  
 I) DATE INCORPORATED: TYPE OF CORPORATION :  
 II) AUTHORIZED TO DO BUSINESS IN NEW YORK:  YES  NO
2.  PARTNERSHIP TYPE OF PARTNERSHIP # OF GENERAL PARTNERS  
 I) # OF LIMITED PARTNER
3.  SOLE PROPRIETORSHIP
4.  LIMITED LIABILITY APPLICANT DATE CREATED

IS THE APPLICANT A SUBSIDIARY OR DIRECT OR INDIRECT AFFILIATE OF ANY OTHER ORGANIZATION(S)? IF SO, NAME OF RELATED ORGANIZATION(S) AND RELATIONSHIP:

5. PRINCIPLE STOCKHOLDERS OR PARTNERS OF THE OWNER AND THE USER, IF ANY (I.E., OWNERS OF 5% OR MORE IN EQUITY IN THE OWNER OR THE USER):

| NAME | ADDRESS | PERCENTAGE OF HOLDING |
|------|---------|-----------------------|
|      |         |                       |
|      |         |                       |
|      |         |                       |
|      |         |                       |
|      |         |                       |

6. MANAGEMENT OF APPLICANT: LIST ALL OWNERS, DIRECTORS AND PARTNERS

| NAME & ADDRESS | OFFICE HELD | OTHER PRINCIPAL BUSINESS |
|----------------|-------------|--------------------------|
|                |             |                          |
|                |             |                          |
|                |             |                          |
|                |             |                          |
|                |             |                          |

7. APPLICANTS' ATTORNEY:

|          |           |
|----------|-----------|
| ATTORNEY | FIRM NAME |
| ADDRESS  | PHONE     |
| E-MAIL   | FAX       |

8. APPLICANTS' PRINCIPAL BANK(S) ACCOUNT:

9. Has the Owner or the User (or any related person) made a public offering or private placement of its stock within the last year? If so, please describe and provide the prospectus or other offering materials used.
10. Has the Owner or the User (or any related person) applied to any other Industrial Development Agency in regard to this Project? If so, please provide details of any action taken with respect to the Project and the current status of such application.
11. Within the past five years has the applicant, any affiliate, any predecessor company or company or entity, owner, director, officer, partner or any contractor affiliated with the proposed project been the subject to:
- A. AN INDICTMENT, JUDGMENT, CONVICTION, OR A GRANT OF IMMUNITY, INCLUDING PENDING ACTIONS, FOR ANY BUSINESS-RELATED CONDUCT CONSTITUTING A CRIME?  YES  NO
  - B. A GOVERNMENT SUSPENSION OR DEBARMENT, REJECTION OF ANY BID OR DISAPPROVAL OF ANY PROPOSED CONTRACT, INCLUDING PENDING ACTIONS, OR FOR LACK OF RESPONSIBILITY?  YES  NO
  - C. ANY FINAL GOVERNMENTAL DETERMINATION OF A VIOLATION OF ANY PUBLIC WORKS LAW OR REGULATION, OR LABOR LAW REGULATION?  YES  NO
  - D. A CONSENT ORDER WITH THE NYS DEPT. OF ENVIRONMENTAL CONSERVATION?  YES  NO
  - E. AN UNSATISFIED JUDGMENT, INJUNCTION OR LIEN FOR ANY BUSINESS-RELATED CONDUCT OBTAINED BY ANY FEDERAL, STATE OR LOCAL GOVERNMENT AGENCY INCLUDING, BUT NOT LIMITED TO, JUDGMENTS BASED ON TAXES OWED AND FINES AND PENALTIES ASSESSED?  YES  NO
  - F. HAS ANY PERSON LISTED ABOVE OR ANY CONCERN WITH WHOM SUCH PERSON HAS BEEN CONNECTED EVER BEEN IN RECEIVERSHIP OR BEEN ADJUDICATED IN BANKRUPTCY?  YES  NO

**IF THE ANSWER TO ANY QUESTION A THROUGH F IS YES. PLEASE FURNISH DETAILS ON A SEPARATE ATTACHMENT**

12. Has the Owner or the User been involved in or benefitted by any prior tax-exempt bond financing in the town/city/village in which this Project is located, whether through the Agency, JDA or another issuer? If so, please explain in full (e.g., name of issuer and beneficiary; original amount of issue; date of issue; current amount outstanding; purpose of issue; etc.).

**13. FACILITY USER (TENANT USING MORE THAN 10% OF THE SQUARE FOOTAGE OF THE FACILITY, IF DIFFERENT THAN THE OWNER):**

|                               |                   |               |
|-------------------------------|-------------------|---------------|
| <b>BUSINESS NAME</b>          | <b>PHONE</b>      | <b>FAX</b>    |
| <b>ADDRESS</b>                |                   | <b>E-MAIL</b> |
| <b>CONTACT</b>                | <b>POSITION</b>   |               |
| <b>FEDERAL EMPLOYER I.D.#</b> | <b>NAICS CODE</b> |               |

**14. INDICATE TYPE OF BUSINESS ORGANIZATION OF USER:**

|   |                                     |                              |
|---|-------------------------------------|------------------------------|
| <input type="checkbox"/> CORPORATION  | <b>INCORPORATED IN WHAT COUNTRY</b> | <b>WHAT STATE</b>            |
| I) DATE INCORPORATED:   |                                     | <b>TYPE OF CORPORATION :</b> |
| II) AUTHORIZED TO DO BUSINESS IN NEW YORK: <input type="checkbox"/> YES <input type="checkbox"/> NO |                                     |                              |
| <input type="checkbox"/> PARTNERSHIP  | <b>TYPE OF PARTNERSHIP</b>          | <b># OF GENERAL PARTNERS</b> |
| III) # OF LIMITED PARTNERS  |                                     |                              |
| <input type="checkbox"/> SOLE PROPRIETORSHIP  |                                     |                              |
| <input type="checkbox"/> LIMITED LIABILITY  | <b>APPLICANT DATE CREATED</b>       |                              |

**V. OWNERS' OPERATIONS AT CURRENT LOCATION:**

2. ADDRESS:
3. ACREAGE OF EXISTING FACILITY:
4. NUMBER OF BUILDINGS AND SQUARE FEET OF EACH:
5.  OWNED OR  LEASED
6. TYPE OF OPERATION (E.G., MANUFACTURING, WHOLESALE, DISTRIBUTION, RETAIL, ETC.) AND PRODUCTS AND SERVICES OFFERED AT CURRENT LOCATION:
7. CURRENT # OF FULL-TIME EMPLOYEES:
8. ANNUAL PAYROLL AMOUNT:

**VI. USERS' OPERATIONS AT CURRENT LOCATION:**

9. ADDRESS:
10. ACREAGE OF EXISTING FACILITY:
11. NUMBER OF BUILDINGS AND SQUARE FEET OF EACH:
12.  OWNED OR  LEASED

13. TYPE OF OPERATION (E.G., MANUFACTURING, WHOLESALE, DISTRIBUTION, RETAIL, ETC.) AND PRODUCTS AND SERVICES OFFERED AT CURRENT LOCATION:

14. CURRENT # OF FULL-TIME EMPLOYEES:

15. ANNUAL PAYROLL AMOUNT:

**VII. PROJECT DATA:**

1. Project description: Please attach a detailed description of the project including the following:
  - a. location, proposed product lines and market projections, square feet by usage, type of construction, machinery for products, machinery for building, office, and parking.
  - b. Number of existing buildings or buildings to be acquired, acreage and square feet by usage.
  - c. Number of buildings being constructed, square feet of each building, contractor/architect contact information.
  - d. If the project site contains any underground or above ground storage tanks or wells please describe.
  - e. List any state, local or federal consents or approvals (e.g., site plan approval, special use permit, environmental permits, certificates of need) that will be necessary in connection with the Project and describe the status of each such consent or approval.
  - f. Attach copies of preliminary plans or sketches of proposed construction or floor plan of existing facility.
  - g. Attach a photo of the site or existing facility to be improved.
  - h. Are utilities on site or must they be brought in? If so, which ones?
  - i. Provide a project timeline including proposed date for commencement of construction or acquisition, and estimated project completion date.
2. Location of Project:
  - a. Please attach a map highlighting the location of the project. In addition, please give the real property tax map number and exact street address of the Project, including the city or village (if any) and town in which the Project will be located. (If no street address is available, please include a survey and the most precise description available.) Please identify the school district and zoning district within which the project will be located. If the project site is located in a historic district or involves historic buildings please provide relevant information.
3. Project Site: Attach a complete narrative description of project including:
4. Who presently is legal owner of building or site?

5. Is there a purchase option in force or other legal or common control in the project?  
YES NO  
If yes, furnish details in a separate attachment.
6. Is there an existing or proposed lease for all or a portion of the project? YES NO
7. If applicant will not occupy 100% of the building in a real estate related transaction, provide information on tenant(s) on a separate sheet including: name, present address, employer fed. ID no., percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.
8. Is the owner or tenants responsible for the payment of real property taxes?
9. List principal items or categories of equipment to be acquired as part of the project and identify whether equipment will be new or used.
10. Have any of the items or categories listed above been ordered or obtained? If so, enclose copies of purchase orders, contracts and/or invoices. YES NO
11. Will the completion of the Project result in the removal of a plant or facility of the Applicant another proposed occupant of the project from one area of the State of New York to another area of the State? If yes, please explain: YES NO
12. Will the completion of the Project result in the abandonment/disposal of one or more plants or facilities of the Applicant located in New York state? If yes, please explain:  
YES NO
13. If the answer to question 11 or 12 is yes, indicate whether any of the following apply to the Project:
- a. Is the project reasonably necessary to preserve the competitive position of the applicant or such project occupant? If yes, please explain: YES NO

- b. Is the project reasonably necessary to discourage the applicant or such project occupant from relocating outside of New York State? If yes, please explain:  
YES NO
14. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? If yes, please explain: YES NO
15. If the answer to question 14 is yes, what percentage of the cost of the project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project?
16. If the answer to question 14 is yes, and the answer to question 15 is more than 33.33%, indicate whether any of the following apply to the Project:
- a. Will the Project be operated by a not-for-profit corporation? If yes, please explain:  
YES NO
- b. Will the Project likely attract a significant number of visitors from outside the economic development region in which the Project will be located? If yes, please explain: YES NO
- c. Would the project occupant, but for the contemplated financial assistance from The Agency, locate the related jobs outside New York state? If yes, please explain:  
YES NO
- d. Is the predominant purpose of the project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? If yes, please explain: YES NO
- e. Will the Project be located in one of the following: 1) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law;

or 2) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most Recent census data, has a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance; and 3) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? If yes, please explain: YES NO

- f. If the answers to any of subdivisions c. through e. of question 16 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York? YES NO
17. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any federal, city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? State Historic Preservation? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals.
18. Describe the nature of the involvement of the federal, state or local agencies described above:
19. Has construction work on this project begun? If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation, completion of foundations, installation of footings, etc. YES NO

20. Please indicate amount of funds expended on this Project by the Applicant in the past three (3) years and the purposes of such expenditures:

21. Does the project utilize resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures? Please explain:

**VIII. PROJECT COSTS:**

1. NAME OF PROJECT APPLICANT

2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

|  |    |
|--|----|
| VALUE OF MORTGAGE RECORDING TAX EXEMPTION SOUGHT | \$ |
| VALUE OF SALES TAX EXEMPTION SOUGHT              | \$ |
| VALUE OF REAL PROPERTY TAX EXEMPTION SOUGHT      | \$ |
| AMOUNT OF TAX-EXEMPT & TAXABLE BONDS SOUGHT      | \$ |
| AMOUNT OF TAX-EXEMPT BONDS SOUGHT                | \$ |
| AMOUNT OF TAXABLE BONDS SOUGHT                   | \$ |

3. SOURCES AND USES OF FUNDS:

| FINANCING SOURCES |           |
|-------------------|-----------|
| EQUITY            | \$        |
| LOCAL BANKS       | \$        |
|                   | \$        |
|                   | \$        |
|                   | \$        |
|                   | \$        |
| <b>TOTAL</b>      | <b>\$</b> |

| APPLICATION OF FUNDS              |           |
|-----------------------------------|-----------|
| LAND                              | \$        |
| BUILDING ACQUISITION/CONSTRUCTION | \$        |
| EXPANSION/RENOVATION              | \$        |
| MACHINERY & EQUIPMENT             | \$        |
| WORKING CAPITAL                   | \$        |
| OTHER                             | \$        |
| <b>TOTAL</b>                      | <b>\$</b> |

4. Are costs of working capital, moving expenses, work in progress or stock in trade included in the proposed uses of the tax-exempt bond proceeds? If yes, please explain:

5. Will any of the funds to be borrowed through the Agency be used to repay or refinance an existing mortgage, outstanding loan or outstanding bond issue? If yes, please explain:

6. Has the Owner made any arrangements for the marketing or the purchase of the bond or bonds? If yes, please indicate with whom and provide copies of any commitments and/or term sheets
7. Attach the following financial information of the owner and
  - i) Financial statements for last two fiscal years (unless included in the Owner's or User's annual report).
  - ii) Owner's and User's annual reports (or Form 10-Ks) for the two most recent fiscal years.
  - iii) Quarterly reports (Form 10-Qs) and current reports (Form 8-Ks ) since the most recent annual report, if any.
  - iv) In addition, if applicable, please attach the financial information described above in items A, B, and C of any expected guarantor of a proposed bond issue other than the Owner or the User.
  - v) Upon the request of the Applicant, TCIDA will review the information submitted pursuant to this Section VIII and return all copies to the Applicant within two weeks after the inducement date. Please indicate whether you require the information to be returned. YES NO

**8. PROJECTED PROJECT INVESTMENT:**

**(1) BUILDING AND LAND RELATED COSTS**

- I. LAND ACQUISITION**
- II. ACQUISITION OF EXISTING STRUCTURES**
- III. RENOVATION OF EXISTING STRUCTURES**
- IV. NEW CONSTRUCTION**

**(2) MACHINERY AND EQUIPMENT COSTS**

**(3) FURNITURE AND FIXTURE COSTS**

**(4) WORKING CAPITAL COSTS**

**(5) PROFESSIONAL SERVICES/DEVELOPMENT COSTS**

- I. ARCHITECTURE AND ENGINEERING**
- II. ACCOUNTING/LEGAL**
- III. DEVELOPMENT FEE**
- IV. OTHER SERVICE-RELATED COSTS**

**(6) OTHER COSTS**

**(7) SUMMARY OF EXPENDITURES**

- I. TOTAL LAND-RELATED COSTS**
- II. TOTAL BUILDING-RELATED COSTS**
- III. TOTAL MACHINERY AND EQUIPMENT COSTS**
- IV. TOTAL FURNITURE AND FIXTURE COSTS**
- V. TOTAL WORKING CAPITAL COSTS**
- VI. TOTAL PROFESSIONAL SERVICES/DEVELOPMENT COSTS**
- VII. TOTAL OTHER COSTS**

**(8) TOTAL PROJECT COST**

**(9) AGENCY FEE 1%**

**(10) TOTAL PROJECT EXPENDITURES**

9. Have any of the expenditures already been made by the applicant? If yes please describe:  
 YES  NO

10. Please list any non-financial public benefits that the project will provide?

**IX. PROJECTED CONSTRUCTION EMPLOYMENT IMPACT:**

Please provide estimates of total construction jobs at the project

| YEAR    | CONSTRUCTION JOBS (ANNUAL WAGES AND BENEFITS \$40,000 AND UNDER) | CONSTRUCTION JOBS (ANNUAL WAGES AND BENEFITS OVER \$40,000) |
|---------|--|---|
| CURRENT |  |   |
| YEAR 1  |  |   |
| YEAR 2  |  |   |
| YEAR 3  |  |   |

Please provide estimates of total annual wages and benefits of total construction jobs at the project:

| YEAR    | TOTAL ANNUAL WAGES AND BENEFITS |
|---------|---------------------------------|
| CURRENT |                                 |
| YEAR 1  |                                 |
| YEAR 2  |                                 |
| YEAR 3  |                                 |

**X. PROJECTED PERMANENT EMPLOYMENT IMPACT**

| <b>PROJECTED EMPLOYMENT FIGURES- YEAR ONE</b> | <b>UNDER \$30,000</b> | <b>\$30,000-<br/>\$50,000</b> | <b>\$50,000-<br/>\$75,000</b> | <b>OVER<br/>\$75,000</b> |
|---|-----------------------|-------------------------------|-------------------------------|--------------------------|
| # of Full-Time Employees (FTE) Earning        |                       |                               |                               |                          |
| # of Part-Time Employees Earning              |                       |                               |                               |                          |
| Total Payroll for Full-Time Employees         | \$                    | \$                            | \$                            | \$                       |
| Total Payroll for Part-Time Employees         | \$                    | \$                            | \$                            | \$                       |
| Total Payroll for All Employees               | \$                    | \$                            | \$                            | \$                       |

| <b>PROJECTED EMPLOYMENT FIGURES- YEAR TWO</b> | <b>UNDER \$30,000</b> | <b>\$30,000-<br/>\$50,000</b> | <b>\$50,000-<br/>\$75,000</b> | <b>OVER<br/>\$75,000</b> |
|---|-----------------------|-------------------------------|-------------------------------|--------------------------|
| # of Full-Time Employees (FTE) Earning        |                       |                               |                               |                          |
| # of Part-Time Employees Earning              |                       |                               |                               |                          |
| Total Payroll for Full-Time Employees         | \$                    | \$                            | \$                            | \$                       |
| Total Payroll for Part-Time Employees         | \$                    | \$                            | \$                            | \$                       |
| Total Payroll for All Employees               | \$                    | \$                            | \$                            | \$                       |

| <b>PROJECTED EMPLOYMENT FIGURES- YEAR THREE</b> | <b>UNDER \$30,000</b> | <b>\$30,000-<br/>\$50,000</b> | <b>\$50,000-<br/>\$75,000</b> | <b>OVER<br/>\$75,000</b> |
|---|-----------------------|-------------------------------|-------------------------------|--------------------------|
| # of Full-Time Employees (FTE) Earning          |                       |                               |                               |                          |
| # of Part-Time Employees Earning                |                       |                               |                               |                          |
| Total Payroll for Full-Time Employees           | \$                    | \$                            | \$                            | \$                       |
| Total Payroll for Part-Time Employees           | \$                    | \$                            | \$                            | \$                       |
| Total Payroll For All Employees                 | \$                    | \$                            | \$                            | \$                       |

**TOTAL JOBS:**

**XI. DOCUMENT LISTS:**

**[A COPY OF THIS LIST SHOULD BE PROVIDED TO APPLICANT'S LEGAL COUNSEL]**

**Please ensure that the following items are delivered with the application:**

1. A \$2,500 Application Fee.
2. An EAF (Environmental Assessment Form).
3. Have financing arrangements been made

**Required documentation prior to closing (if applicable):**

- 1) Insurance
  - a) Certificate of Worker's Compensation Insurance (*TCIDA named as additional insured*).  YES  NO
  - b) Certificate of General Liability Insurance (*Tioga County IDA named as additional insured*).  
Limits not less than \$1,000,000 per occurrence/accident and a blanket excess liability not less than \$3,000,000.  YES  NO
  - c) Certificate of insurance against loss/damage by fire, lightning or other casualties with uniform standard extended coverage endorsement in an amount not less than the full replacement value of the Facility (*Tioga County IDA named as additional insured*).  YES  NO
- 2) Certificate of Incorporation/Articles of Organization together with all amendments  YES  NO  
or restatements thereto.
- 3) By-Laws/Operating Agreement together with any amendments thereto.  YES  NO
- 4) Good Standing Certificate(s) issued by the State of Incorporation/Organization of the Applicant and NYS.  YES  NO
- 5) Resolutions of the Board of Directors/Members of the Applicant approving the Project.  YES  NO
- 6) List of all Material Pending Litigation of the Applicant.  YES  NO
- 7) List of all Underground Storage Tanks containing Hazardous Materials at the Project.  YES  NO
- 8) List of all Required Environmental Permits for the Project.  YES  NO
- 9) Legal Description of the Project Premises.  YES  NO
- 10) Name and title of person signing on behalf of the Applicant.  YES  NO
- 11) Copy the Mortgage of proposed (if any).  YES  NO
- 12) Applicant's Federal Tax ID Number (EIN).  YES  NO
- 13) Tax Map Number Parcel(s) the Project.  YES  NO
- 14) Copy of the certificate of occupancy comprising (as soon as available)  YES  NO

**XII. CERTIFICATION:**

\_\_\_\_\_ (name of representative of entity submitting application, or name of individual submitting application) deposes and says that s/he (choose and complete one of the following two options) (i) is a/the \_\_\_\_\_ (title) of \_\_\_\_\_ (entity name), the entity named in the attached application, or (ii) is the individual named in the attached application; that s/he has read the foregoing application and knows the contents thereof; and that the same is true to his/her knowledge.

Deponent further says that s/he is duly authorized to make this certification on behalf of her/himself or on behalf of the entity named in the attached application. The grounds of deponent's belief relative to all matters in said application which are not stated upon his/her own personal knowledge are investigations which deponent has caused to be made concerning the subject matter of this application as well as, if deponent is not an individual applicant, information acquired by deponent in the course of his/her duties in connection with said entity and from the books and papers of said entity.

As (i) the representative of said entity, or (ii) the individual applicant (such entity or individual applicant hereinafter referred to as the "Applicant"), deponent acknowledges and agrees that the Applicant shall be and is responsible for all costs incurred by the Tioga County Industrial Development Agency (hereinafter referred to as the "Agency") acting on behalf of the Applicant in connection with this application and all matters relating to the issuance of bonds or the provision of financial assistance to which this application relates. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper or requested action or withdraws, abandons, cancels or neglects the application, then upon presentation of an invoice, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application up to that date and time, including fees to bond counsel or transaction counsel for the Agency and fees of general counsel for the Agency. Upon the successful conclusion of the transaction or sale of the bond issue contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, which amount is payable at closing. The Applicant understands that the Agency's bond counsel's fees and general counsel's fees are considered issuance expenses and, therefore, can be paid or reimbursed out of the proceeds of any resultant tax-exempt bond issue only up to an aggregate amount not exceeding 2% of the face amount of such tax-exempt issue.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_  
(Seal)

**XIII. NEW YORK STATE FINANCIAL REPORTING REQUIREMENTS FOR INDUSTRIAL DEVELOPMENT AGENCIES:**

Please be advised that the New York General Municipal Law imposes certain reporting requirements on IDAs and recipients of IDA financial assistance. Of particular importance to IDA applicants is Section 859 (copy attached). This section requires IDAs to transmit financial statements within 90 days following the end of an Agency’s fiscal year (Tioga County IDA FY is calendar), prepared by an independent, certified public accountant, to the New York State Comptroller, the Commissioner of the New York State Department of Economic Development and the governing body of the municipality for whose benefit the Agency was created (Tioga County). 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 TCIDA
- (2) All bonds and notes issued, outstanding or retired during the period and whether or not they are or were obligations of TCIDA.
- (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) Purpose for which the bond was issued.
  - (f) 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.
  - (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) 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.

Also of importance to IDA applicants is Section 874(8) of the General Municipal Law (copy attached), which requires agents (i.e., project owners and/or occupants) of the Agency to file an annual statement with the State Department of Taxation and Finance, of the value of all sales tax exemptions claimed by such agents or their agents, including but not limited to consultants or subcontractors, who claim exemption from sales tax by virtue of the Agency’s involvement in a transaction. The penalty for failure to file the statement is removal of authority to act as agent of the Agency.

Please sign below to indicate that you have read and understood the above.

Name:  
Title:

Date:  
Company: