

Anthony J. Picente Jr.
County Executive

Shawna M. Papale
Secretary/ Treasurer/
Executive Director

Timothy Fitzgerald
Assistant Secretary

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY



584 Phoenix Drive
Rome, New York 13441-4105
(315) 338-0393, fax (315) 338-5694

Stephen R. Zogby
Chairman

David C. Grow
Vice Chairman

Franca Armstrong
James J. Genovese, II

Aricca R. Lewis
Kristen H. Martin
Tim R. Reed

To: Oneida County Industrial Development Agency Board of Directors
From: Shawna M. Papale
Date: November 12, 2025
RE: OCIDA Meeting Agenda

The Oneida County Industrial Development Agency shall meet at **8:00 AM Tuesday, November 18, 2025**. Members of the public may listen to the Agency meeting via Microsoft Teams, by following the link: [OCIDA Meeting | Meeting-Join | Microsoft Teams](#), or attend in person. The Minutes of the Agency meeting will be transcribed and posted on the OCIDA website.

1. Executive Session
2. Approve minutes – October 17, 2025
3. Financial Review
4. Consider a SEQR resolution relating to the **ProTrade Garages, LLC Facility**. The Town of Westmoreland Planning Board acted as lead agency for the environmental review.
5. Consider an inducement resolution relating to the **ProTrade Garages Facility**, granting preliminary approval for financial assistance in the form of exemptions from sales tax (valued at \$62,957) and exemptions from mortgage recording tax (valued at \$9,000), which financial assistance is consistent with the Agency's Uniform Tax Exemption Policy. A public hearing is not required as benefits are less than \$100,000.
6. Consider an inducement resolution relating to the **B240 LLC (Air City Lofts Phase 5) Facility**, granting preliminary approval for financial assistance in the form of exemptions from sales tax (valued at \$169,785), exemptions from mortgage recording tax (valued at \$40,907) and reduction of real property tax for a period of 10 years (valued at \$712,100), which financial assistance is consistent with the Agency's Housing Policy, making the finding that the Project will prevent economic deterioration by promoting employment opportunities, and authorizing the Agency to conduct a public hearing.
7. Consider a resolution relating to the refinancing of the **B240 LLC (Air City Lofts Phase 1) Facility**, authorizing the Agency to mortgage its leasehold interest in the Facility and extend previously authorized but unused mortgage recording tax exemption to the transaction (valued at \$3,651), and approving the form and execution of related documents subject to counsel review.

Old Business

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8. Consider a supplemental resolution relating to the **Chobani LLC** facility, accepting an amendment to the Application for Financial Assistance, revising the description of the “Facility.”
9. Consider a supplemental SEQR resolution relating to the **Chobani LLC** facility. The County of Oneida is lead agency and reviewed the impacts of the changes in project scope, and the Agency wishes to adopt the findings of the lead agency.
10. Consider a resolution relating to the refinancing of the **Family Dollar, Inc.** facility, authorizing the Agency to mortgage its leasehold interest to the lender and authorizing the form and execution of related documents, subject to counsel review. The company is not requesting any benefits.
11. Consider a resolution extending the **Housing Policy** an additional six months, through June 30, 2026.
12. Proposed revisions to corporate governance policies (resolution adopting policies to be considered in December).

Next meeting date: **Friday, December 19, 2025 at 8:00 AM at 584 Phoenix Drive, Rome, NY.**

Minutes of the Meeting of the
Oneida County Industrial Development Agency

October 17, 2025

584 Phoenix Drive, Rome, NY /Webex Video/Teleconference

Members Present: Steve Zogby, David Grow, Aricca Lewis, James Genovese, and Franca Armstrong.

EDGE Staff Present: Shawna Papale, Tim Fitzgerald, Marc Barraco, Mark Kaucher, Julie Daskiewich, and Rachel Hadden.

Others Present Virtual: Mark Levitt and Laura Ruberto

S. Zogby called the meeting to order at 8:03 AM.

Minutes – September 5, 2025

S. Zogby presented the draft September 5, 2025, meeting minutes for review. **A. Lewis moved to approve the September 5, 2025, meeting minutes. F. Armstrong seconded the motion, which carried 5-0.**

Financial Review

R. Hadden presented the September interim financial statements. No new projects presented before September 30. OCLDC owes a reimbursement to the OCIDA for the Microsoft Teams software. Total expenses are under budget primarily because the special economic development contingency has not yet been expended. Otherwise, no significant activity. With no questions or comments, **the Agency received and accepted the interim financials as presented, subject to audit.**

ProTrade Garage, LLC Facility

S. Zogby opened discussion about the proposed ProTrade Garage, LLC Facility, and that the agenda will be tabled till next month's meeting. A brief discussion about the project was conducted by T. Fitzgerald about the location of the project and the need for the project itself in the area. The minutes from the Town of Westmoreland Planning Board's most recent meeting are needed to confirm that the proposed project is an unlisted action and that the SEQR review is complete.

EDGE Flex Space Facility – Indium Sublease

S. Zogby introduced a resolution consenting to the sublease of a portion of the Flex Space Facility to The Indium Corporation of America and authorizing the form and execution of related documents. S. Papale notes that the company would be a great fit for the space available. **D. Grow made a motion to approve the EDGE Flex Space Facility sublease to the Indium Corporation, J. Genovese seconded the motion, which carried 5-0.**

ICA Holdings, LLC (Indium Woods Park Drive) Facility- MACNY Sublease

S. Zogby introduced a resolution relating to the ICA Holdings, LLC Facility, in which the Company a portion of the Facility to the Manufacturers Association of Central New York. The space will be used for MACNY's Utica-area offices. **J. Genovese made a motion to approve the ICA Holdings, LLC (Indium Woods Park Drive) Facility sublease resolution, as presented. D. Grow seconded the motion. With no further discussion, the motion carried 5-0.**

Copper Village, LLC Facility – Inducement Extension

S. Zogby introduced a resolution to extend for the Copper Village project inducement by one year. L. Ruberto pointed out that at September's meeting there was a similar request from AIS for an extension on their project. T. Fitzgerald explained that the applicant is waiting for an award notification for tax credits that it had applied for. **F. Armstrong made a motion to approve the Copper Village, LLC Facility inducement extension, as presented. A. Lewis seconded the motion. With no further discussion, the motion carried 5-0.**

Economic Development Service Agreement

S. Zogby introduced a resolution relating to the Economic Development Services Agreement with Oneida County Local Development Corporation. The agreement will task OCLDC to provide certain services to the Agency to assist the Agency in achieving its public purposes, including supporting workforce and economic development projects in the region. **J. Genovese made a motion to approve the Economic Development Service Agreement resolution. A. Lewis seconded the motion, which carried 5-0.**

2026 EDGE Staff Service Agreement

S. Zogby introduced the proposed 2026 Staff Services Agreement contract with EDGE. Only change to the 2026 contract over the 2025 contract is Tim Fitzgerald is identified as the primary staff person responsible. M. Levitt has reviewed and approved of the proposed contract. **F. Armstrong made a motion to approve the Staff Service Agreement. D. Grow seconded the motion, which carried 5-0.**

Old Business

- **Chobani update-** S. Papale reports that the project continues to expand, requiring a new SEQR review by the County and new SEQR resolution by OCIDA next month. The building design has been modified to maximize square footage after the fourth floor was removed due to FAA restrictions. An amendment to Chobani's application for financial assistance will likely be presented at the November meeting, likely to include a full update from the applicant and County Executive. The project remains on schedule. D. Grow raised concerns about staffing availability. S. Zogby suggested the need to partner with workforce development partners, while S. Papale noted local educators will offer training programs for new positions. Discussion addressed community concerns about job competition, with consensus that increased employment opportunities and competition benefit the area. F. Armstrong emphasized the need for better post-high school support systems for trades workers. J. Genovese observed generational differences, noting that younger residents view the Utica/Rome area as a permanent home rather than a place to leave.

Adjournment

With no further business, S. Zogby asked for a motion to adjourn. **Upon a motion by J. Genovese, which was seconded by A. Lewis, the meeting adjourned at 8:54 AM.**

Respectfully Submitted,
Julie Daskiewicz

Oneida County Industrial Development Agency
Notes to the Financial Statements
October 31, 2025

Balance Sheet:

1. The balance in cash & cash equivalents and investments is approximately \$1.373M; of this balance \$394K is in short-term CD's, \$114K is in the operating account, the remaining cash is in interest bearing money market accounts, including the \$1M admin fee received from Chobani. The primary reason for the drastic change in current assets is due to the receipt of the \$1M Chobani admin fee and the Sovena PILOT payment received 10/29/25.
2. The October 31st portion of Sovena's PILOT due to the City of Rome was paid to OCIDA and is being disbursed in November, this makes up \$108,172.35 of the balance in accounts payable.
3. The \$1,000 commitment fees collected from the following for projects that have not closed as of the end of this month:
 1. National Building & Restoration Corporation (Received May 2024) -TBD
 2. Pennrose LLC/ Copper Village (received September 2024)- TBD
 3. Assured Information Security, Inc. (received October 2024)- TBD
 4. Chobani (received April 2025)- TBD
 5. NY Rome Old Oneida Solar, LLC (received June 2025) – TBD
 6. Lewis Brother's Construction - (received July 2025) – TBD
 7. Protrade Garages LLC – (received October 2025) – TBD
 8. B240 LLC – (received October 2025) – TBD

*Please note that the \$1M Chobani Admin Fee was placed into deferred revenue until the project closes
4. Fund balance decreased by 27% over the last 12 months

Budget Comparison Report (Income Statement):

1.	2/28/2025	All Seasonings	Admin & Commitment Fee	5,000.00
	3/1/2025	Lodging Kit Company	Admin & Commitment Fee	19,004.00
	5/2/2025	Chobani	Application Fee	500.00
	5/31/2025	Solitude Solar	Commitment Fees (Old Projects)	1,000.00
	5/31/2025	Park Grove	Commitment Fees (Old Projects)	1,000.00
	6/17/2025	NY Rome Old Oneida Solar	Application Fee	5,000.00
	6/17/2025	Stark Truss	Admin & Commitment Fee	21,373.00
	7/1/2025	126 Business Park LLC	Application Fee	500.00
	7/9/2025	Lewis Brothers Construction	Application Fee	500.00
	8/1/2025	126 Business Park LLC	Admin & Commitment Fee	24,759.00
	10/21/2025	Protrade Garages LLC	Application Fee	500.00
	10/21/2025	B240 LLC	Application Fee	500.00
				<u>79,636.00</u>

- Application fees for Protrade Garages LLC and B240 LLC were received in October

2. The Placer AI software that was paid by IDA has been billed to LDC for reimbursement. It was removed from Dues and Subscriptions and booked to a receivable account until funds become available for LDC to repay the IDA at the maturity of the CD held with Key Bank in March 2026
3. Total expenses are under budget primarily because the special economic development contingency has not yet been expended

Other Significant Items to Note:

The CD project to distribute a portion of the \$1M Chobani admin fee is underway. After speaking with the finance committee members, we decided that a weighted approach based on highest ROI would be the most beneficial while still spreading the funds with multiple banks.

Oneida County Industrial Development Agency
Balance Sheet
October 31, 2025 and 2024

	Current Year	Prior Year
Assets		
Current Assets		
Cash and Cash Equivalents	1,373,123	527,632 ¹
Investments	394,759	377,780 ¹
Restricted Cash - PILOT Holdings	2,081	2,081
PILOT Holdings	(2,081)	(2,081)
Accounts Receivable	12,320	374,124
Prepaid Expenses	2,671	3,673
Total Current Assets	1,782,873	1,283,210
Fixed Assets		
Furniture/Fixture/Eqpt	14,117	6,679
A/D-Furniture/Fixt/Eqpt	(6,927)	(6,679)
Total Fixed Assets	7,190	0
Total Assets	1,790,063	1,283,210
Liabilities & Net Assets		
Liabilities		
Current Liabilities		
Accounts Payable	110,976	504,968 ²
Accrued Expenses	6,667	6,460
Deferred Revenue	1,008,000	9,000 ³
Total Current Liabilities	1,125,642	520,428
Total Liabilities	1,125,642	520,428
Net Assets		
Fund Balance	264,420	362,782 ⁴
Fund Balance-Board Restricted	400,000	400,000
Total Net Assets	664,420	762,782
Total Liabilities & Net Assets	1,790,063	1,283,210

Oneida County Industrial Development Agency
 Budget Comparison Report
 Current Period: 10/1/2025 - 10/31/2025
 Budget Period: 1/1/2025 - 12/31/2025
 With Comparative Periods Ending 10/31/2024 and 10/31/2023

	Current Period Actual	Current Period Budget	Year-to-Date Actual	Year-to-Date Budget	10/31/2024	10/31/2023
Revenue						
Reimbursements	0	0	20	0	0	0
Interest Income	3,602	1,167	21,267	11,667	20,752	20,257
Lease Payments	0	5,208	63,250	52,083	58,500	57,000
PILOT Application / Admin Fees	1,000	24,167	79,636 ¹	241,667	204,495	108,373
Total Revenue	4,602	30,542	164,173	305,417	283,747	185,630
Expenses						
Business Expense	1,407	583	2,094	5,833	6,324	4,649
Contracted Service-Accounting	667	667	6,667	6,667	6,460	6,250
Contracted Services - Legal	850	850	13,051	8,500	8,500	8,500
Contracted Services- Other	355	542	3,552	5,417	3,552	1,692
Marketing- Contracted Services	0	792	1,002	7,917	1,952	6,330
Dues & Subscriptions	0	167	1,500	1,667 ²	1,250	1,250
Insurance - General	390	375	3,787	3,750	3,685	3,270
Special ED Projects Contingency	0	2,083	0	20,833 ³	0	104,167
Office Supplies & Expense	0	208	5,061	2,083	400	520
Seminars & Conferences	0	0	0	0	125	2,625
Service Fees	24,244	24,244	242,438	242,438	237,683	147,000
Total Expenses	27,912	30,510	279,150	305,104	269,931	286,253
Excess or (Deficiency) of Revenue Over Expenses (Before Depreciation)	(23,310)	31	(114,977)	313	13,816	(100,623)

Oneida County Industrial Development Agency
Statement of Cash Flows
For the Period Ending October 31, 2025

Cash Flows From (Used by) Operating Activities

Increase (Decrease) in Net Assets \$ (98,361)

Adjustments for Noncash Transactions

Depreciation and Amortization 7,190

(Increase) Decrease in Assets

Accounts Receivable 361,804

Accounts Receivable-PILOTs billed 0

Investments (16,979)

Prepaid Expenses 1,003

Increase (Decrease) in Liabilities

Accounts Payable and Accrued Liabilities (393,786)

Deferred Revenue 999,000

Net Cash Flows From Operating Activities 859,871

Cash Flows From (Used By) Investing Activities

Capital Expenditures 0

Net Cash From (Used by) Investing Activities 0

Cash Flows From (Used By) Financing Activities

Repayments of Long Term Debt 0

Proceeds from Long Term Debt 0

Net Cash Flows (Used by) Financing Activities 0

Net Increase (Decrease) in Cash and Cash Equivalents 859,871

Cash and Cash Equivalents, Beginning of Period 527,632

Cash and Cash Equivalents, End of Period \$ 1,373,123

APPLICATION MEMO

TERMS OF FINANCIAL ASSISTANCE Board Summary – October 17, 2025

Company: **ProTrade Garages, LLC**

Description of Project: Purchase of property on NYS Route 233 in Westmoreland, and the construction of 15 storage garage units for commercial and industrial tenants.

Project Cost: \$ 1,754,228

ProTrade Garages, LLC proposes to build, on a 2.2-acre site in Westmoreland, a 15,000-square-foot garage facility geared towards commercial and industrial contractors. The plan entails fifteen 1,000 sq ft. heated bays, each with utility access, oversized overhead doors, and space for storing tools, equipment, and vehicles. The site will also feature a large parking lot designed specifically for trucks and trailers, which is often needed by the facility's proposed clientele. Among the intended clientele are construction contractors, electricians, plumbers, landscapers, and other tradespeople. While the proposed project will not create new direct jobs, it will enable the stability, growth, and success of other small businesses within Oneida County, and will help retain skilled labor in the region

Type of Facility: **Commercial/Industrial Storage**

Request for Financial Assistance

Mortgage recording tax exemption valued at \$ 9,000

Sales tax exemption valued at \$ 62,957

Affected Tax Jurisdictions: **Town of Westmoreland, Westmoreland Central School District, County of Oneida**

Obligations for Financial Assistance

Current FTEs to be retained at Facility: **0**

FTEs to be created at Facility: **0**

Occupancy rate: **80% within 1 year; 87% within 2 years**



APPLICATION FOR FINANCIAL ASSISTANCE

Oneida County Industrial Development Agency

584 Phoenix Drive

Rome, New York 13441-1405

(315) 338-0393 telephone

(315) 338-5694 fax

<https://www.oneidacountyida.org/>

Shawna M. Papale, Executive Director

spapale@mvedge.org

Please submit the signed and notarized completed application (Pages 1-25 ONLY), which must include any applicable addendum or supplemental information requested in the application, along with payment of a non-refundable \$500 Application Fee (\$5,000 for Solar applications) and a \$1,000 Commitment Fee (will be applied to final closing costs) to the Oneida County Industrial Development Agency, 584 Phoenix Drive, Rome NY 13441-1405, within 14 days prior to the OCIDA Board of Directors meeting at which you want the Application to be included on the Agenda. Wire transfer and ACH payments are acceptable but all related fees incurred by the Agency are payable by the Applicant. An electronic version of the application must accompany the original application via physical media or e-mail.

Project Name

Date of Submission

Important Notes to Applicant:

Upon the submission of this application to the OCIDA, the application becomes a public document. Be advised that any action brought before the Agency is public information. All agendas for the OCIDA are issued publicly prior to the full agency meeting. Upon the submission of this application to the OCIDA, the application becomes a public document and OCIDA is required by law to post on its website and make available to the public this Application and supporting materials. If when completing this Application, you deem any information to be specifically exempted from disclosure under Article Six of the Public Officers Law, please answer the question "This information is deemed to be exempt from disclosure under Article Six of the Public Officers Law and is submitted on the attached confidential addendum." It is acceptable to submit any confidential addendum electronically as a .pdf file separate from the application, but any confidential addendum must still be submitted with the hard copy of the full application (see Page 1). Please answer any such questions on a separate Addendum titled, "Confidential and Protected by Article Six of the Public Officers Law." If OCIDA is challenged to produce any information the Applicant identifies as protected, the Applicant will be required at its sole cost to defend such assertion on behalf of OCIDA.

The information requested by this application is necessary to determine the eligibility of your project for OCIDA benefits. Please answer all questions and respond "Not Applicable", "NA", or "none" where appropriate. If you're response is an estimate, please indicate so. Attach additional sheets if more space is needed for a response. **All applications must include a completed and signed NYS SEQR form and Cost Benefit Analysis form (please consult with OCIDA) before the application is considered complete.**

By signing and submitting this Application, the Applicant acknowledges that it received a copy of the Uniform Tax Exemption Policy and the Oneida County IDA Penalty for Failure to Meet Employment Levels as adopted by the Agency and Agency Memorandums pertaining to the benefits of projects financed through the Agency.

A project financed through the Agency involves the preparation and execution of significant legal documents. Please consult with an attorney before signing any documents in connection with the proposed project. You will receive an engagement letter from the OCIDA legal counsel. You will be asked to sign the engagement letter acknowledging you will be responsible for all legal fees of OCIDA legal counsel and that you understand the process. Should you not close and legal services have been rendered by the OCIDA legal counsel, Applicant will be responsible for those costs.

If your project requires a public hearing, a representative of the applicant is required to be present. A date will be coordinated by the OCIDA legal counsel.

If you have any questions how to calculate the OCIDA's application fee please refer to the enclosed Memorandum to Companies -Sale Leaseback Transactions or contact the OCIDA.

Part I: Applicant Information

Note: In responding to the following questions, please keep in mind that the Applicant will be party to all of the documents and is the individual or if entity will be formed which will receive the actual financial assistance from the Agency.

Applicant

1(a) Applicant's Legal Name: _____

1(b) Principal Address: _____

1(c) Telephone/Facsimile Numbers: _____

1(d) Email Address: _____

1(e) Secondary Email Address _____

1(f) Contact Person: _____

1(g) Is the Applicant a

☐ Corporation:
If Yes, Public ☐ Private ☐
If public, on which exchange is it listed?

☐ Subchapter S
☐ Sole Proprietorship
☐ General Partnership
☐ Limited Partnership
☐ Limited Liability Corporation/Partnership
☐ Single-Member LLC (name and EIN below):

Name: _____

EIN #: _____

☐ DISC
☐ Other(specify) _____

1(h) State of Organization (if applicable) _____

Applicant's Stockholders, Members, Directors and Officers, Partners.

2(a) Provide the following information with respect to any person with 15% or more in equity holdings in any entity in ownership chain of the project. Add additional sheets if necessary.

<u>Name</u>	<u>Address</u>	Percentage of <u>Ownership</u>
-------------	----------------	-----------------------------------

2(b) Is the Applicant, or any of the individuals listed in 2(a) above, related directly or indirectly to any other entity by more than 50% common ownership? **If Yes**, indicate name of such entity and the relationship. Yes No

2(c) Is the Applicant affiliated with any other entity, directly or indirectly, other than as listed in the response to 2(a) above? **If Yes**, please indicate name and relationship of such other entity and the address thereof: Yes No

Applicant's Counsel and Accountant

3(a) Applicant's Attorney

Name/Title: _____

Firm: _____

Address: _____

Telephone/Fax: _____

Email: _____

3(b) Applicant's Accountant

Name/Title: _____

Firm: _____

Address: _____

Telephone/Fax: _____

Email: _____

Business Description

4(a) Describe the nature of your business and principal products and/or services. Attach additional sheets if necessary.

Part II: Project Information

5(a) Explain your project in detail. This description should include explanation of all activities which will occur due to this project. Attach additional sheets if necessary.

Reasons for Project

6(a) Please explain in detail why you want to undertake this project.

6(b) Why are you requesting the involvement of the Agency in your project?

6(c) Please confirm by checking the box below, if there is the likelihood that the Project would not be undertaken **BUT FOR** the Financial Assistance provided by the Agency.

☐ Yes ☐ No

If the Project could be undertaken without Financial Assistance provided by the Agency, ("**No**" is checked above) then provide a statement in the space provided below indicating why the Agency should approve the requested assistance:

How will the Applicant's plans be affected or scaled back if Agency approval is not granted?

6(d) Will the proposed project result in the Applicant or any project occupant moving from one area of the New York State to another area of the State or abandoning one or more facilities within the State

Yes No

Is the proposed project reasonably necessary to preserve the competitive position of the Applicant or project occupant in its respective industry?

Yes No

Is the proposed project reasonably necessary to discourage the applicant or project occupant from removing such other plant or facility to a location outside of New York State?

Yes No

6(e) If you answered YES to any of the questions in 6(d) above, please provide a statement and evidence supporting the same. Include the name of all taxing jurisdictions in which the abandoned facility or plant lies, and whether Applicant has had any discussions with said taxing jurisdictions regarding the abandonment. Please provide as much detail as possible below.

6(f) Has the Applicant or any related entity previously secured financial assistance in Oneida County (whether through the Agency, the Empire State Development Corporation, or any other entity) ? ☐ Yes ☐ No

If Yes, please explain (indicate date of benefit, location of facility and outstanding balance).

6(g) Has the Applicant or any related entity secured financial assistance anywhere within the United States within the last 90 days or does the Applicant or any related entity anticipate receiving financial assistance within the next 90 days? ☐ Yes ☐ No

If Yes, please explain.

6(h) Check all categories best describing the type of project for all end users at project site (you may check more than one; if checking more than one indicate percentage of square footage the use represents):

Please provide percentage of sq. footage for each use (if more than one category):

- | | | |
|--------------------------|--------------------------------|---|
| ☐ | Manufacturing | % |
| ☐ | Industrial Assembly or Service | % |
| ☐ | Back office operations | % |
| ☐ | Research and Development | % |
| ☐ | Technology/Cybersecurity | % |
| ☐ | Warehousing | % |
| ☐ | Commercial or Recreational | % |
| ☐ | Retail | % |

Add Housing Addendum	Residential housing (specify) _____	%
☐	Pollution Control (specify) _____	%
☐	Environmental (e.g., Brownfield) (specify) _____	%
Add Solar Addendum	Other (specify ie; renewable energy) _____	%

6(i) Check all categories best describing the **scope of the project**:

- ☐ Acquisition of land
- ☐ Acquisition of existing building
- ☐ Renovations to existing building
- ☐ Construction of addition to existing building
- ☐ Demolition of existing building or part of building
- ☐ Construction of a new building
- ☐ Acquisition of machinery and/or equipment
- ☐ Installation of machinery and/or equipment
- ☐ Other (specify) _____

6(j) Please indicate the financial assistance you are requesting of the Agency, and provide the estimated value of said assistance. Attach a sheet labeled Annual PILOT that shows the annual utilization of the Real Property Tax Abatement by year and by taxing jurisdiction (PLEASE CONSULT WITH IDA STAFF ON PILOT CALCULATIONS).

Assistance Requested

Estimated Values

☐ **Fill-in** Real Property Tax Abatement (value of PILOT savings): \$ _____

☐ Mortgage Tax Exemption (. 75%) \$ _____

Amount of mortgage: \$ _____ (**fill-in**)

☐ Sales and Use Tax Exemption ** (8 . 75%) \$ _____ (**fill-in**) (Not available for solar)

Value of goods/services to be exempted from sales tax: \$ _____ (**fill-in**)

☐ Issuance by the Agency of Tax Exempt Bonds(bond dollar value)\$ _____

**** TOTAL EXEMPTION ASSISTANCE REQUESTED:**

Is the financial assistance requested by the Applicant consistent with the IDA's Uniform Tax Exemption Policy? Yes No

If No, please provide a written statement describing the financial assistance being requested and detailing the reasons the IDA should consider deviating from its Policy.

**** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents will include a covenant by the Applicant that the estimate, above, represents the maximum amount of sales and use tax benefit currently authorized by the Agency with respect to this Application. The Agency may utilize the estimate, above, as well as the (9)proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered. It is the responsibility of the applicant to inform the IDA within 10 days if the project amount changes.**

Part III: Facility Information

Attach copies of the most recent real property tax bills. Include copies for all taxing jurisdictions for the site/ facility that IDA assistance is being sought.

Facility (Physical Information) If multiple locations please provide information on all.

7(a) Street Address of Facility:

7(b) City, Town and/or Village (list ALL incorporated municipalities):

7(c) School District:

7(d) For what purpose was the facility site most recently used (i.e., light manufacturing, heavy manufacturing, assembly, etc.)?

7(e) Zoning Classification of location of the project:

7(f) Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings, square footage, number of floors, type of construction,) and attach plot plans, photos or renderings, if available. If there are infrastructure improvements (water, sewer, gas, electrical, etc.) please provide details along with who will carry out those improvements and who will fund them. ***Please be as specific as possible.***

7(g) Has construction or renovation commenced? ☐ Yes ☐ No

If Yes, please describe the work in detail that has been undertaken to date, including the date of commencement.

If No, indicate the estimated dates of commencement and completion:

Construction Commencement: _____

Construction completion: _____

7(h) Will the construction or operation of the facility or any activity which will occur at the site require any local ordinance or variance to be obtained or require a permit or prior approval of any state or federal agency or body (other than normal occupancy and/or construction permits)?

☐ Yes ☐ No

If Yes, please describe.

Has the Project received site plan approval from the Planning Department?

☐ Yes ☐ No ☐ N/A

If Yes, please provide the Agency with a copy of the planning department approval along with the related State Environmental Quality Review (SEQR) determination. If no, please provide the status of approval:

7(i) Will the project have a significant effect on the environment? ☐ Yes ☐ No

Important: please attach and sign Part 1 of either the the long or short Environmental Assessment Form to this Application.

7(j) What is the useful life of the facility? _____ years

7(k) Is the site in a former Empire Zone? ☐ Yes ☐ No

If Yes, which Empire Zone: _____

Is project located in a Federal HUB Zone or distressed area: ☐ Yes ☐ No
Provide detail.

ALL APPLICANTS MUST ANSWER PART IV-8(a)

Part IV: Retail Project Questionnaire

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

8(a). Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Required ☐ Yes or ☐ No **If the answer is YES, please continue below.**
If the answer is NO, proceed to Section Part V - Facility (Legal Info)

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

8(b). What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? _____%. **If the answer is less than 33% do not complete the remainder of this retail determination page and proceed to next section, Part V Facility (Pg 13)**

*** If the answer to A above is Yes AND the answer to B above is greater than 33.33%, indicate which of the following questions below apply to the project:**

1. Will the project be operated by a not-for-profit corporation ☐ Yes ☐ No

2. Is the Project location or facility likely to attract a significant number of visitors from outside Oneida County?

☐ Yes ☐ No

If **yes**, please provide a third party market analysis or other documentation supporting your response.

3. 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 municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

☐ Yes ☐ No

If **yes**, please provide a third party market analysis that demonstrates that a majority of the project's customers are expected to come from outside of Oneida County and the project will not directly compete with existing businesses located in Oneida County.

Part V: Facility (Legal Information)

9(a) With respect to the **present owner** of the land or facility, please give the following information and provide a brief statement regarding the status of the acquisition.

(Note: the present owner is not necessarily the user of the facility, but that party which holds legal title to the facility.)

Legal Name: _____

Address: _____

Telephone: _____

Balance of Mortgage: _____

Holder of Mortgage: _____

If the Applicant is not the present owner of the facility, please attach any written agreements and contracts concerning the acquisition of the real property and/or equipment.

9(b) Is there a legal relationship, directly or indirectly, by virtue of common control or through related persons, between the Applicant and the present owner of the facility?

☐ Yes ☐ No. **If Yes**, please explain.

9(c) Will a related real estate holding company, partnership or other entity, be involved in the ownership structure of the transaction?

☐ Yes ☐ No. **If Yes**, please explain.

9(d) Will the title owner of the facility/property also be the user of the facility?

☐ Yes ☐ No **If Yes**, please explain.

9(e) Is the Applicant currently a tenant in the facility? ☐ Yes ☐ No

9(f) Are you planning to use the entire proposed facility?
☐ Yes ☐ No

If No, please give the following information with respect to tenant(s) which will remain in the facility after the completion of the project, including the square footage the Applicant will occupy:

<u>Name of Tenant</u>	<u>Floors Occupied</u>	<u>Sq. Ft. Occupied</u>	<u>Nature of Business</u>
-----------------------	------------------------	-------------------------	---------------------------

9(g) Are any of the tenants related to the owner of the facility?
☐ Yes ☐ No If Yes, please explain.

9(h) Will there be any other users utilizing the facility?
☐ Yes ☐ No
If Yes, please explain. Provide detail of the contractual arrangement including any financial exchange for the use of the site or property.

Part VI: Equipment

10(a) List the principal items or categories of equipment to be acquired as part of the project. If you are requesting sales tax exemption it is important to be as detailed as possible. (If a complete list is not available at time of application, as soon as one is available but prior to final authorizing resolution, please submit a detailed inventory of said equipment to be covered.) Attach a sheet if needed.

10(b) Please provide a brief description of any equipment which has already been purchased or ordered, attach all invoices and purchase orders, list amounts paid and dates of expected delivery. Attach a sheet if needed.

10(c) What is the useful life of the equipment? _____ years

Part VII: Employment Information

"FTE" shall mean a full time employee that has a minimum of thirty-five (35) scheduled hours per week, or any combination of two or more part-time employees that work a minimum of fifteen (15) scheduled hours per week, when combined together, constitute the equivalent of a minimum of thirty-five (35) scheduled hours per week, and whose workplace location is the project facility. For this purpose an employee shall include a leased employee regularly retained by the company.

11(a) Estimate how many construction jobs will be created or retained as a result of this project.

11(b) 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 **If Yes**, explain below.

11(c) Have you experienced any employment changes (+ or -) in the last three (3) years?

Yes No **If Yes**, explain below.

11(d) Job Information related to project ***

Estimate below how many jobs will be created and retained as a result of this project, if OCIDA assistance is granted. **PLEASE MAKE SURE TOTAL PART-TIME EMPLOYEES ARE TURNED INTO FULL-TIME EQUIVALENTS (FTE) for Line B. - See Pg. 17.**

	Number of Jobs BEFORE Project	Location 1	Location 2	Location 3	Location 4	Location 5	
	Address in NYS						Total
	Full-Time Company						
	Full-Time Independent Contractors						
	Full-Time Leased						
A.	Total Full-Time BEFORE						
	Part-Time Company						
	Part-Time Independent Contractors						
	Part-Time Leased						
B.	Total FTE Part-Timers BEFORE						
C.	Total FTE BEFORE*						

*For **Total FTE BEFORE** add full-time employees (line A) plus part-time employees that have been converted to FTE (line B).

	Number of Jobs AFTER Project (within 3 years of project completion)	Location 1	Location 2	Location 3	Location 4	Location 5	Total
	Full-time Company						
	Full-Time Independent Contractors						
	Full-Time Leased						
A.	Total Full-Time AFTER						
	Part-Time Company						
	Part-Time Independent Contractors						
	Part-Time Leased						
B.	Total FTE Part-Timers AFTER						
C.	Total FTE AFTER *						

*For **Total FTE AFTER** add full-time employees (line A) plus part-time employees that have been converted to FTE (line B).

	Estimate the number of residents from the Labor Market Area** in which the Project is located that will fill the <u>JOBS CREATED</u> within three years of project completion	Location 1	Location 2	Location 3	Location 4	Location 5	Total
A.	Full-Time						
B.	FTE Part-Timers						
C.	Total AFTER						

** Labor Market Area includes Oneida, Lewis, Herkimer, and Madison Counties

Provide Any Notes To Job Information Below

	Retained Jobs		Created Jobs	
SALARY AND BENEFITS	Average Annual Salary <i>per employee</i>	Average Fringe Benefits (as a percentage of wages)	Average Annual Salary <i>per employee</i>	Average Fringe Benefits (as a percentage of wages)
Management	\$	%	\$	%
Administrative	\$	%	\$	%
Production	\$	%	\$	%
Independent Contractor	\$	%	\$	%
Other	\$	%	\$	%
Overall Weighted Average	\$	%	\$	%

*** By statute, Agency staff must project the number of Full-Time Jobs that would be retained and created if the request for Financial Assistance is granted. "FTE" shall mean a full time employee that has a minimum of thirty-five (35) scheduled hours per week, or any combination of two or more part-time employees that work a minimum of fifteen (15) scheduled hours per week, when combined together, constitute the equivalent of a minimum of thirty-five (35) scheduled hours per week, and whose workplace location is the project facility. For this purpose an employee shall include a leased employee regularly retained by the company.

11(e) Please list NAICS codes for the jobs affiliated with this project:

Part VIII: Estimated Project Cost and Financing

12(a) List the costs necessary for preparing the facility.

LAND Acquisition	\$	(If lease value use OTHER below)
Existing Building(s) ACQUISITION	\$	
Existing Building(s) RENOVATION	\$	
NEW Building(s) CONSTRUCTION	\$	
Site preparation/parking lot construction	\$	
Machinery & Equipment that is TAXABLE	\$	
Machinery & Equipment that is TAX-EXEMPT	\$	
Furniture & Fixtures	\$	
Installation costs	\$	
Architectural & Engineering	\$	
Legal Fees (applicant, IDA, bank, other counsel)	\$	
Financial (all costs related to project financing)*	\$	
Permits (describe below)	\$	
Other (describe below) ie: solar decommissioning expense)	\$	
Other:	Cost:	Subtotal \$
1.		
2.		Agency Fee ¹ \$
3.		
4.		
5.		Total Project Cost \$

* **Bank fees, title insurance, appraisals, environmental reviews, etc.**

¹ **See Attached Fee Schedule (Page 22) for Agency Fee amount to be placed on this line.**

Permit/Other Information

12(b) Has the Applicant contacted any bank, financial institution or private investor with respect to financing the proposed project? Yes No **If Yes**, please provide details below.

12(c) Has the Applicant received a commitment letter for said financing? **If Yes**, please provide a copy along with this application. Yes No

12(d) Sources of Funds for Project Costs

Bank Financing: ----- \$ _____

Equity (excluding equity that is attributed to grants/tax credits) -- \$ _____

Tax Exempt Bond Issuance (if applicable) ----- \$ _____

Taxable Bond Issuance (if applicable) ----- \$ _____

Public Sources (Include sum total of all state and federal tax credits and grants) Break out individually below.----- \$ _____

Identify each Public state and federal grant/credit:

Comments:

Source \$

Source \$

Source \$

Source \$

Total Sources of Funds for Project Costs: \$

Part IX: Real Estate Taxes

13(a) For each tax parcel which comprises the facility, and for which assistance is being sought, please provide the following information using figures from the most recent tax year. If an increase in the assessment is anticipated due to the proposed project, please indicate the new estimated assessment amount in the **POST- PROJECT** column. Attach copies of the most recent tax bills for all jurisdictions.

Tax Map Parcel #	<u>Current</u> <u>Land</u> <u>Assessment</u>	<u>Current</u> <u>Building</u> <u>Assessment</u>	<u>Current</u> <u>Total</u> <u>Assessment</u>	<u>Current</u> <u>Total Taxes</u> <u>Amount (\$)</u>	<u>Estimated</u> <u>Post-Project</u> <u>Assessment</u>

13(b) Will the entirety of each tax parcel be subject to the PILOT? YES NO

13(c) If the entirety of each parcel will not be subject to the PILOT, will the municipality require a subdivision? YES NO

***If a subdivision is required, it is the responsibility of the Applicant to complete subdivision approval prior to commencement of the PILOT Agreement, and to provide the Agency with the tax parcel number(s) assigned.**

13(d) Address of Receiver of Town and/or Village Taxes (include all jurisdictions):

13(e) Address of Receiver of School Taxes:

13(f) Has the current property owner or user been granted an Ag-District exemption on the tax map parcel anytime during the past 4 years?

Yes No

If **Yes** explain below.

13(g) Please consult with Agency staff to complete a Cost/Benefit Analysis form to attach to this Application.

Use space below for additional information

NYS SEQRA Environmental Review

- The applicant must complete, sign and return to the IDA either the Short Form Environmental Assessment Form (SEAF) or the Full Environmental Assessment Form (FEAF). See the NYS DEC website for the most current versions of these documents.

<https://dec.ny.gov/regulatory/permits-licenses/seqr>

- To determine which EAF form is appropriate for the project, the applicant should consult with its engineer or legal counsel.
- It is the IDA's strong preference that the municipality that governs the jurisdiction where the project is located (e.g., a Planning Board, Zoning Board or other supervisory board) serve as lead agency for the SEQR review.
- In limited cases, the IDA will act as lead agency, but it may lead to additional cost to the applicant if a review is required to make a determination of environmental impact.
- If another public body is serving as lead agency for the SEQR review the applicant should provide the IDA with a signed Part 2 (and Part 3 if using the Long Form) and any minutes of meetings that detail the lead agency's determination.
- The IDA cannot grant any financial assistance until the SEQR review process is complete.

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that this Application be submitted for review to the Oneida County Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the Application can be granted solely by this Agency's Board of Directors. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

1. **Annual Sales Tax Filings.** 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 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.
2. **Annual Employment, Tax Exemption & Bond Status 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 as well as tax exemption benefits received with the action of the Agency. For Applicants not responding to the Agency's request for reports by the stated due date, a \$500 late fee will be charged to the Applicant for each 30-day period the report is late beyond the due date, up until the time the report is submitted. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Annual Employment, Tax Exemption & Bond Status Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
3. **Absence of Conflict of Interest.** The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
4. **Hold Harmless.** Applicant hereby releases the Agency and its members, officers, servants, agents and employees from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final

agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material

fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

13. The Applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)a) of the New York Labor Law.

STATE OF NEW YORK)
COUNTY OF ONEIDA) ss.:

Brett Hughes, being first duly sworn, deposes and says:

1. That I am the Member (Corporate Office) of ProTrade Garages, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

Brett Hughes BMA

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 10th day of October, 2025.

[Signature]
(Notary Public)

If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By: Brett Hughes

Print Name: Nathan L Sedberry

Title: Notary Public

Date: 10-30-2025



Please submit the signed and notarized completed application along with payment of a non-refundable \$500 Application Fee and a \$1,000 Commitment Fee (will be applied to final closing costs) to the Oneida County Industrial Development Agency, 584 Phoenix Drive, Rome NY 13441-1405, within 14 days prior to the OCIDA Board of Directors meeting at which you want the Application to be included on the Agenda. Wire transfer and ACH payments are acceptable but all related fees incurred by the Agency are payable by the Applicant. It is advised that an electronic version of the application accompany the original application via hard copy or e-mail. An electronic version of the application must accompany the original application via physical media or e-mail.

ProTrade Garages – Project Summary & Eligibility Review

I. Executive Summary

ProTrade Garages is building a 15,000-square-foot contractor garage facility on a 2.2-acre site in Westmoreland, NY. The plan includes 15 spacious (1000 sq ft), heated bays, each with utility access, oversized overhead doors, and ample space for storing tools, equipment, and vehicles. The site will also feature a large parking lot designed specifically for trucks and trailers, something many tradespeople need but rarely find.

These service-oriented businesses require functional, purpose-built space that traditional commercial or mini-storage options fail to provide. ProTrade Garages fills this gap with secure, modern workspace tailored to contractors, landscapers, electricians, and other trades. By addressing a critical shortage in the Mohawk Valley, the project will foster small business growth, support entrepreneurship, and help retain skilled labor in the region.

II. Intended Use (Non-Retail)

This facility is not intended for retail or consumer-facing businesses. Anticipated tenants include, but are not limited to:

- HVAC contractors
- Plumbing and electrical companies
- Landscaping and snow removal businesses
- General contractors and skilled trades
- Equipment storage and logistics providers

There will be no walk-in traffic or storefront retail operations. The space is designed exclusively to support the daily operations, storage, and equipment needs of service-based businesses.

III. Policy Alignment: Oneida County IDA Criteria

We've reviewed the Oneida County IDA's Uniform Tax Exemption Policy and believe our project fits well within the eligibility criteria guidelines. ProTrade Garages is a non-retail, service-oriented facility that provides essential workspace for local tradespeople. The site is currently underutilized, and this development represents a meaningful private investment of approximately \$1.5 million. Our goal is to support small business growth, retain skilled labor, and convert vacant land into a productive, tax-generating asset. There's currently nothing like this in the area, and we're ready to move forward with construction as soon as approvals are in place.

IV. Requested Support

We are seeking guidance on our eligibility and the associated costs to apply for the following benefits:

- Sales Tax Exemption on materials and construction costs
- Mortgage Recording Tax Exemption associated with project financing

We are not seeking PILOT (Payment in Lieu of Taxes) incentives at this time.

Thank you for your consideration,

Brett Hughes & Matthew Labella

ProTrade Garages, LLC

**TOWN OF WESTMORELAND
JOINT ZONING BOARD OF APPEALS/PLANNING BOARD**

100 Station Road
P.O. Box 310
Westmoreland, NY 13490

Date: 10/7/25

The Town of Westmoreland Joint Zoning Board of Appeals/Planning Board RESOLVED the

Site Plan Site Plan Modification Area Variance Use Variance Special Permit
application of:

ProTrade Garages

for a 300' L X 50' W X 16' H 15,000 Sq. Ft one story Facility that will contain 15-1,000 Sq. Ft
units to be used for Professional Trades Storage
be approved as submitted

If the above mentioned:

Site Plan Site Plan Modification Area Variance Use Variance Special Permit

is not in compliance, the application will be terminated. Furthermore, any modifications
or upgrades to the site plan of the above mentioned property must be reviewed and
approved by the Joint Zoning Board of Appeals/Planning Board before being instituted.



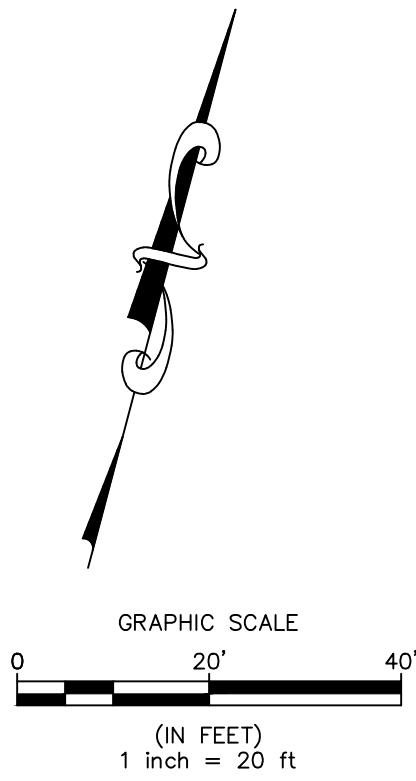
Board Chairman



Property Owner

Renter/Leaser (if applicable)

NYS ROUTE 233



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INITIALS AND DATE.
SPECIFIC DESCRIPTION OF THE
ALTERATIONS:

PLAN SEAL BY:
MATTHEW P. NAPIERALA, P.E.
NYS REGISTRATION # 068733

PROJECT NO.

25-2381

DATE

22 JUL 2025

SCALE

1" = 20'

PREPARED BY:

NAPIERALA CONSULTING
PROFESSIONAL ENGINEER, P.C.
SITING • DESIGN • ENGINEERING
110 FAYETTE STREET
MANHATTAN, NEW YORK 10013
email: MNAP@NAPCON.COM
PH: (315) 682-5580 FAX: (315) 682-5544

SHEET TITLE:

CONCEPTUAL LAYOUT PLAN

PROJECT TITLE:

WESTMORELAND PROFESSIONAL
WAREHOUSE SPACE

TOWN OF WESTMORELAND ONEIDA COUNTY, NY

PREPARED FOR:

BRETT HUGHES

SHEET

SK-2

Market Demand Summary & Tenant Interest Report

ProTrade Garages – Westmoreland, New York

Prepared for: Mohawk Valley EDGE / IDA Review

Date: 9/29/25

1. Executive Overview

ProTrade Garages is developing a purpose-built contractor workspace facility on Route 233 in the Town of Westmoreland, Oneida County, New York. This report summarizes the documented demand for the project based on market conditions and direct expressions of interest collected to date. While no formal feasibility study has been commissioned, available evidence strongly supports the need for this facility in the Mohawk Valley region.

Since August of this year, ProTrade Garages has received **14 qualified pre-leasing inquiries** from local businesses and independent contractors. These leads were generated prior to large scale paid marketing or public advertising, signaling existing unmet demand in the service area.

This document provides a formal overview of the service offering, target market, regional need, and verification of demand through aggregated data.

2. Project Description

The proposed facility will consist of leasable contractor bays designed specifically for tradespeople, small business operators, and equipment-based enterprises. Each unit will offer features not currently available within the mini-storage or oversized industrial leasing markets, including:

- Approximately 1,000 sq. ft. per unit
- 12' x 14' drive-in overhead doors
- 24/7 gated access with surveillance
- Sufficient electrical capacity for tools and machinery
- Secure and professionally managed environment

The Westmoreland site was selected for its proximity to I-90 and accessibility to contractors throughout Oneida County and surrounding areas.

3. Target Users & Service Profile

The facility is intended to serve:

- Contractors and tradespeople (e.g., electricians, plumbers, HVAC techs, carpenters, painters, roofers)
- Small business owners operating in service, maintenance, logistics, or specialty trades
- Equipment-based sole proprietors and multi-vehicle operators
- Serious hobbyists requiring workspace beyond residential or storage-unit capacity

These users often face limited workspace options that are either too small to accommodate vehicles and equipment or disproportionately expensive relative to their space needs.

4. Regional Market Need

Within Oneida County and the broader Mohawk Valley region, there is a demonstrated lack of appropriately sized and priced contractor workspace. Current alternatives generally fall into two categories:

1. **Mini-storage units** – insufficient size, no power capacity, and restricted access
2. **Industrial warehouse space** – oversized footprints, high rental costs, and inflexible lease terms

The increase in independent contractors, small-scale trades, mobile service operators, and equipment-based businesses has created an unmet need for intermediate-size workspace. Local economic development efforts have supported workforce growth in the building trades, creating further demand for space of this type.

Based on regional employment and small business registration data, there is a substantial and growing base of end-users who would utilize contractor bay facilities if made available in the region.

5. Evidence of Demand (Aggregated Lead Summary)

Since initiating pre-leasing outreach in August, ProTrade Garages has collected **14 qualified expressions of interest** from contractors, small businesses, and independent operators in the Mohawk Valley region.

Key characteristics of the aggregated leads include:

- **Number of leads:** 14
- **Geographic relevance:** All inquiries originated from businesses or individuals located within Oneida County or surrounding Mohawk Valley communities

- **Intended uses:**
 - o Contractor business operations
 - o Vehicle and equipment storage
 - o Tool and inventory management
 - o Light workshop or fabrication space
- **Lead generation:**

Interest has been generated through a combination of targeted outreach and limited paid advertising (including Facebook placements), rather than broad marketing or public campaigns

A confidential copy of the lead list is included separately as an attachment to this submission.

6. Market Gap & Competitive Landscape

Preliminary research and market observation show no existing facility in the region offering purpose-built contractor bays with both industrial-level features and small-space affordability. Industrial parks and warehousing options remain cost-prohibitive or oversized for most trades and independent operators. Meanwhile, storage facilities lack the infrastructure required for commercial use.

ProTrade Garages fills this niche by delivering professionally managed, secure, scalable workspace that aligns with the operational footprint of local service and construction businesses.

7. Pre-Leasing Projections

Based on the 14 collected leads and the early-stage nature of outreach, ProTrade Garages anticipates strong initial absorption of available bays. The project expects to convert a portion of these early inquiries into formal leases once construction milestones and leasing terms are finalized.

The level of interest achieved to date is considered above average for a project at this stage and serves as practical validation of demand.

8. Conclusion

The aggregated lead data, regional contractor demographics, and absence of comparable facilities demonstrate a clear market need for the ProTrade Garages development. While no third-party feasibility study has been commissioned, the organic interest from local businesses, combined with well-documented market conditions, validates the viability of this project.

A copy of the lead list has been provided as a separate confidential attachment to support this submission.

ProTrade Garages respectfully submits this report as evidence of demand for the proposed development and as support for financial assistance consideration.

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
COST/BENEFIT ANALYSIS
Required by §859-a(3) of the
New York General Municipal Law

7-Oct-25

Name of Applicant: ProTrade Garages LLC

Description of Project: Buildout of 15,000 SF of commercial/industrial
storage space to be leased contractors

Name of All Sublessees or Other Occupants of
Facility: _____

Principals or Parent of Applicant: Brett Hughes and Matthew Labella

Products or Services of Applicant to be produced
or carried out at facility: Storage garages for industrial/commercial
contractors

Estimated Date of Completion of Project: Apr-26

Type of Financing/ Structure: _____ Tax-Exempt Financing
_____ X _____ Taxable Financing
_____ _____ Sale/ Leaseback
_____ _____ Other

Type of Benefits being Sought by Applicant: _____ Taxable Financing
_____ Tax-Exempt Bonds
_____ X _____ Sales Tax Exemption on Eligible Expenses Until Completion
_____ X _____ Mortgage Recording Tax Abatement
_____ _____ Real Property Tax Abatement

C

Project Costs

Land Acquisition	\$ 180,000
Existing Building(s) ACQUISITION	\$ -
Existing Building(S) RENOVATION	\$ -
NEW Building(s) CONSTRUCTION	\$ 1,555,500
Installation Costs	\$ -
Site Preparation/Parking Lot Construction	\$ -
Machinery & Equipment (other than furniture)	\$ -
Furniture & Fixtures	\$ -
Architectural & Engineering	\$ -
Legal Fees (applicant, IDA, bank, other counsel)	\$ 10,000
Financial (all costs related to project financing)	\$ -
Permits	\$ -
Other	\$ -
Agency Fee	\$ 8,728
TOTAL COST OF PROJECT	\$ 1,754,228

Assistance Provided by the Following:

EDGE Loan:	\$ -
MVEDD Loan:	\$ -
Grants - Please indicate source & Amount:	
Other Loans - Please indicate source & Amount:	\$ -

Company Information

Existing Jobs
Created Jobs FTE (over three years)
Retained Jobs

0
0
0

Average Salary of these Positions

\$ -
\$ -
\$ -

Earnings Information for Oneida County

Average Salary of Direct Jobs for Applicant
Average of County Indirect Jobs
Average of Construction Jobs

\$ -
\$ -
\$ 32,000

Note: \$1,000,000 in construction expenditures generates 15 person - years of employment
Construction Person Years of Employment:

20

Calculation of Benefits (3 Year Period)

		Total Earnings	Revenues
Direct Jobs	Created	\$ -	\$ -
	Existing	\$ -	\$ -
Indirect Jobs	Created	\$ -	\$ -
	Existing	\$ -	\$ -
Construction - only one year			
	Person Years	\$ 640,000	\$ 27,200
TOTALS Calculation of Benefits (3 Yr Period)		\$ 640,000	\$ 27,200

TAXABLE GOODS & SERVICES

		Spending Rate	Expenditures	State & Local Sales Tax Revenues
Direct Jobs	Created	36%	\$ -	\$ -
	Existing	0.36	\$ -	\$ -
Indirect Jobs	Created	0.36	\$ -	\$ -
	Existing	0.36	\$ -	\$ -
Construction - only one year	Person Years	0.36	\$ 230,400	\$ 22,464
TOTAL TAXABLE GOODS & SERVICES			\$ 230,400	\$ 22,464

Local (3 year) real property tax benefit (assuming 60% of jobs existing and created own a residence) with an average assessment of \$80,000 and the remainder of jobs existing created pay real property taxes through rent based on an average assessment per apartment of \$50,000.

Tax Rate for School District where facility is located:	41.029066	Municipality Westmoreland 24-25 Westmoreland 2025 Oneida 2025
Tax Rate for Municipality where facility is located: Vill & Twn Combined	0	
Tax Rate for County:	12.149213	
Total Rate:	53.178279	
Real Property Taxes Paid: \$	-	

COSTS: IDA BENEFITS

Real Property Taxes Abatement	\$ -
Mortgage Tax Abated (.75%)	\$ 9,000
Estimated Sales Tax Abated During Construction Period (8.75%)	\$ 62,956
Total:	\$ 71,956

NOTE: If there is a tax-exempt financing of all or a portion of the project cost, there is a neutral cost/benefit because of lower interest rates by reason of exclusion of interest from gross income of bondholders for purposes of Federal and State income taxes. Taxable financing carries the same cost/benefit for State Income Tax purposes. Such cost/benefits cannot be quantified.

**Inducement Resolution
ProTrade Garages, LLC Facility**

RESOLUTION OF THE ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION APPOINTING PROTRADE GARAGES, LLC, THE PRINCIPALS OF PROTRADE GARAGES, LLC AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF ANY OF THE FOREGOING AS AGENT OF THE AGENCY IN CONNECTION WITH A LEASE-LEASEBACK TRANSACTION, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE PROJECT.

WHEREAS, ProTrade Garages, LLC, on behalf of itself and/or the principals of ProTrade Garages, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Company”) has requested the Oneida County Industrial Development Agency (the “Agency”) assist with a project consisting of (a) acquisition of a 2.2 acre parcel of vacant land located at [no number assigned] Route 233, Town of Westmoreland, Oneida County, New York (the “Land”); (b) construction on the Land of a 15,000± square foot garage containing 15 individual purpose-built contractor workspaces, each measuring 1,000 square feet, together with all infrastructure, parking lots, sidewalks and landscaping to service the same (collectively, the “Improvements”); and (c) acquisition and installation of equipment in the Improvements (the “Equipment”), all to be used for the purpose of supporting contractors, tradespeople, small business operators, and equipment-based enterprises (the Land, the Improvements and the Equipment referred to collectively as the “Facility” and the acquisition, construction and equipping of the Facility is referred to collectively as the “Project”); and

WHEREAS, the Company will lease the Facility to the Agency pursuant to a Lease Agreement (the “Lease Agreement”); and

WHEREAS, the Agency will lease the Facility back to the Company pursuant to a Leaseback Agreement (the “Leaseback Agreement”); and

WHEREAS, the Company will further sublease individual units within the Facility to service-based businesses to be identified from time to time (each a “Sublessee” and collectively, the “Sublessees”); and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company in support of the Project in the form of exemptions from sales and use taxes and exemptions from mortgage recording taxes (the "Financial Assistance"), which financial assistance is consistent with the Agency's Uniform Tax Exemption Policy, and which will be more particularly set forth in a final authorizing resolution; and

WHEREAS, based upon representations made by the Company in the Application, the value of the Financial Assistance is described as follows:

- Sales and use tax exemption not to exceed \$62,957
- Mortgage recording tax exemption not to exceed \$9,000

WHEREAS, the nature of the Facility is such that it is not intended for any one Sublessee to create permanent employment at the Facility, but rather to allow a Sublessee to operate more efficiently in other locations in Oneida County and therefore the creation and/or retention of FTEs should not be the only metric that the Agency should consider as it reviews on an annual basis whether the Project is meeting its stated goals; and

WHEREAS, based upon representations made by the Company in the Application, the primary purpose of the Project is to fill a demonstrated demand for modern, functional space by providing an ancillary facility with flexible utility, which will allow service-based companies in Oneida County to operate more efficiently, and the Agency will condition the proposed Financial Assistance on the Company achieving the same (the "Project Obligation"), or else be subject to recapture or termination of Financial Assistance relating to the Project; and

WHEREAS, because the value of the proposed Financial Assistance is less than \$100,000, the Act does not require the Agency to conduct a public hearing prior to the granting of Financial Assistance; and

WHEREAS, the Agency has given due consideration to the application of the Company and to representations by the Company that the proposed lease-leaseback transaction is either an inducement to the Company and/or the Sublessees to maintain and expand their respective facilities in the County or is necessary to maintain the competitive position of the Company and/or the Sublessees in their respective industries; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, the "SEQR Act" or "SEQRA"), the Agency constitutes a "State Agency"; and

WHEREAS, to aid the Agency in determining whether the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form and related documents (the "Questionnaire") with respect to the Facility, a copy of which is on file at the office of the Agency; and

WHEREAS, prior to the granting of any Financial Assistance and following the determination of the lead agency, the Agency has completed its environmental review and made determinations for purposes of SEQRA.

NOW, THEREFORE, BE IT RESOLVED by the Oneida County Industrial Development Agency (a majority of the members thereof affirmatively concurring) that:

- Section 1.
- (a) The Project and the Agency's Financial Assistance therefor, will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of the County and the people of the State of New York and improve their standard of living, and thereby serve the public purposes of the Act and the same is, therefore, approved.
 - (b) It is desirable and in the public interest for the Agency to enter into a lease-leaseback transaction for the purpose of providing financial assistance for the Project, as reflected in the Company's application to the Agency as may be amended from time to time prior to the closing of the lease-leaseback transaction.
 - (c) The Project is reasonably necessary to preserve the Company's and/or the Sublessee's competitive positions in their respective industries.

Section 2. The form and substance of a proposed inducement agreement (in substantially the form presented to this meeting) by and among the Agency and the Company setting forth the undertakings of the Agency and the Company with respect to the closing of the lease-leaseback transaction, and the completion of the Facility (the "Agreement") is hereby approved. The Chairman of the Agency is

hereby authorized, on behalf of the Agency, to execute and deliver the Agreement, with such changes in terms and form as the Chairman shall approve. The execution thereof by the Chairman shall constitute conclusive evidence of such approval.

Section 3.

The Agency shall assist the Company in the Project and will provide the Financial Assistance with respect thereto subject to (i) obtaining all necessary governmental approvals, (ii) approval of the members of the Company, (iii) approval of the members of the Agency, (iv) satisfactory completion of the environmental review of the Facility by the Agency in compliance with the State Environmental Quality Review Act, (v) agreement by the Agency and the Company upon mutually acceptable terms and conditions for the Leaseback Agreement and other documentation usual and customary to transactions of this nature, (vi) the condition that there are no changes in New York State Law which prohibit or limit the Agency from fulfilling its obligation and commitment as herein set forth to enter into the lease-leaseback transaction and (vii) payment by the Company of the Agency's transaction fee and the fees and disbursements of transaction counsel, more particularly described in the Inducement Agreement.

Section 4.

The Company is herewith and hereby appointed the agent of the Agency to construct, equip and complete the Facility. The Company is hereby empowered to delegate its status as agent of the Agency to the agents, subagents, contractors, subcontractors, materialmen, suppliers, vendors and such other parties as the Company may choose in order to construct, equip and complete the Facility. The terms and conditions for the appointment of the Company as agent of the Agency for the purposes described in this resolution are set forth in the form of the attached letter addressed to the Company, marked as **Exhibit A** to this resolution. The form of such letter is incorporated herein by reference and is approved and adopted by the Agency, and the Chairman or Executive Director of the Agency or any other duly authorized official of the Agency are authorized to execute and deliver such letter to the Company upon satisfaction of the conditions described in Section 3 hereof. The Agency hereby appoints the Company, the agents, subagents, contractors, subcontractors, materialmen, vendors and suppliers of the Company as agents of the Agency solely for purposes of making sales or leases of goods, services, and supplies to the Facility, and any such transaction between any agent, subagent, contractor,

subcontractor, materialmen, vendor or supplier, and the Company, as agent of the Agency shall be deemed to be on behalf of the Agency and for the benefit of the Facility. The Company shall indemnify the Agency with respect to any transaction of any kind between and among the Company, the Company, the agents, subagents, contractors, subcontractors, materialmen, vendors and/or suppliers and the Company, as agent of the Agency.

Section 5. The law firm of Bond, Schoeneck & King, PLLC is appointed Transaction Counsel in connection with the lease-leaseback transaction.

Section 6. Counsel to the Agency and Transaction Counsel are hereby authorized to work with counsel to the Company and others to prepare, for submission to the Agency, all documents necessary to effect the lease-leaseback transaction.

Section 7. The Chairman of the Agency is hereby authorized and directed to distribute copies of this resolution to the Company and to the affected tax jurisdictions and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 8. This resolution shall take effect immediately.

STATE OF NEW YORK)
 : ss.:
COUNTY OF ONEIDA)

I, the undersigned Assistant Secretary of the Oneida County Industrial Development Agency DO HEREBY CERTIFY THAT:

I have compared the foregoing copy of a resolution of the Oneida County Industrial Development Agency (the "Agency"), with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

Such resolution was passed at a meeting of the Agency duly convened in public session on November 18, 2025 at eight a.m., local time, at Rome, New York which the following members were:

Members Present:

EDGE Staff Present:

Others Present:

The question of the adoption of the foregoing resolution was duly put to vote, which resulted as follows:

Voting Aye

Voting Nay

and, therefore, the resolution was declared duly adopted.

The Agreement and the Application are in substantially the form presented to and approved at such meeting.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) the meeting was open for the public to attend and public notice of the date, time and location for the meeting was duly given, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____ 2025.

Timothy Fitzgerald, Assistant Secretary

EXHIBIT A

[To be printed on IDA letterhead and delivered to the Company when appropriate]

_____, 2025

ProTrade Garages, LLC
4513 Brooks Boulevard
Marcy, New York 13413

RE: *Oneida County Industrial Development Agency Lease-Leaseback Transaction
(ProTrade Garages, LLC Facility)*

Ladies and Gentlemen:

Pursuant to a resolution duly adopted on November 18, 2025, the Agency appointed ProTrade Garages, LLC (the "Company") its agent in connection with a transaction in which the Agency will assist in (a) acquisition of a 2.2 acre parcel of vacant land located at [no number assigned] Route 233, Town of Westmoreland, Oneida County, New York (the "Land"); (b) construction on the Land of a 15,000± square foot garage containing 15 individual purpose-built contractor workspaces, each measuring 1,000 square feet, together with all infrastructure, parking lots, sidewalks and landscaping to service the same (collectively, the "Improvements"); and (c) acquisition and installation of equipment in the Improvements (the "Equipment"), all to be used for the purpose of supporting contractors, tradespeople, small business operators, and equipment-based enterprises (the Land, the Improvements and the Equipment referred to collectively as the "Facility" and the acquisition, construction and equipping of the Facility is referred to collectively as the "Project").

This appointment includes authority to purchase on behalf of the Agency all materials to be incorporated into and made an integral part of the Facility, and the following activities as they relate to any construction, equipping and completion of any buildings, whether or not any materials, equipment or supplies described below are incorporated into or become an integral part of such buildings: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with construction and equipping (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description used in connection with construction and equipping and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs), installed or placed in, upon or under such building, including all repairs and replacements of such property.

The Agency will appoint the Company as its only direct agent for the Project. The agency appointment includes the power of the Company to delegate such agency appointment, in whole or in part, to agents, subagents, contractors, subcontractors, materialmen, suppliers and vendors of the Company and to such other parties as the Company chooses so long as they are engaged, directly or indirectly, in the activities hereinbefore described. Please advise the Executive Director of the Agency if you wish to appoint a contractor or other subagent, and the Agency will issue an ST-60 to that party.

In exercising this agency appointment, you and each of your properly appointed agents and subagents must claim the sales tax exemption for all purchases by giving your vendors New York State Form ST-123. The supplier or vendor should identify the Facility on each bill or invoice as the **"ProTrade Garages, LLC Facility"** and indicate thereon that the Company, its agents, subagents, contractors and subcontractors acted as agent for the Agency in making the purchase.

You and each of your agents, subagents, contractors and/or subcontractors claiming a sales tax exemption in connection with the Facility must complete a New York State Department of Taxation and Finance Form ST-60. Original copies of each completed Form ST-60 must be delivered to the Agency within five (5) days of the appointment of each of your agents, subagents, contractors or subcontractors. Any agent, subagent, contractor or subcontractors of the Sublessee which delivers completed Form ST-60 to the Agency will be deemed to be the agent, subagent, contractor or subcontractor of the Agency for purposes of constructing and equipping the Facility, and shall only then be authorized to use Form ST-123 as described above. Failure to comply with these requirements may result in loss of sales tax exemptions for the Facility.

It is important to note that contractors and subcontractors who have not been appointed subagent cannot use the sales tax exemption for equipment rental, tools, supplies and other items that do not become part of the finished project. Contractors and subcontractors must be appointed as agent or sub-agent of the Agency to use the Agency sales tax exemption for these purchases. Contractors and subcontractors who have not been appointed a subagent and are making purchases that would otherwise be exempt outside of the Agency's interest in the Facility must claim the sales tax exemption for construction materials by giving their vendors a completed "Contractor Exempt Purchase Certificate" (Form ST-120.1) checking box (a).

The aforesaid appointment of the Company as agent of the Agency to construct and equip the Facility shall expire at the earlier of (a) the completion of such activities and improvements, or (b) November 18, 2026, provided, however, such appointment may be extended at the discretion of the Agency, upon the written request of the Company if such activities and improvements are not completed by such time, and further provided that the Agency shall not unreasonably withhold its consent to the extension of such appointment. The value of the sales tax to be abated relating to the construction and equipping of the Facility currently authorized by the Agency is not to exceed \$62,957.00, provided, however, such value may be increased at the discretion of the Agency, upon the written request of the Company accompanied by a revised Project budget.

In accordance with Section 875(3) of the General Municipal Law, the policies of the Agency, and the Resolution, the Company may be subject to recapture of any and all sales and use tax exemptions if it is determined by the Agency that: (a) the Company or its subagents, if any, authorized to make purchases for the benefit of the Project is not entitled to the sales

and use tax exemption benefits; or (b) the sales and use tax exemption benefits are in excess of the amounts authorized by the Agency to be taken by the Company or its subagents, if any; or (c) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (d) the Company has knowingly made a material false or misleading statement, or knowingly omitted any information which, if included, would have rendered any information in the application or supporting documentation false or misleading in any material respect, on its application for Financial Assistance.

You should be aware that the New York State General Municipal Law requires you to file an Annual Statement (Form ST-340) with the New York State Department of Taxation and Finance regarding the value of sales tax exemptions you, your agents, consultants or subcontractors have claimed pursuant to the authority we have conferred on you with respect to the Project. We are providing a form of a worksheet for you to track all exempt purchases made in completing the Project, using Forms ST-123 or Form ST-120.1. Please provide the Agency with a copy of Form ST-340 along with your annual report to the Agency and this worksheet. The penalty for failure to file such statement, or to provide a copy to the Agency, is the removal of your authority to act as an agent.

If, for some reason, this transaction never closes, you will be liable for payment of the sales tax, if applicable and you are not otherwise exempt, on all materials purchased.

Please sign and return a copy of this letter for our files. The Agency will issue and deliver Form ST-60 to you upon receipt of this signed agency appointment letter. The Agency reserves the right to issue a revised agency appointment letter with respect to the process for utilizing and reporting exemptions hereunder.

Very truly yours,

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: _____
Name:
Title:

ACCEPTED & AGREED:

PROTRADE GARAGES, LLC

By: _____
Name:
Title:

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			☐	☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban) ☐ Forest Agriculture Aquatic Other(Specify): ☐ Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

PRINT FORM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources to confirm data provided by the Mapper or to obtain data not provided by the Mapper.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Project: _____

Date: _____

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:		
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project: _____

Date: _____

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Westmoreland Planning Board, acting as SEQR Lead Agent, for the ProTrade building storage project, located off NYS Route 233 has reviewed the project and it's potential impacts and finds that the proposed project will not have any adverse environmental impact.

Therefore, by resolution, the Westmoreland Planning Board has determined that the ProTrade Building project located off NY Route 233 is an UnListed Action in accordance with NY SEQR requirements and as such reviewed the project as an UnCoordinated Review and find the project be determined to have a **NEGATIVE DECLARATION** for environmental impacts in accordance with NYS SEQR law for the ProTrade building storage project.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Westmoreland Planning Board

October 13, 2025

Name of Lead Agency

Date

Joseph Malecki

Planning Board Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

RESOLUTION OF THE ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY DETERMINING THAT ACTION
TO PROVIDE FINANCIAL ASSISTANCE RELATING TO A
PROJECT FOR THE BENEFIT OF PROTRADE GARAGES,
LLC WILL NOT HAVE A SIGNIFICANT EFFECT ON THE
ENVIRONMENT

WHEREAS, ProTrade Garages, LLC (the "Company") has requested that the Agency provide certain financial assistance, consisting of exemptions from mortgage recording taxes and exemptions from sales taxes (the "Financial Assistance"), for a project consisting of (a) acquisition of a 2.2 acre parcel of land located at [no number assigned] Route 233, Town of Westmoreland, Oneida County, New York (the "Land"); (b) construction on the Land of a 15,000± square foot garage containing 15 garage bays measuring 1,000 square feet each, together with all infrastructure, parking, sidewalks and landscaping to service the same (collectively, the "Improvements"); and (c) acquisition and installation of equipment in the Improvements (the "Equipment"), all to be used for the purpose of providing customizable workspaces to service small trades and service-based businesses (the Land, the Improvements and the Equipment referred to collectively as the "Facility" and the acquisition, construction and equipping of the Facility is referred to collectively as the "Project"); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Agency desires to determine whether the construction and equipping of the Facility may have a "significant effect on the environment" (as said quoted term is defined in the SEQR Act and the Regulations) and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Agency in determining whether the construction and equipping of the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency a short environmental assessment form (the "EAF"), a copy of which was presented to and reviewed by the Agency at this meeting and copies of which are on file at the office of the Agency; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Agency has reviewed the minutes of the October 7, 2025 meeting of the Town of Westmoreland Planning Board, its findings and negative declaration in connection with its site plan review (the "Planning Board Review"), a copy of which was presented to and reviewed by the Agency at this meeting and copies of which are on file at the office of the Agency; and

WHEREAS, pursuant to the Regulations, the Agency has examined the EAF and the Planning Board Review in order to make a determination as to the potential environmental significance of the Facility.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based on an examination of the Application, the EAF, the Planning Board Review, and based further upon the Agency's knowledge of the area surrounding the Facility and such further investigation of the Facility and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Facility:

- (A) The Facility is as described in the Application and the EAF;
- (B) The Facility constitutes an "Unlisted Action" (as defined in the Regulations);
- (C) No potentially significant impacts on the environment are noted in the EAF for the Facility, and none are known to the Agency;
- (D) The Facility will not result in (i) substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of a resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such species; or (iii) other significant adverse impacts to natural resources;
- (E) The Facility will not affect a critical environmental area as designated pursuant to 6 NYCRR 617.14(g);
- (F) The Facility will not conflict with the community's current plans or goals as officially approved or adopted;
- (G) The Facility will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

(H) The Facility will not result in a major change in the use of either the quantity or type of energy;

(I) The Facility will not result in the creation of a hazard to human health;

(J) The Facility will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses;

(K) The Facility will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(L) The Facility will not result in the creation of a material demand for other actions that would result in one or more of the above consequences;

(M) The Facility will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

(N) The Facility will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR Section 617.7(c).

Section 2. The Agency hereby concurs with the determinations and findings of the Lead Agency and determines that the Facility will not have a significant impact on the environment and the Agency will not require the preparation of an environmental impact statement with respect to the Facility. As a result, the Agency has prepared a negative declaration with respect to the Facility.

Section 3. The Executive Director of the Agency is hereby directed to file in the Agency's records a negative declaration with respect to the Facility (said negative declaration to be substantially in the form and substantially to the effect of the negative declaration attached hereto).

Section 4. This resolution shall take effect immediately.

[Remainder of page left blank intentionally]

STATE OF NEW YORK)
 : SS.:
COUNTY OF ONEIDA)

I, the undersigned Secretary of the Oneida County Industrial Development Agency, DO HEREBY CERTIFY THAT:

I have compared the foregoing copy of a resolution of the Oneida County Industrial Development Agency (the "Agency") with the original thereof on file in the office of the Agency, and the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

Such resolution was passed at a meeting of the Board of Directors of the Agency duly conducted on November 18, 2025 at 8 a.m. local time, hosted at 584 Phoenix Drive, Rome, New York at which the following members were:

Members Present:

EDGE Staff Present:

Others Present:

The question of the adoption of the foregoing resolution was duly put to vote, which resulted as follows:

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all directors of the Agency had due notice of said meeting, (ii) the meeting was open for the public to attend in person and public notice of the time, place of, and instructions to access, said meeting was duly given, (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 _____, 2025.

Shawna Papale, Secretary

TERMS OF FINANCIAL ASSISTANCE
Board Summary for October 17th, 2025

Company: **B240 LLC**

Project: **Air City Lofts Phase 5 (sub of Phase 2)**

Description of Project: Market Rate Rental Housing Units on Current B240 Phase 2 Parking Lot (129 Air City Blvd.)

This phase will feature two newly constructed residential rental buildings. Building One will be approximately 12,460 square feet and will include 20 studio units. Building Two will be approximately 17,330 square feet and will contain 28 studio units. Both buildings will be two stories in height. Each unit will have direct access: ground-floor units will feature individual exterior entrances, while second-floor units will be accessed via a shared interior walk-up staircase, with each stairwell serving two units...

Total Project Cost: **\$ 7,435,493**

Request for Financial Assistance

- PILOT Benefit estimated at \$ **712,100**.
- Sales tax exemption valued at \$ **169,785**.
- Mortgage recording tax exemption valued at \$ **40,907**.

Total Estimated Benefit Value: \$ 922,792

Proposed PILOT Description:

10 year- Housing/Tier 1 Exemption Schedule – Housing Score: **80 points**. Percentage (not fixed payment PILOT). Consistent with UTEP-Housing.

Affected Taxing Jurisdictions: County of Oneida, City of Rome, Rome City School District

Current real estate taxes or current PILOT on property:

B240 Phase 2 is currently in PILOT Year 4, with \$ **43,887.84** divided between the County and City for 2025 and the School District for 2025-26.

Company Obligations for Financial Assistance

1. Completion of the project.
2. 1 FTE created within 3 years of project completion



APPLICATION FOR FINANCIAL ASSISTANCE

Oneida County Industrial Development Agency
584 Phoenix Drive

Rome, New York 13441-1405

(315) 338-0393 telephone

(315) 338-5694 fax

<https://www.oneidacountyida.org/>

Shawna M. Papale, Executive Director

spapale@mvedge.org

Please submit the signed and notarized completed application (Pages 1-25 ONLY), which must include any applicable addendum or supplemental information requested in the application, along with payment of a non-refundable \$500 Application Fee (\$5,000 for Solar applications) and a \$1,000 Commitment Fee (will be applied to final closing costs) to the Oneida County Industrial Development Agency, 584 Phoenix Drive, Rome NY 13441-1405, within 14 days prior to the OCIDA Board of Directors meeting at which you want the Application to be included on the Agenda. Wire transfer and ACH payments are acceptable but all related fees incurred by the Agency are payable by the Applicant. An electronic version of the application must accompany the original application via physical media or e-mail.

Air City Lofts Phase 5

Project Name

9/12/25

Date of Submission

Part I: Applicant Information

Note: In responding to the following questions, please keep in mind that the Applicant will be party to all of the documents and is the individual or if entity will be formed which will receive the actual financial assistance from the Agency.

Applicant

1(a) Applicant's Legal Name: B240 LLC

1(b) Principal Address: 18 Division Street., Suite 401

Saratoga Springs, NY 12866

1(c) Telephone/Facsimile Numbers: 518-584-9007

1(d) Email Address: Amber@Bonaciodev.com

1(e) Secondary Email Address

1(f) Contact Person: Amber Mathias

1(g) Is the Applicant a

☐ Corporation:
If Yes, Public ☐ Private ☐
If public, on which exchange is it listed?

☐ Subchapter S
☐ Sole Proprietorship
☐ General Partnership
☐ Limited Partnership
☒ Limited Liability Corporation/Partnership
☐ Single-Member LLC (name and EIN below):

Name: B240 LLC
EIN #:

☐ DISC
☐ Other(specify)

1(h) State of Organization (if applicable) New York

Applicant's Stockholders, Members, Directors and Officers, Partners.

2(a) Provide the following information with respect to any person with 15% or more in equity holdings in any entity in ownership chain of the project. Add additional sheets if necessary.

<u>Name</u>	<u>Address</u>	<u>Percentage of Ownership</u>
BQOZF New York LLC, 18 Division St., Suite 401	Saratoga Springs, NY 12866	21%
QOZ Saratoga LLC	659 N. Broadway, Saratoga Springs, NY 12866	79%
See attached confidential org chart		

2(b) Is the Applicant, or any of the individuals listed in 2(a) above, related directly or indirectly to any other entity by more than 50% common ownership? **If Yes**, indicate name of such entity and the relationship. ☐ Yes ☒ No

2(c) Is the Applicant affiliated with any other entity, directly or indirectly, other than as listed in the response to 2(a) above? **If Yes**, please indicate name and relationship of such other entity and the address thereof: ☐ Yes ☒ No

Applicant's Counsel and Accountant

3(a) Applicant's Attorney

Name/Title:	Kevin McAuliffe
Firm:	Barclay Damon
Address:	Barclay Damon Tower, 125 East Jefferson St.
	Syracuse, NY 1302
Telephone/Fax:	315-382-8703
Email:	Kmcauliffe@barclaydamon.com

3(b) Applicant's Accountant

Name/Title:	Paul Goetz
Firm:	BST & Co., CPAs LLP
Address:	26 Computer Dr. W
	Albany, NY 12205
Telephone/Fax:	518-459-6700
Email:	pgoetz@bstco.com

Business Description

4(a) Describe the nature of your business and principal products and/or services. Attach additional sheets if necessary.

Real Estate Development

Part II: Project Information

5(a) Explain your project in detail. This description should include explanation of all activities which will occur due to this project. Attach additional sheets if necessary.

ACL is a mixed-use community that currently consists of three completed phases. The project relevant to this application is Phase 5. We are in the process of submitting a revised site plan to the Planning Board to increase the density of the development and incorporate Phase 5.

This phase will feature two newly constructed residential rental buildings. Building One will be approximately 12,460 square feet and will include 20 studio units. Building Two will be approximately 17,330 square feet and will contain 28 studio units. Both buildings will be two stories in height. Each unit will have direct access: ground-floor units will feature individual exterior entrances, while second-floor units will be accessed via a shared interior walk-up staircase, with each stairwell serving two units..

Reasons for Project

6(a) Please explain in detail why you want to undertake this project.

This project will provide modern, efficient housing options to meet the needs of the growing workforce in Rome, New York. Over the past decade, commercial occupancy in Rome—particularly at Griffiss Park—has expanded significantly. With the recent announcement of Chobani's \$1.2 billion manufacturing facility being constructed just around the corner from our site, there is an even greater need to provide quality, market-rate housing options to attract and retain employees.

Air City Phase 5 is designed to meet this demand by offering new residential opportunities that encourage these workers not only to work in the area, but also to live locally and contribute to the economy by spending their sales tax dollars in Oneida County.

6(b) Why are you requesting the involvement of the Agency in your project?

Though we strongly believe in the existing commercial tenants and opportunities in Rome, it remains an emerging market. Delivering the same quality product we have successfully produced in Saratoga Springs presents challenges. Projected rental rates in Rome are 15%–20% lower, while estimated operating expenses are approximately 10% higher, resulting in a 30% increase in the revenue-to-expense ratio.

In addition, rising material and labor costs have increased construction expenses by more than 35% since the completion of Phase 3. These factors create a financial gap that makes IDA involvement crucial. With Agency support, we can deliver the high-quality housing product needed in a timely manner to meet demand from the growing number of relocating workers.

6(c) Please confirm by checking the box below, if there is the likelihood that the Project would not be undertaken **BUT FOR** the Financial Assistance provided by the Agency.

☒ Yes ☐ No

If the Project could be undertaken without Financial Assistance provided by the Agency, ("**No**" is checked above) then provide a statement in the space provided below indicating why the Agency should approve the requested assistance:

N/A

How will the Applicant's plans be affected or scaled back if Agency approval is not granted?

The project will not be taken on without Agency approval as requested.

6(d) Will the proposed project result in the Applicant or any project occupant moving from one area of the New York State to another area of the State or abandoning one or more facilities within the State

☐ Yes ☒ No

Is the proposed project reasonably necessary to preserve the competitive position of the Applicant or project occupant in its respective industry?

☐ Yes ☒ No

Is the proposed project reasonably necessary to discourage the applicant or project occupant from removing such other plant or facility to a location outside of New York State?

☐ Yes ☒ No

6(e) If you answered YES to any of the questions in 6(d) above, please provide a statement and evidence supporting the same. Include the name of all taxing jurisdictions in which the abandoned facility or plant lies, and whether Applicant has had any discussions with said taxing jurisdictions regarding the abandonment. Please provide as much detail as possible below.

N/A

- 6(f)** Has the Applicant or any related entity previously secured financial assistance in Oneida County (whether through the Agency, the Empire State Development Corporation, or any other entity) ? ☒ Yes ☐ No

If Yes, please explain (indicate date of benefit, location of facility and outstanding balance).

Air City Phase 1: \$1,250,000 grant from ESD (through GLDC) to assist with infrastructure and commercial tenant recruitment to be used for Phase 1 only. Additionally, Phase 1 also has Oneida County IDA benefits of sales and mortgage tax abatements and a PILOT.

Air City Phase 2: Oneida County IDA benefits of sales and mortgage tax abatements and a PILOT.

Air City Phase 3: Oneida County IDA benefits of sales and mortgage tax abatements and a PILOT.

- 6(g)** Has the Applicant or any related entity secured financial assistance anywhere within the United States within the last 90 days or does the Applicant or any related entity anticipate receiving financial assistance within the next 90 days? ☐ Yes ☒ No

If Yes, please explain.

- 6(h)** Check all categories best describing the type of project for all end users at project site (you may check more than one; if checking more than one indicate percentage of square footage the use represents):

Please provide percentage of sq. footage for each use (if more than one category):

- | | |
|---|------------------------|
| ☐ Manufacturing | <input type="text"/> % |
| ☐ Industrial Assembly or Service | <input type="text"/> % |
| ☐ Back office operations | <input type="text"/> % |
| ☐ Research and Development | <input type="text"/> % |
| ☐ Technology/Cybersecurity | <input type="text"/> % |
| ☐ Warehousing | <input type="text"/> % |
| ☐ Commercial or Recreational | <input type="text"/> % |
| ☐ Retail | <input type="text"/> % |

- Id Housing Addendum ☒ Residential housing (specify) Studio %
- ☐ Pollution Control (specify) _____ %
- ☐ Environmental (e.g., Brownfield) (specify) _____ %
- dd Solar Addendum ☐ Other (specify ie; renewable energy) _____ %

6(i) Check all categories best describing the **scope of the project**:

- ☐ Acquisition of land
- ☐ Acquisition of existing building
- ☐ Renovations to existing building
- ☐ Construction of addition to existing building
- ☐ Demolition of existing building or part of building
- ☒ Construction of a new building
- ☐ Acquisition of machinery and/or equipment
- ☐ Installation of machinery and/or equipment
- ☒ Other (specify) site work & infrastructure

6(j) Please indicate the financial assistance you are requesting of the Agency, and provide the estimated value of said assistance. Attach a sheet labeled Annual PILOT that shows the annual utilization of the Real Property Tax Abatement by year and by taxing jurisdiction (PLEASE CONSULT WITH IDA STAFF ON PILOT CALCULATIONS).

<u>Assistance Requested</u>	<u>Estimated Values</u>
☒ Fill-in Real Property Tax Abatement (value of PILOT savings): \$	712,100
☒ Mortgage Tax Exemption (.75%) \$	40,907.45
Amount of mortgage: \$ 5,454,326 (fill-in)	
☒ Sales and Use Tax Exemption ** (8.75%) \$	169,785.00 (Not available for solar)
Value of goods/services to be exempted from sales tax: \$ 1,940,400 (fill-in)	
☐ Issuance by the Agency of Tax Exempt Bonds(bond dollar value)\$	

**** TOTAL EXEMPTION ASSISTANCE REQUESTED: \$ 922,792**

Is the financial assistance requested by the Applicant consistent with the IDA's Uniform Tax Exemption Policy? ☒ Yes ☐ No

If No, please provide a written statement describing the financial assistance being requested and detailing the reasons the IDA should consider deviating from its Policy.

The request is consistent with OCIDA's Uniform Tax Exemption Policy and Housing Policy standard financial exemption schedule.

**** Note that the estimate provided above will be provided to the New York State Department of Taxation and Finance. The Applicant acknowledges that the transaction documents will include a covenant by the Applicant that the estimate, above, represents the maximum amount of sales and use tax benefit currently authorized by the Agency with respect to this Application. The Agency may utilize the estimate, above, as well as the (9)proposed total Project Costs as contained within this Application, to determine the Financial Assistance that will be offered. It is the responsibility of the applicant to inform the IDA within 10 days if the project amount changes.**

Part III: Facility Information

Attach copies of the most recent real property tax bills. Include copies for all taxing jurisdictions for the site/ facility that IDA assistance is being sought.

Facility (Physical Information) If multiple locations please provide information on all.

7(a) Street Address of Facility:

129 Air City Blvd

7(b) City, Town and/or Village (list ALL incorporated municipalities):

Rome, New York

7(c) School District:

City of Rome

7(d) For what purpose was the facility site most recently used (i.e., light manufacturing, heavy manufacturing, assembly, etc.)?

Formerly the Air Force Base. Currently this site is at the back of the parking area of ACL

7(e) Zoning Classification of location of the project:

GB-RL Rome Lab/R&D/Office Campus Sub-District/Park Center

7(f) Please describe in detail the facility to be acquired, constructed or renovated (including number of buildings, square footage, number of floors, type of construction,) and attach plot plans, photos or renderings, if available. If there are infrastructure improvements (water, sewer, gas, electrical, etc.) please provide details along with who will carry out those improvements and who will fund them. ***Please be as specific as possible.***

The site for these buildings is currently an underutilized parking area serving Phases 2 and 3 at Air City Lofts. We will be attending the October Planning Board meeting to request approval of a site plan revision that adds the proposed density for these two buildings. As part of this revision, the current drive lane where the new buildings will be located will be rerouted to connect with an existing drive lane in front of the buildings. This residential rental housing project will consist of two newly constructed buildings. Building One will be approximately 12,460 square feet and include 20 studio units. Building Two will be approximately 17,330 square feet and include 28 studio units. Both buildings will be two stories in height. Each unit will have direct access: ground-floor units will feature individual exterior entrances, while second-floor units will be accessed via a shared interior walk-up staircase, with each stairwell serving two units. The new buildings will be serviced by National Grid for electricity. We are working with Richard Alfonseca of National Grid to determine the best path for pulling adequate power. Water and sewer will tie into existing City utilities. We have retained The LA Group, a local landscape architecture and engineering firm, to finalize the site plan and utility connections. Bonacio Construction will serve as general contractor, and all project funding will be privately sourced.

7(g) Has construction or renovation commenced? ☐ Yes ☒ No

If Yes, please describe the work in detail that has been undertaken to date, including the date of commencement.

If No, indicate the estimated dates of commencement and completion:

Construction Commencement: November 2025

Construction completion: November 2026

7(h) Will the construction or operation of the facility or any activity which will occur at the site require any local ordinance or variance to be obtained or require a permit or prior approval of any state or federal agency or body (other than normal occupancy and/or construction permits)?

☒ Yes ☐ No

If Yes, please describe.

An ammendment to the Air City Lofts site plan approved on 06/03/2020 will be needed by the City of Rome Planning Board. Goal is be on for the October 7th Planning Board meeting

Has the Project received site plan approval from the Planning Department?

☐ Yes ☒ No ☐ N/A

If Yes, please provide the Agency with a copy of the planning department approval along with the related State Environmental Quality Review (SEQR) determination. If no, please provide the status of approval:

7(i) Will the project have a significant effect on the environment? ☐ Yes ☒ No

Important: please attach and sign Part 1 of either the the long or short Environmental Assessment Form to this Application.

7(j) What is the useful life of the facility? 40 years

7(k) Is the site in a former Empire Zone? ☒ Yes ☐ No

If Yes, which Empire Zone: Rome Zone

Is project located in a Federal HUB Zone or distressed area: ☒ Yes ☐ No
Provide detail.

Project is located in census tract 22 and designated Opportunity Zone.

ALL APPLICANTS MUST ANSWER PART IV-8(a)

Part IV: Retail Project Questionnaire

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

8(a). Will any portion of the project (including that portion of the cost to be financed from equity or other sources) consist of facilities or property that are or will be primarily used in making sales of goods or services to customers who personally visit the project site?

Required ☐ Yes or ☒ No

If the answer is YES, please continue below.

If the answer is NO, proceed to Section Part V - Facility (Legal Info)

For purposes of Question A, the term "retail sales" means (i) sales by a registered vendor under Article 28 of the Tax Law of the State of New York (the "Tax Law") primarily engaged in the retail sale of tangible personal property (as defined in Section 1101(b)(4)(i) of the Tax Law), or (ii) sales of a service to customers who personally visit the Project.

8(b). What percentage of the cost of the Project will be expended on such facilities or property primarily used in making sales of goods or services to customers who personally visit the project? _____%. **If the answer is less than 33% do not complete the remainder of this retail determination page and proceed to next section, Part V Facility (Pg 13)**

*** If the answer to A above is Yes AND the answer to B above is greater than 33.33%, indicate which of the following questions below apply to the project:**

1. Will the project be operated by a not-for-profit corporation ☐ Yes ☐ No

2. Is the Project location or facility likely to attract a significant number of visitors from outside Oneida County?

☐ Yes ☐ No

If yes, please provide a third party market analysis or other documentation supporting your response.

3. 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 municipality within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services?

☐ Yes ☐ No

If yes, please provide a third party market analysis that demonstrates that a majority of the project's customers are expected to come from outside of Oneida County and the project will not directly compete with existing businesses located in Oneida County.

Part V: Facility (Legal Information)

9(a) With respect to the **present owner** of the land or facility, please give the following information and provide a brief statement regarding the status of the acquisition.

(Note: the present owner is not necessarily the user of the facility, but that party which holds legal title to the facility.)

Legal Name:	B240 LLC
Address:	18 Division St. Suite 401
	Saratoga Springs NY 12866
Telephone:	518-992-4406
Balance of Mortgage:	16,281,828
Holder of Mortgage:	Community Bank

If the Applicant is not the present owner of the facility, please attach any written agreements and contracts concerning the acquisition of the real property and/or equipment.

- 9(b)** Is there a legal relationship, directly or indirectly, by virtue of common control or through related persons, between the Applicant and the present owner of the facility?
☐ Yes ☒ No. **If Yes**, please explain.

N/A

- 9(c)** Will a related real estate holding company, partnership or other entity, be involved in the ownership structure of the transaction?
☐ Yes ☒ No. **If Yes**, please explain.

- 9(d)** Will the title owner of the facility/property also be the user of the facility?
☒ Yes ☐ No **If Yes**, please explain.

9(e) Is the Applicant currently a tenant in the facility? ☐ Yes ☒ No

9(f) Are you planning to use the entire proposed facility?
☒ Yes ☐ No

If No, please give the following information with respect to tenant(s) which will remain in the facility after the completion of the project, including the square footage the Applicant will occupy:

<u>Name of Tenant</u>	<u>Floors Occupied</u>	<u>Sq. Ft. Occupied</u>	<u>Nature of Business</u>
Residential Apartments - Tenants TBD			

9(g) Are any of the tenants related to the owner of the facility?
☐ Yes ☒ No **If Yes**, please explain.

9(h) Will there be any other users utilizing the facility?

☒ Yes ☐ No

If Yes, please explain. Provide detail of the contractual arrangement including any financial exchange for the use of the site or property.

Residential Apartment Tenants

Part VI: Equipment

10(a) List the principal items or categories of equipment to be acquired as part of the project. If you are requesting sales tax exemption it is important to be as detailed as possible. (If a complete list is not available at time of application, as soon as one is available but prior to final authorizing resolution, please submit a detailed inventory of said equipment to be covered.) Attach a sheet if needed.

N/A

10(b) Please provide a brief description of any equipment which has already been purchased or ordered, attach all invoices and purchase orders, list amounts paid and dates of expected delivery. Attach a sheet if needed.

N/A

10(c) What is the useful life of the equipment? _____ years

Part VII: Employment Information

"FTE" shall mean a full time employee that has a minimum of thirty-five (35) scheduled hours per week, or any combination of two or more part-time employees that work a minimum of fifteen (15) scheduled hours per week, when combined together, constitute the equivalent of a minimum of thirty-five (35) scheduled hours per week, and whose workplace location is the project facility. For this purpose an employee shall include a leased employee regularly retained by the company.

11(a) Estimate how many construction jobs will be created or retained as a result of this project.

20

11(b) 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 **If Yes**, explain below.

Construction employment and management company employment

11(c) Have you experienced any employment changes (+ or -) in the last three (3) years?

☐ Yes ☒ No **If Yes**, explain below.

11(d) Job Information related to project ***

Estimate below how many jobs will be created and retained as a result of this project, if OCIDA assistance is granted. **PLEASE MAKE SURE TOTAL PART-TIME EMPLOYEES ARE TURNED INTO FULL-TIME EQUIVALENTS (FTE) for Line B. - See Pg. 17.**

Number of Jobs BEFORE Project	Location 1	Location 2	Location 3	Location 4	Location 5	
Address in NYS						Total
Full-Time Company	0					0
Full-Time Independent Contractors						0
Full-Time Leased						0
A. Total Full-Time BEFORE	0	0	0	0	0	0
Part-Time Company						0
Part-Time Independent Contractors						0
Part-Time Leased						0
B. Total FTE Part-Timers BEFORE						0
C. Total FTE BEFORE*	0	0	0	0	0	0

*For **Total FTE BEFORE** add full-time employees (line A) plus part-time employees that have been converted to FTE (line B).

	Number of Jobs AFTER Project (within 3 years of project completion)	Location 1	Location 2	Location 3	Location 4	Location 5	Total
	Full-time Company	1					1
	Full-Time Independent Contractors						0
	Full-Time Leased						0
A.	Total Full-Time AFTER	1	0	0	0	0	1
	Part-Time Company	1					1
	Part-Time Independent Contractors						0
	Part-Time Leased						0
B.	Total FTE Part-Timers AFTER						0
C.	Total FTE AFTER *	1	0	0	0	0	1

**For Total FTE AFTER add full-time employees (line A) plus part-time employees that have been converted to FTE (line B).*

	Estimate the number of residents from the Labor Market Area** in which the Project is located that will fill the JOBS CREATED within three years of project completion	Location 1	Location 2	Location 3	Location 4	Location 5	Total
A.	Full-Time	1					1
B.	FTE Part-Timers						0
C.	Total AFTER	1	0	0	0	0	1

**** Labor Market Area includes Oneida, Lewis, Herkimer, and Madison Counties**

Provide Any Notes To Job Information Below

	Retained Jobs		Created Jobs	
SALARY AND BENEFITS	Average Annual Salary per employee	Average Fringe Benefits (as a percentage of wages)	Average Annual Salary per employee	Average Fringe Benefits (as a percentage of wages)
Management	\$	%	\$ 50,000	%
Administrative	\$	%	\$	%
Production	\$	%	\$	%
Independent Contractor	\$	%	\$	%
Other	\$	%	\$	%
Overall Weighted Average	\$	%	\$ 50,000	%

*** By statute, Agency staff must project the number of Full-Time Jobs that would be retained and created if the request for Financial Assistance is granted. "FTE" shall mean a full time employee that has a minimum of thirty-five (35) scheduled hours per week, or any combination of two or more part-time employees that work a minimum of fifteen (15) scheduled hours per week, when combined together, constitute the equivalent of a minimum of thirty-five (35) scheduled hours per week, and whose workplace location is the project facility. For this purpose an employee shall include a leased employee regularly retained by the company.

11(e) Please list NAICS codes for the jobs affiliated with this project:

531311
561210

Part VIII: Estimated Project Cost and Financing

12(a) List the costs necessary for preparing the facility.

LAND Acquisition	\$	50,000	(If lease value use OTHER below)
Existing Building(s) ACQUISITION	\$	0	
Existing Building(s) RENOVATION	\$	0	
NEW Building(s) CONSTRUCTION	\$	6,023,680	
Site preparation/parking lot construction	\$	444,320	
Machinery & Equipment that is TAXABLE	\$		
Machinery & Equipment that is TAX-EXEMPT	\$		
Furniture & Fixtures	\$		
Installation costs	\$		
Architectural & Engineering	\$	213,500	
Legal Fees (applicant, IDA, bank, other counsel)	\$	24,500	
Financial (all costs related to project financing)*	\$	358,000	
Permits (describe below)	\$	6,500	
Other (describe below) ie: solar decommissioning expense)	\$	278,000	

Other:

Cost:

Subtotal \$ 7,398,500

1.	Soft Costs	\$ 278,000
2.		
3.		
4.		
5.		

Agency Fee¹ \$ 36,993

Total Project Cost \$ 7,435,493

* **Bank fees, title insurance, appraisals, environmental reviews, etc.**

¹ **See Attached Fee Schedule (Page 22) for Agency Fee amount to be placed on this line.**

Permit/Other Information

12(b) Has the Applicant contacted any bank, financial institution or private investor with respect to financing the proposed project? ☒ Yes ☐ No **If Yes**, please provide details below.

Community Bank; equity investor has been identified (Same as Phase 1,2,and 3)

12(c) Has the Applicant received a commitment letter for said financing? **If Yes**, please provide a copy along with this application. ☐ Yes ☒ No

12(d) Sources of Funds for Project Costs

Bank Financing: ----- \$ 5,418,600

Equity (excluding equity that is attributed to grants/tax credits) -- \$ 1,806,200

Tax Exempt Bond Issuance (if applicable) ----- \$ 0

Taxable Bond Issuance (if applicable) ----- \$ 0

Public Sources (Include sum total of all state and federal tax credits and grants) Break out individually below.----- \$ 210,692

Identify each Public state and federal grant/credit:

Comments:

Source	Sales Tax Abatement	\$	169,785	
Source	Mortgage Tax Abatement	\$	40,907	
Source		\$		
Source		\$		

Total Sources of Funds for Project Costs: \$ 7,435,492

Part IX: Real Estate Taxes

13(a) For each tax parcel which comprises the facility, and for which assistance is being sought, please provide the following information using figures from the most recent tax year. If an increase in the assessment is anticipated due to the proposed project, please indicate the new estimated assessment amount in the **POST- PROJECT** column. Attach copies of the most recent tax bills for all jurisdictions.

Tax Map Parcel #	Current <u>Land</u> Assessment	Current <u>Building</u> Assessment	Current <u>Total</u> Assessment	Current <u>Total Taxes</u> Amount (\$)	Estimated <u>Post-Project</u> Assessment
224.000-1-14.4 (Phase 2 Parcel)	\$ 465,800	\$ 3,028,200	\$ 3,494,000	\$ 43,888	
224.000-1-14.4 (Phase 5 Buildings going on Phase 2 Parcel)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,579,200

13(b) Will the entirety of each tax parcel be subject to the PILOT? ☐ YES ☒ NO

13(c) If the entirety of each parcel will not be subject to the PILOT, will the municipality require a subdivision? ☐ YES ☒ NO

***If a subdivision is required, it is the responsibility of the Applicant to complete subdivision approval prior to commencement of the PILOT Agreement, and to provide the Agency with the tax parcel number(s) assigned.**

13(d) Address of Receiver of Town and/or Village Taxes (include all jurisdictions):

Rome City Hall

198 N. Washington St

Rome NY 13440

13(e) Address of Receiver of School Taxes:

Rome City School District

409 Bell Rd

Rome NY 13440

13(f) Has the current property owner or user been granted an Ag-District exemption on the tax map parcel anytime during the past 4 years?

☐

Yes

☒

No

If **Yes** explain below.

13(g) Please consult with Agency staff to complete a Cost/Benefit Analysis form to attach to this Application.

Use space below for additional information

fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

13. The Applicant acknowledges receipt of notice from the Agency pursuant to Section 224-a(8)(d) of the New York Labor Law that the estimated mortgage recording tax exemption benefit amount, the estimated sales and use tax exemption benefit amount, and the estimated real property tax abatement benefit amount as so identified within this Application are "public funds" and not otherwise excluded under Section 224-a(3) of the New York Labor Law. Applicant further acknowledges and understands that it has certain obligations as related thereto pursuant to Section 224-a(8)a) of the New York Labor Law.

STATE OF NEW YORK)
COUNTY OF ONEIDA) ss.:

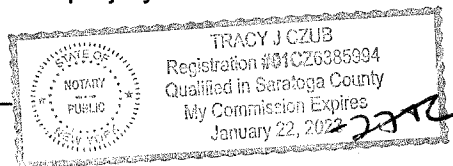
Saratoga
Albio Boracow Jr., being first duly sworn, deposes and says:

1. That I am the member (Corporate Office) of B240 LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury
this 21 day of September, 2025.

(Notary Public)



If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By: (Signature)

Print Name: Amber Mathias

Title: Director of Project Dev

Date: 9/26/25

Please submit the signed and notarized completed application along with payment of a non-refundable \$500 Application Fee and a \$1,000 Commitment Fee (will be applied to final closing costs) to the Oneida County Industrial Development Agency, 584 Phoenix Drive, Rome NY 13441-1405, within 14 days prior to the OCIDA Board of Directors meeting at which you want the Application to be included on the Agenda. Wire transfer and ACH payments are acceptable but all related fees incurred by the Agency are payable by the Applicant. It is advised that an electronic version of the application accompany the original application via hard copy or e-mail. An electronic version of the application must accompany the original application via physical media or e-mail.



APPLICATION FOR FINANCIAL ASSISTANCE

Housing Project

ADDENDUM

Please complete this addendum and submit Pages 1-2, including any required supplemental information requested, along with the Standard OCIDA Application for Financial Assistance

Housing Project Questionnaire

Complete the following questions only if your project is a Housing Project. Please reference the Oneida County Industrial Development Agency Uniform Tax Exemption and Agency Benefits Policy Market Rate Rental Housing Development Initiatives. (Add additional pages as needed).

1(a) Describe the housing project to be constructed or renovated in detail (type of housing, number of units, etc.):

This residential rental housing project will feature two newly constructed buildings. Building One will be +/- 12,460 SF and include 20 residential studio units. Building Two will be +/- 17,330 square feet, and contain 28 residential studios. Both buildings will be two stories. Each unit will be direct access; the ground floor units will have their own individual exterior entrances, while second-floor units will be accessed via a shared interior walk-up staircase, with each stairwell serving two units.

1(b) Describe how you will change the current use of the facility or property being utilized for the project. To assist the IDA in their determination of an eligible vacant urban infill site project please provide an extensive explanation as well as photos of what is being removed or replaced with the new construction.

Currently the site that these buildings will be placed on is an under utilized parking area that serves Phase 2&3 at Air City Lofts. We will be attending the October Planning Board meeting to request approval on a site plan revision to add the additional density for these two buildings. We will be revising our site plan to re route the current drive lane that these two buildings will be placed on to an existing drive lane in front of these two new buildings.

1(c) Will the project have any impact on the existing infrastructure or upgrades to the current infrastructure (water, sewer, electrical, gas, etc.)? If yes please provide detail and who you are working with at the applicable organization.

The new buildings will be serviced by National Grid for electric. We are currently working with Richard Alfonseca from National Grid to determine the best path to pull adequate power from. We will tie into existing City utilities for water and sewer.
We are currently working with the LA Group, a local landscape architecture and engineering firm to solidify the site plan and how we will tie into utilities. Our general contractor is Bonacio Construction.

1(d) If your project is a multi-use facility please provide details of the project, project square footage breakdown of non-housing to housing usage, detail the job creation and retention associated with the non-housing component.

This project will be for residential use only. Bonacio Management will be the property manager as they are the current PM for Air City Lofts. Bonacio Management currently has 6 employees for Air City Lofts. They expect to hire an additional 1-2 employees to service this project. During construction, Bonacio Construction will have an estimated 30-40 jobs created to help complete the construction scope.

1(e) Does the project provide a community benefit? If yes provide detail substantiating (reference the IDA policy).

This project will help expand housing availability by providing 48 new rental studios in Rome, addressing a growing demand for modern, efficient housing options. By introducing new construction, the development diversifies the local housing stock, supports workforce housing needs, and helps attract and retain residents who want to live, work, and invest in the community. New residents will bring additional spending power to local businesses, supporting the City of Rome's economic development goals and strengthening the community tax base over the long term.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

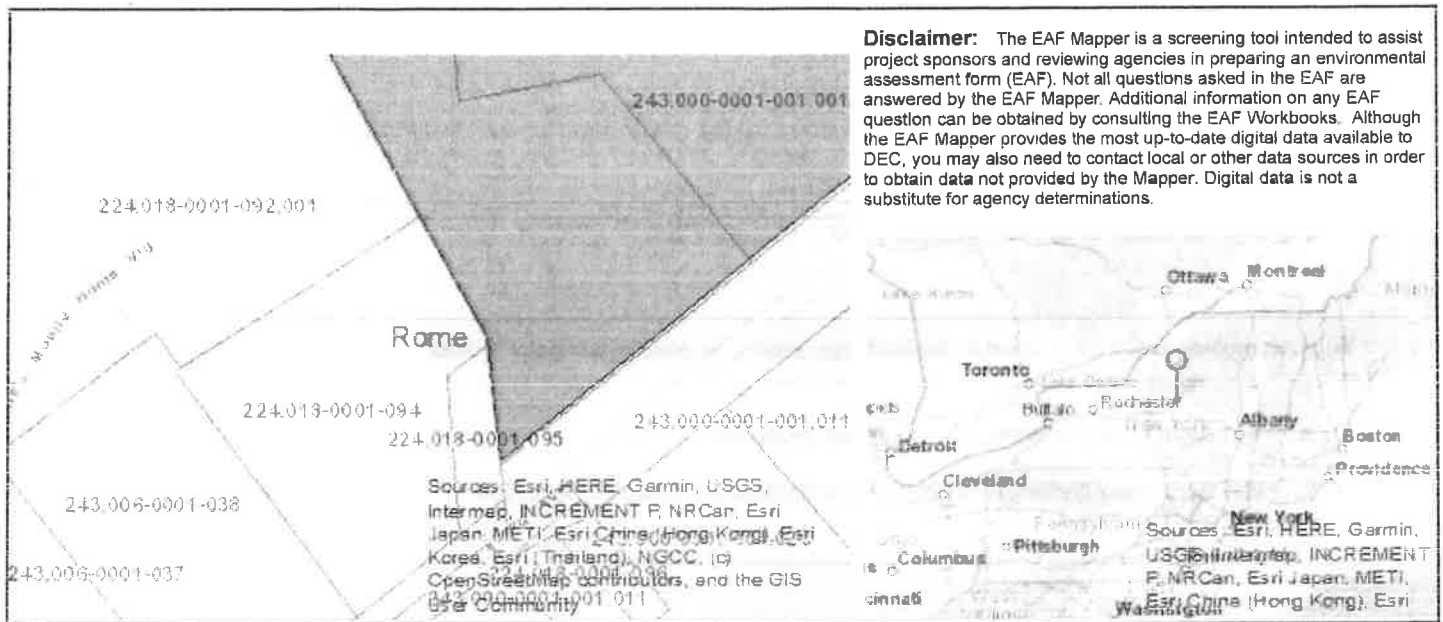
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Air City Lofts (Phases 2-4)			
Project Location (describe, and attach a location map): Previous Building 240 Site at Griffiss Business and Technology Park, Rome, NY			
Brief Description of Proposed Action: Development of three (3) phases of multi-story multi-use buildings including commercial, office and residential uses, associated parking, pedestrian amenities and infrastructure. There are 6 proposed buildings in the three phases. Site Plan application is being filed simultaneously with GLDC's application for Subdivision. In order to avoid segmentation, the SEQRR coordinated review will be performed for the entire project, including subdivision, during the Site Plan Review process.			
Name of Applicant or Sponsor: B240, LLC		Telephone: 518-584-9007 E-Mail: kate@bonacio.com	
Address: 18 Division Street, Suite 401			
City/PO: Saratoga Springs		State: NY	Zip Code: 12866
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Oneida County Industrial Development Agency, City of Rome Planning Board, Oneida County Planning Board		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		~15.25 acres	
b. Total acreage to be physically disturbed?		~15 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		~15.25 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): NYS Route 825			
☐ Parkland			

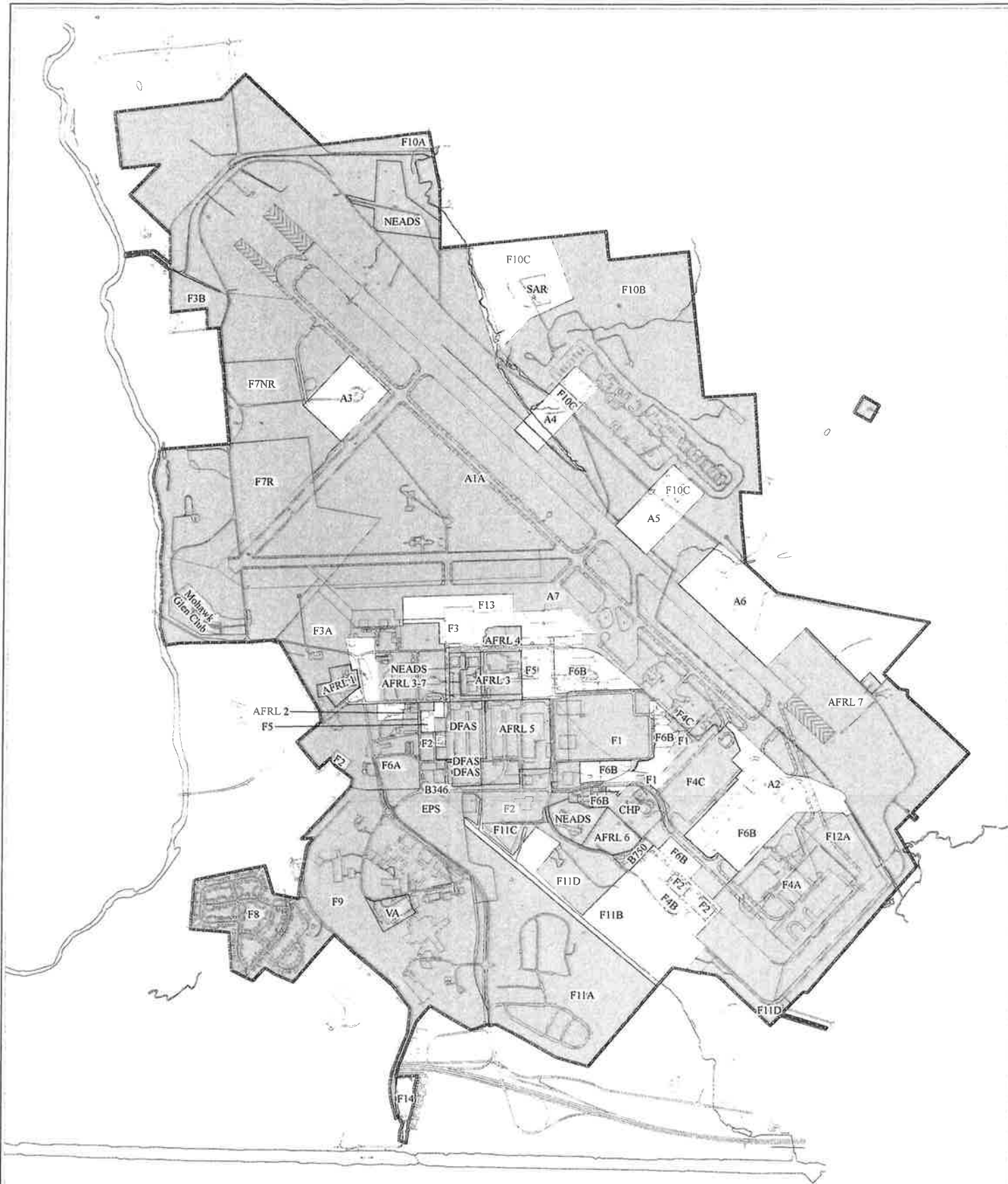
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☐	YES ☒
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☒
NYSDEC has provided an environmental clearance for the property and the deed restrictions were lifted. Please see attached supplemental information.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Alfred Benacio, Jr.</u> Date: <u>4/2/2020</u>		
Signature: <u>[Signature]</u> Title: <u>member</u>		

PRINT FORM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



Base Location

Key to Features
 Base Boundary
 Culvert/Storm Drain
 Surface Water
 Deleted from NPL
 Remaining on NPL
 Government Retained Parcels
 (Deisting Not Requested)

NATIONAL PRIORITIES LIST STATUS



UNITED STATES AIR FORCE
GRIFFISS AIR FORCE BASE
ROME, NEW YORK



20 March 2009

FPM group

Project: B240 Site Plan Phase II-IV

Date: 6/3/2020

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

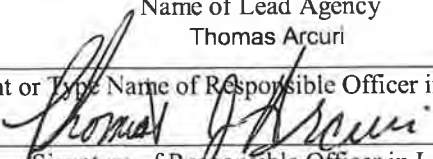
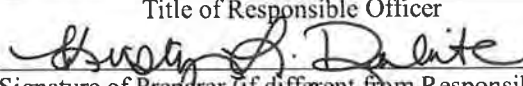
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

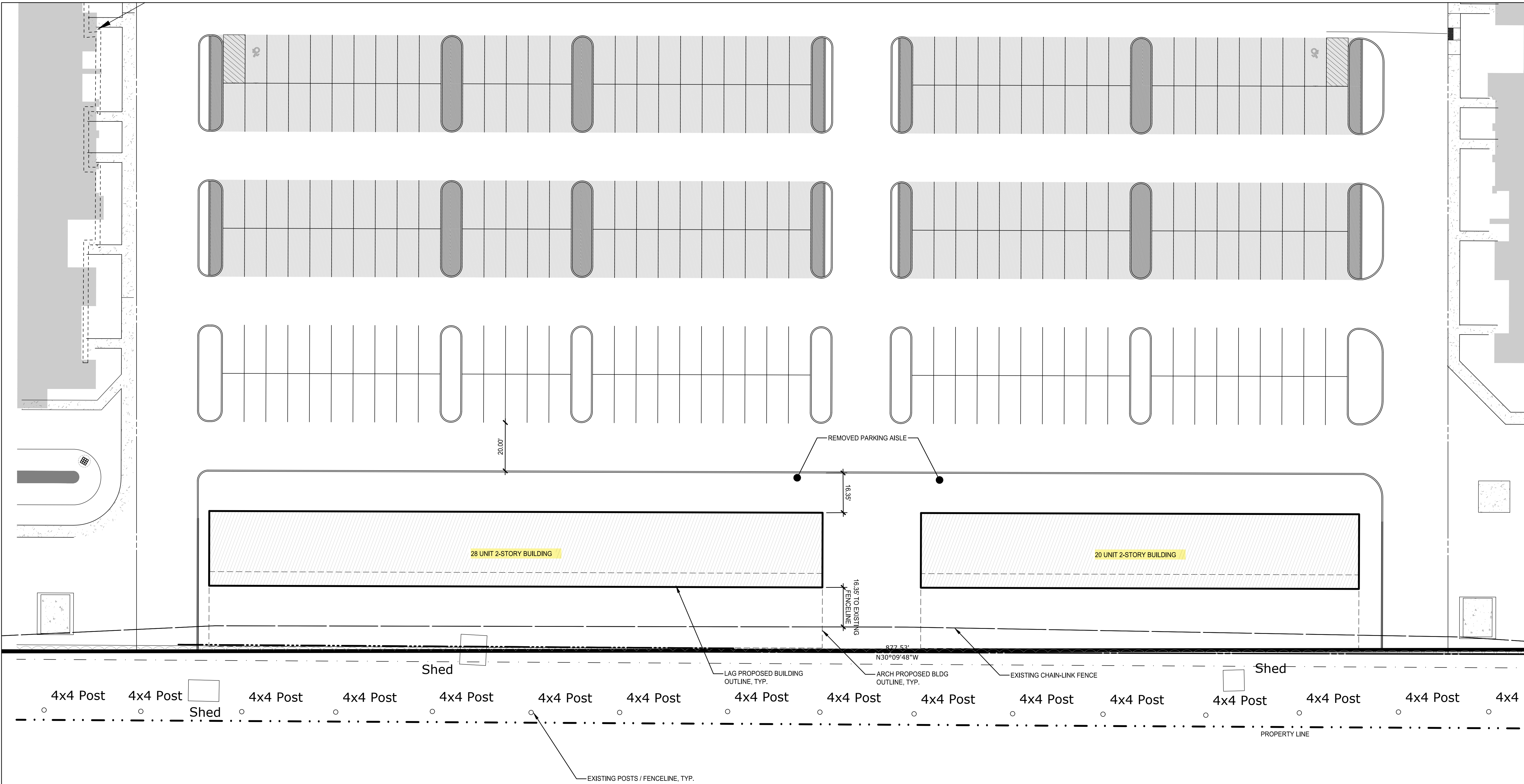
Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

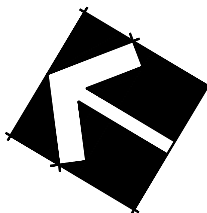
The B240 Site Plan Review for Phase II-IV includes development of three phases of multi-story multi-use buildings including commercial, office and residential uses, associated parking, pedestrian amenities and infrastructure. There are a total of six buildings in the three phases. This project is located in the Griffiss Business and Technology Park and is proposed on an approximate 15.25 acre vacant parcel.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
City of Rome Planning Board	June 3, 2020
Name of Lead Agency Thomas Arcuri	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
 Signature of Responsible Officer in Lead Agency	 Signature of Preparer (if different from Responsible Officer)



LEGEND

- PROPERTY LINE
- CHAIN LINK FENCE
- LAG BUILDING
- ARCH BUILDING



Unauthorized alteration or addition to this document is a violation of Section 7209 of the New York State Education Law.
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Prepared for:
Client Name
Address (line 1)
Address (line 2)

Project Title:
Project Title (line 1)
Project Title (line 2)
Project Title (line 3)
Address (line 1)
Address (line 2)

Project No.: 2017XXX
Design: MCB
Drawn: JTM Ch'k'd: MTB
Date: 09/XX/2025 Scale: 1"=20'

Rev:	Description:	Date:

Drawing Title
CONCEPT B

Drawing No.
L-2.0

**Oneida County Industrial Development Agency Uniform Tax Exemption and
Agency Benefits Policy Market Rate Rental Housing Development Initiatives
(Effective March 1, 2015 and revised on April 20, 2018)**

1. Criteria:

OCIDA will entertain applications for assistance that fall within the following criteria, using the following 100 point scoring system for each application received:

Criteria	Description of Criteria	Possible Points	Score
Adaptive Reuse Projects	Projects that propose a change in use to an existing building (e.g., reuse of vacant or underutilized facility) or propose development on a vacant urban infill site ² that is being repurposed or redeveloped for an eligible housing project.	25	25
Eligible Area Locations	Projects located within Eligible Areas (see attached map) that have a minimum of 5 units in a renovation or conversion of a building and 24 units for new construction, except for urban infill development projects where the IDA will entertain applications for projects located on a vacant urban infill site that has less than 24 units of eligible housing.	20	20
Utilizes Existing Infrastructure	Projects that <i>utilize existing infrastructure</i> (i.e. utilizing both existing sewer and water services and do not require system expansion. Modernizations, such as replacing existing pipes where service is already provided, are viewed favorably).	20	20
Community Benefits	Projects that create other benefits that inure to the benefit of the community that may include: rebuilding community infrastructure, pays sewer credits, creates or contributes to a community amenity, dedicates land to a municipality for a public improvement which benefits health and safety, removes slums and blighting influences (e.g., demolition or supports in-fill development within a neighborhood, commercial corridor, downtown, or main street area), provides an environmental enhancement (e.g., flooding wetlands creation/restoration, is part of a Brownfield, utilizes federal/state historic tax credit programs, provides mixed income rental units to support workforce housing, or provides other benefits deemed important and relevant by OCIDA.	5	5

² Urban infill site would include infill rental housing being constructed on vacant or underutilized property.

B240 LLC- Phase 5

Green Projects	(1) Projects to be constructed on a New York State or federal defined Brownfield, such as a site designated as a federal or state Superfund site; a participant in the State Voluntary Cleanup Program; a former, verified Manufacturing Gas Plant, or within a Brownfield Opportunity Area; or (2) Projects whose plans qualify for a LEED Certification from the US Green Building Council (final certification required prior to commencement of the PILOT Agreement); or (3) Projects that incorporate geothermal technologies that are projected to make a significant impact on the stability, reliability and resilience of the grid. The physical geothermal plant providing energy to the Project must be located within Oneida County, turned on and connected to the grid, the energy generated must provide at least fifty percent (50%) of the energy needs for the Project, and more than fifty percent (50%) of the energy generated must be used in Oneida County.	10	10
Mixed Use Dev. Projects	Projects that are mixed use development with housing being at least –50% or more of a building’s total area and the project induces job growth (mixed use development project proposes direct job creation with non-residential uses). To reach 20 points, must create at least 2 FTEs.	20	0
Total Points:		100	80

2. Scoring of Housing Applications:

OCIDA shall use this scoring system to determine the level of Agency benefits:

- Tier 1 Benefits: projects that score at least 60 points may receive abatement of real property taxes, exemptions from sales taxes and exemptions from mortgage recording taxes
- Tier 2 Benefits: projects that score between 50 to 59 points may receive abatement of real property taxes, exemptions from sales taxes and exemptions from mortgage recording taxes
- Tier 3 Benefits: projects that score 40 to 49 points may receive exemptions from sales taxes and exemptions from mortgage recording taxes (not eligible for abatement of real property taxes)

Term of PILOT Exemption Schedule	Tier 1 – PILOT Exemption Schedule	Tier 2 – PILOT Exemption Schedule
1	100%	75%
2	100%	75%
3	100%	75%
4	100%	75%
5	75%	50%
6	50%	25%
7	50%	
8	25%	
9	10%	
10	10%	

Applicants will pay 100% of all taxes due and owed until a Certificate of Occupancy is issued for a project, and then the first exemption year in the schedule will begin effective the first taxable status date after a Certificate of Occupancy is issued.

PILOT Value Calculations - Applicant Prepared

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY - ACL Phase 5 (Efficiency Studios)

48 Residential Rental Units - TIER 1 PILOT

PILOT Year	CALENDAR YEAR:	PILOT Schedule Assessed Valuation	Abatement Schedule for Added Value	Estimated Full Taxes with No PILOT	Estimated Total PILOT Payments	Tax Rate (3% above current rate 2025 & 1.5% annual increase)
Year 1	2027	\$1,579,200.06	100%	\$ 109,947.30	\$0.00	\$ 69.62
Year 2	2028	\$1,579,200.06	100%	\$ 111,596.51	\$0.00	\$ 70.67
Year 3	2029	\$1,579,200.06	100%	\$ 113,270.46	\$0.00	\$ 71.73
Year 4	2030	\$1,579,200.06	100%	\$ 114,969.51	\$0.00	\$ 72.80
Year 5	2031	\$1,579,200.06	75%	\$ 116,694.05	\$ 29,173.51	\$ 73.89
Year 6	2032	\$1,579,200.06	50%	\$ 118,444.47	\$ 59,222.23	\$ 75.00
Year 7	2033	\$1,579,200.06	50%	\$ 120,221.13	\$ 60,110.57	\$ 76.13
Year 8	2034	\$1,579,200.06	25%	\$ 122,024.45	\$ 91,518.34	\$ 77.27
Year 9	2035	\$1,579,200.06	10%	\$ 123,854.82	\$ 111,469.33	\$ 78.43
Year 10	2036	\$1,579,200.06	10%	\$ 125,712.64	\$ 113,141.37	\$ 79.61
Year 11	2037	\$1,634,400.06	100%	\$ 132,058.45	\$ 132,058.45	\$ 80.80
Totals Year 1-10				\$ 1,176,735.33	\$464,635.36	
Total PILOT Payments		\$ 464,635.36				
Full Taxes no PILOT		\$ 1,176,735.33				
Estimated Real Estate Tax Savings		\$ 712,099.97				
Estimated Mortgages Tax Savings		\$ 40,907.45				
Estimated Sales Tax Savings		\$ 169,785.00				
Estimated Financial Assistance		\$ 922,792.42				
IDA Administrative Fee						

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
COST/BENEFIT ANALYSIS
Required by §859-a(3) of the
New York General Municipal Law

25-Sep-25

Name of Applicant:

B240 LLC

Description of Project:

18 Division St. Saratoga Springs, NY 12866

Two, two-story apartment buildings

Phase 5 (on Phase 2 excess parking spaces)

Name of All Sublessees or Other Occupants of Facility:

Principals or Parent of Applicant:

Alfio Bonacio Jr.

Products or Services of Applicant to be produced or carried out at facility:

Market rate apartments-48 total

Estimated Date of Completion of Project:

Nov-25

Type of Financing/ Structure:

Tax-Exempt Financing

Taxable Financing

X Sale/ Leaseback

Other

Type of Benefits being Sought by Applicant:

Taxable Financing

Tax-Exempt Bonds

X Sales Tax Exemption on Eligible Expenses Until Completion

X Mortgage Recording Tax Abatement

X Real Property Tax Abatement

C

Project Costs

Land Acquisition	\$ 50,000
Existing Building(s) ACQUISITION	\$ -
Existing Building(S) RENOVATION	\$ -
NEW Building(s) CONSTRUCTION	\$ 6,023,680
Installation Costs	\$ -
Site Preparation/Parking Lot Construction	\$ 444,320
Machinery & Equipment (other than furniture)	\$ -
Furniture & Fixtures	\$ -
Architectural & Engineering	\$ 213,500
Legal Fees (applicant, IDA, bank, other counsel)	\$ 24,500
Financial (all costs related to project financing)	\$ 358,000
Permits	\$ 6,500
Other	\$ 278,000
Agency Fee	\$ 36,993
TOTAL COST OF PROJECT	\$ 7,435,493

see application

Assistance Provided by the Following:

EDGE Loan:	
MVEDD Loan:	
Grants - Please indicate source & Amount:	\$ -
Other Loans - Please indicate source & Amount:	

Company Information

Existing Jobs

Created Jobs FTE (over three years)

Retained Jobs

0
1
0

Average Salary of these Positions

\$	-
\$	50,000
\$	-

Earnings Information for Oneida County

Average Salary of Direct Jobs for Applicant

Average of County Indirect Jobs

Average of Construction Jobs

\$	50,000
\$	25,000
\$	32,000

Note: \$1,000,000 in construction expenditures generates 15 person - years of employment

Construction Person Years of Employment:

32

Calculation of Benefits (3 Year Period)

		Total Earnings	Revenues
Direct Jobs	Created	\$ 150,000	\$ 6,375
	Existing	\$ -	\$ -
Indirect Jobs	Created	\$ 187,500	\$ 7,969
	Existing	0	0
Construction - only one year	Person Years	\$ 1,034,880	\$ 43,982
TOTALS Calculation of Benefits (3 Yr Period)		\$ 1,372,380	\$ 58,326

TAXABLE GOODS & SERVICES

		Spending Rate	Expenditures	State & Local Sales Tax Revenues
Direct Jobs	Created	36%	\$ 54,000	\$ 5,265
	Existing	0.36	\$ -	\$ -
Indirect Jobs	Created	0.36	\$ 67,500	\$ 6,581
	Existing	0.36	\$ -	\$ -
Construction - only one year	Person Years	0.36	\$ 372,557	\$ 36,324
TOTAL TAXABLE GOODS & SERVICES			\$ 494,057	\$ 48,171

Local (3 year) real property tax benefit (assuming 60% of jobs existing and created own a residence) with an average assessment of \$80,000 and the remainder of jobs existing created pay real property taxes through rent based on an average assessment per apartment of \$50,000.

Tax Rate for School District where facility is located:	36.0123	Municipality	
Tax Rate for Municipality where facility is located:	20.75	Rome	25-26
Tax Rate for County:	10.0699	Rome	2025
	66.8322	Oneida	2025
Total Rate:	66.8322		
Real Property Taxes Paid:	\$ 4,545		

COSTS: IDA BENEFITS

Real Property Taxes Abatement	\$ 712,100	Tier 1 Housing
Mortgage Tax Abated (.75%)	\$ 40,907	
Estimated Sales Tax Abated During Construction Period (8.75%)	\$ 169,785	
Total:	\$ 922,792	

NOTE: If there is a tax-exempt financing of all or a portion of the project cost, there is a neutral cost/benefit because of lower interest rates by reason of exclusion of interest from gross income of bondholders for purposes of Federal and State income taxes. Taxable financing carries the same cost/benefit for State Income Tax purposes. Such cost/benefits cannot be quantified.

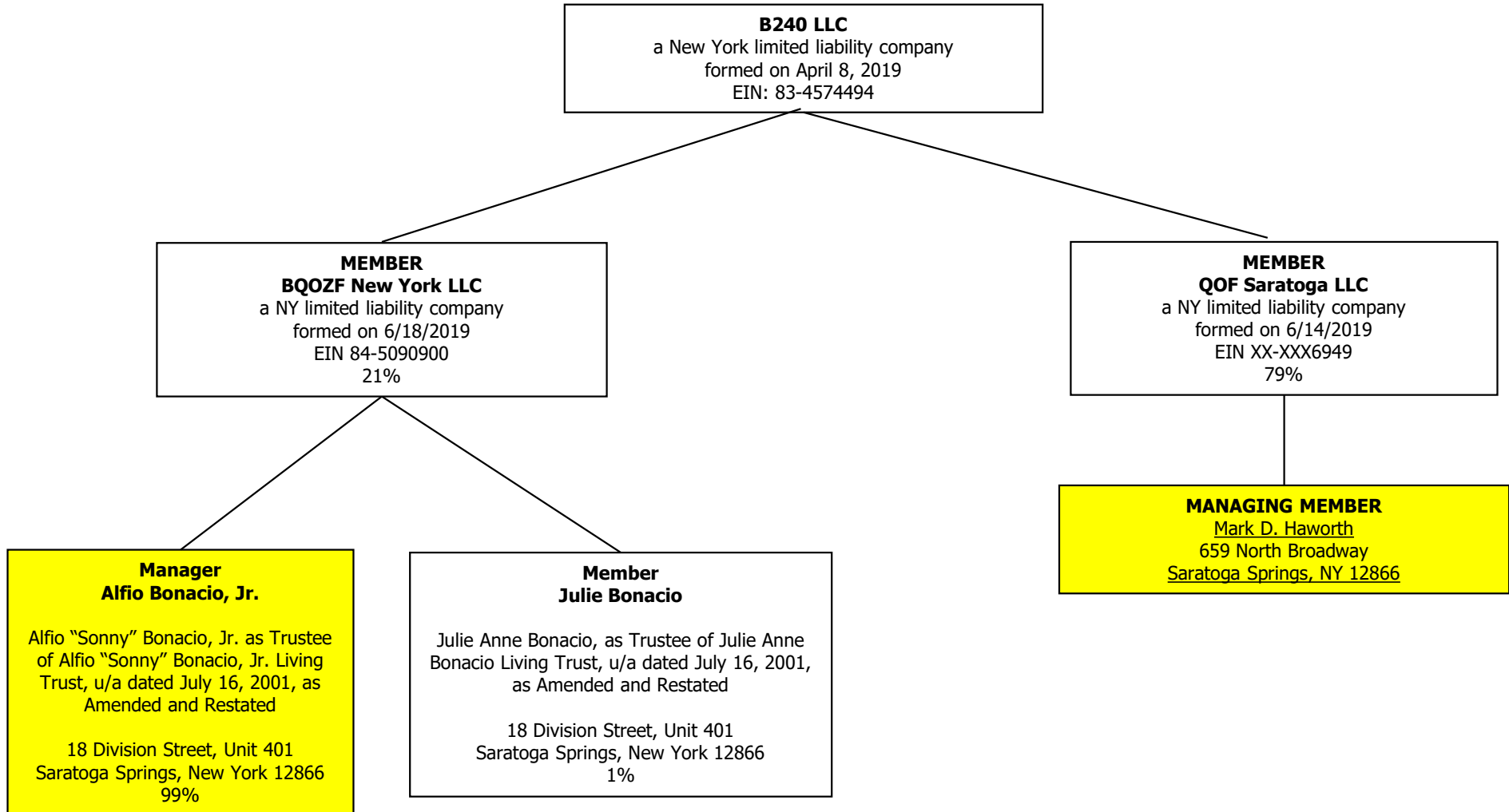
7/1/2024

B240 LLC

Entities/Individuals in yellow
have the ability to exercise control

CONFIDENTIAL

OWNERSHIP



**Inducement Resolution
B240 LLC (Air City Lofts Phase 5) Facility**

RESOLUTION OF THE ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY TAKING OFFICIAL ACTION TOWARD APPOINTING B240 LLC, THE PRINCIPALS OF B240 LLC, AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF ANY OF THE FOREGOING AS AGENT OF THE AGENCY IN CONNECTION WITH A LEASE-LEASEBACK TRANSACTION, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AGREEMENT AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE AIR CITY LOFTS (PHASE 5) PROJECT.

WHEREAS, B240 LLC, on behalf of itself and/or the principals of B240 LLC, and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the “Company”) has applied to the Oneida County Industrial Development Agency (the “Agency”) to enter into a transaction in which the Agency will assist in Phase 5 of a multi-phased mixed-use community, which Phase 5 consists of construction of two buildings comprised of 48 market rate studio apartments together with infrastructure to service the same (collectively, the “Improvements”) situated on a _____± acre portion of a 6.655± acre parcel of land located at 129 and 143 Air City Boulevard, Griffiss Business and Technology Park, City of Rome, Oneida County, New York (the “Land”), and acquisition and installation of equipment in the Improvements (the “Equipment”), all for the purpose of providing housing within the community for existing and future employees of the Griffiss Business and Technology Park and surrounding employers, and to enhance talent recruitment and economic development in the region (the Land, the Improvements and the Equipment are referred to collectively as the “Facility” and the construction and equipping of the Improvements is referred to as the “Project”); and

WHEREAS, the Company leases the Land to the Agency (together with the existing improvements situated thereon, the “Phase 2 Facility”) pursuant to a Lease Agreement dated as of December 8, 2020 (the “Phase 2 Lease Agreement”), and the Agency leases the Phase 2 Facility back to the Company pursuant to a Leaseback Agreement dated as of December 8, 2020 (the “Phase 2 Leaseback Agreement”); and

WHEREAS, the Company will lease the Facility to the Agency, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 372 of the Laws of 1970 of the State of New York, as may be amended from time to time (collectively, the “Act”) and the Agency will lease the Facility back to the Company pursuant to a Leaseback Agreement (the “Leaseback Agreement”); and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the County of Oneida has released a study dated March 21, 2025 entitled, *Oneida County, NY Housing Market Inventory, Assessment and Strategy* (the “County Housing Study”), in which it identifies certain types of housing that need to be filled to meet the demands of changing population and workplace demographics within Oneida County; and

WHEREAS, representations made by the Company in its Application for Financial Assistance dated September 12, 2025 (the “Application”) support the finding that the Project will promote employment opportunities and prevent economic deterioration in the area served by the Agency by filling the demand for market rate housing units described in the County Housing Study and providing quality housing for employers to attract a quality workforce to the region and specifically to Griffiss Business and Technology Park; and

WHEREAS, after reviewing the criteria described in the Housing Policy, the Agency has determined that the Project achieves a score of 80 points and qualifies for financial assistance in the form of reduction of real property taxes for a period of ten (10) years, exemptions from mortgage recording taxes, and exemptions from sales tax on materials and equipment acquired and installed in connection with the Project, which financial assistance is consistent with the Tier 1 benefits described in the Housing Policy, to be more particularly described in a Final Authorizing Resolution to be adopted by the Agency prior to the closing of the transactions described herein; and

WHEREAS, based upon representations made by the Company in the Application, the value of the Financial Assistance is described as follows:

- Sales and use tax exemption (valued at \$169,785)
- Mortgage recording tax exemption (valued at \$40,907)
- Real property tax abatement (value estimated at \$712,100)

WHEREAS, attached hereto as **Exhibit A** is the criteria the Agency considered when contemplating the financial assistance for the Project; and

WHEREAS, prior to the closing of a lease-leaseback transaction, and the granting of any tax benefits, a public hearing (the “Hearing”) will be held so that all persons with views in favor of or opposed to either the financial assistance contemplated by the Agency, or the location or nature of the Facility, can be heard; and

WHEREAS, notice of the Hearing will be given prior to the closing of a lease-leaseback transaction, and the granting of any tax benefits, and such notice (together with proof of publication) will be substantially in the form annexed hereto as **Exhibit B**; and

WHEREAS, the minutes of the Hearing are or will be annexed hereto as **Exhibit C**; and

WHEREAS, the Agency has given due consideration to the Application of the Company and to representations by the Company that the proposed lease-leaseback transaction is either an inducement to the Company to maintain and expand the Facility in the County or is necessary to maintain the competitive position of the Company in its industry; and

WHEREAS, the Company has committed to create 1 FTE in Oneida County within three years of completion of the Project, and the Agency will condition the proposed financial assistance on the Company achieving the same and maintaining 1 FTE for the full lease term and completing the Project such that it materially meets the goals described in the Project Scoring Criteria, or be subject to termination or recapture of financial assistance; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, the “SEQR Act” or “SEQRA”), the Agency constitutes a “State Agency”; and

WHEREAS, to aid the Agency in determining whether the Facility may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form and related documents (the “Questionnaire”) with respect to the Facility, a copy of which is on file at the office of the Agency; and

WHEREAS, the City of Rome Planning Board (the “Planning Board”) acted as lead agency for the purposes of SEQRA relating to the Phase 2 Facility and on May 5, 2020 determined the Phase 2 Facility to be an “Unlisted Action” and issued a negative declaration; and

WHEREAS, by letter dated November 5, 2025 the Planning Board confirmed that, upon reviewing the Questionnaire, the Planning Board did not deem it necessary to reopen the environmental review for the Project and the previously issued Negative Declaration remains valid; and

NOW, THEREFORE, BE IT RESOLVED by the Oneida County Industrial Development Agency (a majority of the members thereof affirmatively concurring) that:

- Section 1.
- (a) The acquisition, construction and equipping of the Facility and the Agency's financial assistance therefor, will promote job opportunities, health, general prosperity and the economic welfare of the inhabitants of the County and the people of the State of New York and improve their standard of living, and thereby serve the public purposes of the Act and the same is, therefore, approved.
 - (b) It is desirable and in the public interest for the Agency to enter into a lease-leaseback transaction for the purpose of providing financial assistance for the acquisition, construction and equipping of the Facility, as reflected in the Company's application to the Agency and as amended from time to time prior to the closing of the lease-leaseback transaction.
 - (c) Based upon representations made by the Company in its Application and based upon the County Housing Study, the Agency determines that the Project will promote employment opportunities and prevent economic deterioration in Oneida County by filling the demand for market rate housing units described in the County Housing Study and providing quality housing for employers to attract a quality workforce to the region, and specifically to Griffiss Business and Technology Park.
 - (d) The negative declaration adopted by the Agency on May 15, 2020 remains valid and satisfies the Agency's obligations under SEQRA.

Section 2. The form and substance of a proposed inducement agreement (in substantially the form presented to this meeting) by and between the Agency and the Company setting forth the undertakings of the Agency and the Company with respect to the closing of the lease-leaseback transaction, and the development of the Facility (the "Agreement") is hereby approved. The Chairman of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agreement, with such changes in terms and form as the Chairman shall approve. The execution thereof by the Chairman shall constitute conclusive evidence of such approval.

Section 3. The Agency shall assist the Company in the acquisition, construction and equipping of the Facility and will provide financial assistance with respect thereto subject to (i) obtaining all necessary governmental approvals, (ii) approval of the members of the Company, (iii) approval of the members of the Agency, (iv) agreement by the Agency and the Company upon mutually acceptable terms and conditions for the Leaseback Agreement and other documentation usual and customary to transactions of this

nature, (v) the condition that there are no changes in New York State Law which prohibit or limit the Agency from fulfilling its obligation and commitment as herein set forth to enter into the lease-leaseback transaction and (vi) payment by the Company of the Agency's transaction fee and the fees and disbursements of bond counsel or transaction counsel, more particularly described in the Inducement Agreement.

Section 4.

The Company is herewith and hereby appointed the agent of the Agency to acquire, construct, equip and complete the Facility. The Company is hereby empowered to delegate its status as agent of the Agency to the agents, subagents, contractors, subcontractors, materialmen, suppliers, vendors and such other parties as the Company may choose in order to acquire, construct, equip and complete the Facility. The terms and conditions for the appointment of the Company as agent of the Agency for the purposes described in this resolution are set forth in the form of the attached letter addressed to the Company, marked as **Exhibit D** to this resolution. The form of such letter is incorporated herein by reference and is approved and adopted by the Agency, and the Chairman or Executive Director of the Agency or any other duly authorized official of the Agency are authorized to execute and deliver such letter to the Company upon satisfaction of the conditions described in Section 3 hereof. The Agency hereby appoints the Company, the agents, subagents, contractors, subcontractors, materialmen, vendors and suppliers of the Company as agents of the Agency solely for purposes of making sales or leases of goods, services, and supplies to the Facility, and any such transaction between any agent, subagent, contractor, subcontractor, materialmen, vendor or supplier, and the Company, as agent of the Agency shall be deemed to be on behalf of the Agency and for the benefit of the Facility. The Company shall indemnify the Agency with respect to any transaction of any kind between and among the Company, the agents, subagents, contractors, subcontractors, materialmen, vendors and/or suppliers and the Company, as agent of the Agency.

Section 5.

The Agency is hereby authorized and directed to schedule the Hearing, so that the Agency may receive comments from all interested parties on the financial assistance contemplated by the Agency and the financial assistance requested by the Company.

Section 6.

The law firm of Bond, Schoeneck & King, PLLC is appointed Transaction Counsel in connection with the lease-leaseback transaction.

Section 7. Counsel to the Agency and Transaction Counsel are hereby authorized to work with counsel to the Company and others to prepare, for submission to the Agency, all documents necessary to effect the lease-leaseback transaction.

Section 8. The Chairman of the Agency is hereby authorized and directed (i) to distribute copies of this resolution to the Company and to the affected tax jurisdictions and (ii) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 9. This resolution shall take effect immediately.

STATE OF NEW YORK)
 : ss.:
COUNTY OF ONEIDA)

I, the undersigned Secretary of the Oneida County Industrial Development Agency DO HEREBY CERTIFY THAT:

I have compared the foregoing copy of a resolution of the Oneida County Industrial Development Agency (the "Agency"), with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

Such resolution was passed at a meeting of the Agency duly convened on November 18, 2025 at eight a.m., local time, at Rome, New York which the following members were:

Members Present:

EDGE Staff Present:

Others Present:

The question of the adoption of the foregoing resolution was duly put to vote, which resulted as follows:

and, therefore, the resolution was declared duly adopted.

The Agreement and the Application are in substantially the form presented to and approved at such meeting.

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 103a and 104, (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 on November 18, 2025.

Shawna Papale, Secretary

EXHIBIT A

Criteria for Evaluation of Housing Project

EXHIBIT B
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Oneida County Industrial Development Agency (the "Agency") on the _____ day of November 2025 at _____, local time, at 584 Phoenix Drive, City of Rome, New York in connection with the following matters:

B240, LLC, on behalf of itself and/or the principals of B240, LLC, and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the Oneida County Industrial Development Agency (the "Agency") to enter into a transaction in which the Agency will assist in Phase 5 of a multi-phased mixed-use community, which Phase 5 consists of construction of two buildings comprised of 48 market rate studio apartments together with infrastructure to service the same (collectively, the "Improvements") situated on a _____± acre portion of a 6.655± acre parcel of land located at 129 and 143 Air City Boulevard, Griffiss Business and Technology Park, City of Rome, Oneida County, New York (the "Land"), and acquisition and installation of equipment in the Improvements (the "Equipment"), all for the purpose of providing housing within the community for existing and future employees of the Griffiss Business and Technology Park and surrounding employers, and to enhance talent recruitment and economic development in the region (the Land, the Improvements and the Equipment are referred to collectively as the "Facility" and the construction and equipping of the Improvements is referred to as the "Project"). The Facility will be initially operated and/or managed by the Company.

The Company leases the Land to the Agency (together with the existing improvements situated thereon, the "Phase 2 Facility") pursuant to a Lease Agreement dated as of December 8, 2020 (the "Phase 2 Lease Agreement"), and the Agency leases the Phase 2 Facility back to the Company pursuant to a Leaseback Agreement dated as of December 8, 2020 (the "Phase 2 Leaseback Agreement"). The Company will lease the Facility to the Agency, and the Agency will lease the Facility back to the Company. At the end of the lease term, the Agency will terminate its leasehold interest in the Facility. The Agency has determined that the Project qualifies for Tier 1 financial assistance under the scoring criteria described in its Uniform Tax Exemption Policy (Housing Policy) in the form of exemptions from real property taxes for a period of ten years, exemptions from mortgage recording taxes and exemptions from sales tax on materials and equipment acquired and installed in connection with the Project, which financial assistance is consistent with the Agency's Housing Policy, to be more particularly described in a Final Authorizing Resolution to be adopted by the Agency prior to the closing of the transactions described herein.

A representative of the Agency will at the above-stated time and place hear and accept written comments from all persons with views in favor of or opposed to

either the proposed financial assistance to the Company or the location or nature of the Facility. Comments may also be submitted to the Agency in writing or electronically prior to the Public Hearing. Minutes of the Public Hearing will be transcribed and posted on the Agency's website. A copy of the Application for Financial Assistance filed by the Company with the Agency, including an analysis of the costs and benefits of the proposed Project, is available for public inspection at the offices of the Agency, 584 Phoenix Drive, Rome, New York and on the Agency's website.

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY
By: /s/ Shawna M. Papale, Executive Director

Dated: November __ 2025

EXHIBIT C

MINUTES OF PUBLIC HEARING

Oneida County Industrial Development Agency
2025 Real Estate Lease
B240 LLC (Phase 5) Facility

1. Mark Kaucher, representing the Oneida County Industrial Development Agency (the "Agency"), called the hearing to order at ____ a.m.
2. Mr. Kaucher also recorded the minutes of the hearing.
3. Mr. Kaucher then described the proposed project and related financial assistance as follows:

B240, LLC, on behalf of itself and/or the principals of B240, LLC, and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Company") has applied to the Oneida County Industrial Development Agency (the "Agency") to enter into a transaction in which the Agency will assist in Phase 5 of a multi-phased mixed-use community, which Phase 5 consists of construction of two buildings comprised of 48 market rate studio apartments together with infrastructure to service the same (collectively, the "Improvements") situated on a ____± acre portion of a 6.655± acre parcel of land located at 129 and 143 Air City Boulevard, Griffiss Business and Technology Park, City of Rome, Oneida County, New York (the "Land"), and acquisition and installation of equipment in the Improvements (the "Equipment"), all for the purpose of providing housing within the community for existing and future employees of the Griffiss Business and Technology Park and surrounding employers, and to enhance talent recruitment and economic development in the region (the Land, the Improvements and the Equipment are referred to collectively as the "Facility" and the construction and equipping of the Improvements is referred to as the "Project"). The Facility will be initially operated and/or managed by the Company.

The Company leases the Land to the Agency (together with the existing improvements situated thereon, the "Phase 2 Facility") pursuant to a Lease Agreement dated as of December 8, 2020 (the "Phase 2 Lease Agreement"), and the Agency leases the Phase 2 Facility back to the Company pursuant to a Leaseback Agreement dated as of December 8, 2020 (the "Phase 2 Leaseback Agreement"). The Company will lease the Facility to the Agency, and the Agency will

lease the Facility back to the Company. At the end of the lease term, the Agency will terminate its leasehold interest in the Facility. The Agency has determined that the Project qualifies for Tier 1 financial assistance under the scoring criteria described in its Uniform Tax Exemption Policy (Housing Policy) in the form of exemptions from real property taxes for a period of ten years, exemptions from mortgage recording taxes and exemptions from sales tax on materials and equipment acquired and installed in connection with the Project, which financial assistance is consistent with the Agency's Housing Policy, to be more particularly described in a Final Authorizing Resolution to be adopted by the Agency prior to the closing of the transactions described herein.

4. Mr. Kaucher then opened up the hearing for comments from the floor for or against the proposed financial assistance and the location and nature of the Facility. Below is a listing of the persons heard and a summary of their views.
5. Mr. Kaucher then asked if there were any further comments, and, there being none, the hearing was closed at _____ a.m.

Mark Kaucher

STATE OF NEW YORK)
 : SS.:
COUNTY OF ONEIDA)

I, the undersigned Secretary of the Oneida County Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the foregoing copy of the minutes of a public hearing held by the Oneida County Industrial Development Agency (the "Agency") on November __, 2025 at _____ a.m. local time, at 584 Phoenix Drive, City of Rome, New York, with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of the minutes in connection with such matter.

I FURTHER CERTIFY that (i) pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and Title 1 of Article 18-A of the New York General Municipal Law, said hearing was open to the general public, and public notice of the time and place of said hearing was duly given in accordance with such Section 147(f) and Title 1 of Article 18-A, (ii) the hearing in all respects was duly held, and (iii) members of the public had an opportunity to be heard.

IN WITNESS WHEREOF, I have hereunto set my hand as of _____, 2025.

Secretary

EXHIBIT D

[To be printed on IDA letterhead and delivered to the Company when appropriate]

_____, 2025

B240 LLC
Attn.: Amber Mathias
18 Division Street, Suite 401
Saratoga Springs, New York 12866

RE: *Oneida County Industrial Development Agency Lease-Leaseback Transaction
B240 LLC (Air City Lofts Phase 5) Facility*

Dear Ms. Mathias:

Pursuant to a resolution duly adopted on November 18, 2025, Oneida County Industrial Development Agency (the “Agency”) appointed B240 LLC (the “Company”) its agent in connection with a transaction in which the Agency will assist in Phase 5 of a multi-phased mixed-use community, which Phase 5 consists of construction of two buildings comprised of 48 market rate studio apartments together with infrastructure to service the same (collectively, the “Improvements”) situated on a _____± acre portion of a 6.655± acre parcel of land located at 129 and 143 Air City Boulevard, Griffiss Business and Technology Park, City of Rome, Oneida County, New York (the “Land”), and acquisition and installation of equipment in the Improvements (the “Equipment”), all for the purpose of providing housing within the community for existing and future employees of the Griffiss Business and Technology Park and surrounding employers, and to enhance talent recruitment and economic development in the region (the Land, the Improvements and the Equipment are referred to collectively as the “Facility” and the construction and equipping of the Improvements is referred to as the “Project”). The Company will lease the Facility to the Agency and the Agency will lease the Facility back to the Company pursuant to a Leaseback Agreement.

This appointment includes authority to purchase on behalf of the Agency all materials to be incorporated into and made an integral part of the Facility, and the following activities as they relate to any construction, renovation, equipping and completion of any buildings, whether or not any materials, equipment or supplies described below are incorporated into or become an integral part of such buildings: (i) all purchases, leases, rentals and other uses of tools, machinery and equipment in connection with construction and equipping (ii) all purchases, rentals, uses or consumption of supplies, materials and services of every kind and description used in connection with construction and equipping and (iii) all purchases, leases, rentals and uses of equipment, machinery, and other tangible personal property (including installation costs), installed or placed in, upon or under such building, including all repairs and replacements of such property.

The Agency will appoint the Company as its only direct agent for the Project. The agency appointment includes the power of the Company to delegate such agency appointment, in whole or in part, to agents, subagents, contractors, subcontractors, materialmen, suppliers and vendors of the Company and to such other parties as the Company chooses so long as they are engaged, directly or indirectly, in the activities hereinbefore described. Please advise the Executive Director of the Agency if you wish to appoint a contractor or other subagent, and the Agency will issue an ST-60 to that party.

In exercising this agency appointment, you and each of your properly appointed agents and subagents must claim the sales tax exemption for all purchases by giving your vendors New York State Form ST-123. The supplier or vendor should identify the Facility on each bill or invoice as the **"B240 LLC Phase 5 Facility"** and indicate thereon that the Company, its agents, subagents, contractors and subcontractors acted as agent for the Agency in making the purchase.

You and each of your agents, subagents, contractors and/or subcontractors claiming a sales tax exemption in connection with the Facility must complete a New York State Department of Taxation and Finance Form ST-60. Original copies of each completed Form ST-60 must be delivered to the Agency within five (5) days of the appointment of each of your agents, subagents, contractors or subcontractors. Any agent, subagent, contractor or subcontractors of the Company which delivers completed Form ST-60 to the Agency will be deemed to be the agent, subagent, contractor or subcontractor of the Agency for purposes of renovating and equipping the Facility, and shall only then be authorized to use Form ST-123 as described above. Failure to comply with these requirements may result in loss of sales tax exemptions for the Facility.

It is important to note that contractors and subcontractors who have not been appointed subagent cannot use the sales tax exemption for equipment rental, tools, supplies and other items that do not become part of the finished project. Contractors and subcontractors must be appointed as agent or sub-agent of the Agency to use the Agency sales tax exemption for these purchases. Contractors and

subcontractors who have not been appointed a subagent and are making purchases that would otherwise be exempt outside of the Agency's interest in the Facility must claim the sales tax exemption for renovation materials by giving their vendors a completed "Contractor Exempt Purchase Certificate" (Form ST-120.1) checking box (a).

The aforesaid appointment of the Company as agent of the Agency to renovate and equip the Facility shall expire at the earlier of (a) the completion of such activities and improvements, or (b) November 18, 2026, provided, however, such appointment may be extended at the discretion of the Agency, upon the written request of the Company if such activities and improvements are not completed by such time, and further provided that the Agency shall not unreasonably withhold its consent to the extension of such appointment.

Based upon representations made by the Company, the value of the sales tax to be abated relating to the construction and equipping of the Facility is estimated at \$169,785; the value of sales tax exemptions currently authorized by the Agency is not to exceed \$169,785. The Agency is required by law to recapture any New York State sales tax exemptions claimed by the Company (a) that exceed \$100,000.00 for purchases made between November 18, 2025 and _____, 2025, the date of the public hearing or (b) that exceed \$169,785 for purchases made relating to the Project in the aggregate.

You should be aware that the New York State General Municipal Law requires you to file an Annual Statement (Form ST-340) with the New York State Department of Taxation and Finance regarding the value of sales tax exemptions you, your agents, consultants or subcontractors have claimed pursuant to the authority we have conferred on you with respect to the Project. We are providing a form of a worksheet for you to track all exempt purchases made in completing the Project, using Forms ST-123 or Form ST-120.1. Please provide the Agency with a copy of Form ST-340 along with your annual report to the Agency and this worksheet. The penalty for failure to file such statement, or to provide a copy to the Agency, is the removal of your authority to act as an agent.

If, for some reason, this transaction never closes, you will be liable for payment of the sales tax, if applicable and you are not otherwise exempt, on all materials purchased.

Please sign and return a copy of this letter for our files. The Agency will issue and deliver Form ST-60 to you upon receipt of this signed agency appointment letter. The Agency reserves the right to issue a revised agency appointment letter with respect to the process for utilizing and reporting exemptions hereunder.

Very truly yours,

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

- 3 -

By: _____
Name:
Title:

ACCEPTED & AGREED:

B240 LLC

By: _____
Name:
Title:

B240 LLC
18 Division Street Suite 401
Saratoga Springs, New York 12866

November 12th, 2025

Ms. Shawna Papale
Oneida County Industrial Development Agency
584 Phoenix Drive
Rome, New York 13441

Dear Shawna:

Please accept this letter as a project update and formal request for IDA to join in a mortgage for the refinancing of the Air City Lofts Phase 1 Facility, and extend the previously authorized but unused mortgage recording tax exemption to the transaction. Records from the original closing for the Phase 1 Facility reflect that there remains \$3,651 in mortgage recording tax exemption that OCIDA authorized and was not utilized.

B240 LLC has been approved for an additional mortgage loan in the amount of \$1,800,000. The proceeds of this loan will be used to complete the commercial spaces in Buildings 1A and 1B at Air City Lofts. These funds will allow for the completion of the approved landlord's work in the vacant commercial spaces and will also provide resources to assist with tenant fit-outs for those spaces.

We appreciate the Agency's continued support of this project and look forward to your consideration of this request.

We look forward to hearing back from you on this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alfio Bonacio Jr.', with a long horizontal stroke extending to the right.

Alfio Bonacio Jr.
Member

**Authorizing Resolution
B240 LLC (Air City Lofts Phase 1)
Facility
2025 Project Refinance**

Date: November 18, 2025

At a meeting of the Oneida County Industrial Development Agency (the "Agency") held at 584 Phoenix Drive, Rome, New York 13441 on the 18th day of November 2025, the following members of the Agency were:

Members Present:

EDGE Staff Present:

Other Attendees:

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 extending the balance of previously authorized financial assistance to B240 LLC (Air City Lofts Phase 1 Facility) and the Agency granting a leasehold mortgage to the Bank in connection with the refinance of its project.

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

Voting Aye

Voting Nay

RESOLUTION OF THE AGENCY EXTENDING PREVIOUSLY
AUTHORIZED MORTGAGE RECORDING TAX EXEMPTION
AND AUTHORIZING THE AGENCY TO EXECUTE THE
LOAN DOCUMENTS AND RELATED DOCUMENTS WITH
RESPECT TO THE REFINANCE OF THE B240 LLC
FACILITY LOCATED IN THE CITY OF ROME, ONEIDA
COUNTY.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 372 of the Laws of 1970 of the State of New York (collectively, the "Act"), 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, B240 LLC (the "Company") previously requested the Agency provide its financial assistance relating to Phase 1 of a multi-phased mixed-use community which consists of the acquisition of a 4.33± acre parcel of land located at 85 and 86 Hangar Road West, Griffiss Business and Technology Park, City of Rome, Oneida County, New York (the "Land"); construction on the Land of two, four-story mixed-use buildings comprised of 30,600± square feet of retail/commercial space on the first floor and 84 market rate residential one- and two-bedroom apartments on the second through fourth floors, together with sidewalks and infrastructure to service the same (collectively, the "Improvements"); and acquisition and installation of equipment in the Improvements (the "Equipment"), all for the purpose of providing housing and amenities within the community for existing employees of the Griffiss Business and Technology Park, and to enhance talent recruitment and economic development in the region (the Land, the Improvements and the Equipment are referred to collectively as the "Facility"); and

WHEREAS, the Agency by resolution duly adopted on August 16, 2019 (the "Authorizing Resolution") approved financial assistance for the Facility in the form of exemptions from sales tax exemptions, mortgage recording tax exemptions and real property tax abatement for a period of fifteen years (the "Financial Assistance"); and

WHEREAS, the Agency owns a leasehold interest in the Facility and leases the Facility to the Company pursuant to a Leaseback Agreement dated December 3, 2019 (the "Leaseback Agreement"); and

WHEREAS, the Company has submitted to the Agency a letter describing a refinancing of its debt pertaining to the Facility through a loan from M&T Bank (the "Bank") in the amount of \$1,800,000.00 (the "Loan") and certifying that all of the proceeds of the Loan are being invested into the Facility; and

WHEREAS, the Loan is to be secured by a mortgage from the Agency and the Company to the Bank (the "Mortgage") and any other documents the Bank may require to secure its lien (collectively, the "Loan Documents"); and

WHEREAS, the Agency previously authorized mortgage recording tax exemption relating to the Project in an amount not to exceed \$131,241, and the Company utilized \$127,590 of the benefit to date; and

WHEREAS, the Company has requested the Agency enter into the Mortgage and extend the remaining \$3,651 of previously authorized mortgage recording tax exemption to the transaction (the "Remaining Mortgage Recording Tax Exemption"); and

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

Section 1. The Agency hereby finds and determines:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a "project", as such term is defined in the Act; and

(c) The refinancing of the Project and extending the Remaining Mortgage Recording Tax Exemption with respect thereto will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of Oneida County and the State of New York and improve their standard of living and thereby serve the public purposes of the Act; and

(d) The refinancing of the Project and extending the Remaining Mortgage Recording Tax Exemption with respect thereto is reasonably necessary to induce the Company to maintain and expand its business operations in the State of New York; and

(e) It is desirable and in the public interest for the Agency to undertake the refinancing of the Project and extend the Remaining Mortgage Recording Tax Exemption with respect thereto; and

(f) The Loan Documents will be effective instruments whereby the Agency grants the Bank a mortgage and security interest in and assigns its leasehold interest in the Facility (except for Unassigned Rights as defined in the Leaseback Agreement); and

(g) The SEQRA findings adopted by the Agency on August 16, 2019 encompassed the actions to be undertaken by this resolution and are hereby affirmed.

Section 2. In consequence of the foregoing, the Agency hereby determines to: (i) grant to the Bank a mortgage and security interest and assign to the Bank its rights in any leases at the Facility (excepting the Agency's Unassigned Rights); (ii) execute, deliver and perform the Loan Documents; and (iii) extend the Remaining Mortgage Recording Tax Exemption to the transaction.

Section 3. The form and substance of the Loan Documents are hereby approved, conditioned upon inclusion of the Agency's customary language and subject to review and approval by Agency counsel.

Section 4.

(a) The Chairman, Vice Chairman, Secretary or any member of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Loan Documents, all in substantially the forms thereof presented to this meeting or in the forms to be approved by Agency Counsel, with such changes, variations, omissions and insertions as the Chairman, Vice Chairman, Secretary or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and Agency Counsel, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the "Closing Documents"). The execution thereof by the Chairman, Vice Chairman, or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, Vice Chairman, Secretary or member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Leaseback Agreement).

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Closing Documents, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent 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 Closing Documents binding upon the Agency.

Section 6. This resolution shall take effect immediately.

STATE OF NEW YORK)
) ss.:
COUNTY OF ONEIDA)

I, the undersigned (Assistant) Secretary of the Oneida County Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Agency, including the resolutions contained therein, held on November 18, 2025 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) the meeting was open for the public to attend in person, and minutes of the Agency meeting are (or will be) transcribed and posted on the Agency's website, (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 _____ day of November 2025.

ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: _____
(Assistant) Secretary



REQUEST TO AMEND PREVIOUSLY SUBMITTED APPLICATION FOR FINANCIAL ASSISTANCE

Oneida County Industrial Development Agency

584 Phoenix Drive

Rome, New York 13441-1405

(315) 338-0393 telephone

(315) 338-5694 fax

<https://www.oneidacountyida.org>

Shawna M. Papale, Executive Director

spapale@mvedge.org

Please also deliver an electronic copy of all.

All applications must be submitted at least 14 days prior to meeting.

Project Number

Project Name Chobani Facility, LLC

3001-25-Chobani

Applicant Name Chobani, LLC

Date of Original Submission April 22, 2025

Date of AMENDED Submission October 22, 2025

Reasons for Project AMENDMENT Request - Please explain in detail how and why you want to AMEND the original project application. Please explain any differences in scope of original application (plans, costs, jobs, time-frame, etc.) Please use additional sheets if more space needed.

The Company wishes to amend the original project application due to the availability of the Mohawk Glen golf course property, and the expansion of facilities unrelated to manufacturing, such as the Gateway Building, which will be utilized primarily as a visitor's center.

Pursuant to anticipated separate lease agreements with the County of Oneida, the project is now being developed across two parcels of land; the "triangle" portion of the main airport property, and the adjoining Mohawk Glen golf course.

This amended project proposal consists of the leases of lands from the County of Oneida, the construction of a 2,200,675 square foot campus plan consisting of eight buildings that include the following: main facility (1,271,550 sq. ft.), gateway building (148,600 sq. ft.), dairy receiving (50,050 sq. ft.), utility/physical plant (132,800 sq. ft.), driver facility (23,550 sq. ft.), Automated Storage and Retrieval System building (373,200 sq. ft.), and fruit facility (62,250 sq. ft.).

The project will also include a Wastewater Treatment Plant (45,675 sq. ft.) and a connective corridor (93,000 sq. ft.) for the movement of goods after production to the Automated Storage and Retrieval System building .

The project scope also consists of site work including parking, landscaping, and buffering where appropriate.

REVISED BUDGET REQUEST

Part IX: Estimated Project Cost and Financing

11(a) List the costs necessary for preparing the facility.

Difference
(Auto Calculates)

	Original	Revised	
LAND Acquisition	\$ 0		0
Existing Building(s) ACQUISITION	\$ 0		0
Existing Building(s) RENOVATION	\$ 0		0
NEW Building(s) CONSTRUCTION	\$ 540,000,000		0
Site preparation/parking lot construction	\$ 45,000,000		0
Machinery & Equipment that is TAXABLE	\$ 285,000,000		0
Machinery & Equipment that is TAX-EXEMPT	\$ 300,000,000		0
Furniture & Fixtures	\$ 15,000,000		0
Installation costs	\$		0
Architectural & Engineering	\$ 25,000,000		0
Legal Fees (applicant, IDA, bank, other counsel)	\$ 1,000,000		0
Financial (all costs related to project financing)*	\$ 0		0
Permits (describe below)	\$ 1,000,000		0
Other (describe below)	\$		0
Subtotal	\$ 1,212,000,000	0	0
Agency Fee ¹	\$ 3,055,000	0	0
Total Project Cost	\$ 1,215,055,000	0	0

* See below "Other Information"

* **Bank fees, title insurance, appraisals, interest, environmental reviews, etc.**

¹ **See Attached Fee Schedule (Page 25) for Agency Fee amount to be placed on this line.**

Permit Information

NYSDEC Air Facility Permit/Registration
NYSDEC Bulk Tank Storage Registration

Other Information

* The Company will require additional analysis of the impact of the project modifications on the total project cost. As that information materializes, we will return to the IDA with an update on the total capital expenditure and whether or not any additional benefits may be needed in the form of additional sales tax exemption.

REVISED FINANCING

11(b) Sources of Funds for Project Costs

Bank Financing: \$ 0

Equity (excluding equity that is attributed to grants/tax credits) \$ 1,215,055,000

Tax Exempt Bond Issuance (if applicable) \$ 0

Taxable Bond Issuance (if applicable) \$ 0

Public Sources (Include sum total of all state and federal grants and tax credits) \$

Comments:

Identify each state and federal grant/credit:

\$ 75,000,000 (ESD)*

\$

\$

\$

* Refundable tax credit over 10 years

1,215,055,000

Total Sources of Funds for Project Costs: \$ 0

Real Estate Taxes

12(a) For each tax parcel which comprises the facility, please provide the following information, using figures from the most recent tax year.

Tax Map Parcel #	Current Assessed Value (Land)	Current Assessed Value (Building)	Current Total Assessment	Current Real Estate Taxes
224.000-0001-004.001	\$1,985,800		\$1,985,800	\$0
224.000-0001-005	\$20,848,080	\$33,167,850	\$54,015,930	\$0
224.000-0001-004.002	\$1,300,000	\$100,000	\$1,400,000	\$0

Attach copies of the most recent real property tax bills. Include copies for all taxing jurisdictions for the site/ facility that IDA assistance is being sought.

REPRESENTATIONS AND CERTIFICATION BY APPLICANT

The undersigned requests that the attached materials be submitted as an amendment to the Applicant's original Application for Financial Assistance for review to the Oneida County Industrial Development Agency (the "Agency") and its Board of Directors.

Approval of the modifications to the Application can be granted solely by this Agency's Board of Directors. The Agency reserves the right to request Applicant complete a full Application for Financial Assistance if, after reviewing the attached materials, the Agency determines one is required to properly evaluate the Applicant's request. The undersigned acknowledges that Applicant shall be responsible for all costs incurred by the Agency and its counsel in connection with the attendant negotiations whether or not the transaction is carried to a successful conclusion.

The Applicant further understands and agrees with the Agency as follows:

1. **Annual Sales Tax Filings.** 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 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.
2. **Annual Employment, Tax Exemption & Bond Status 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 as well as tax exemption benefits received with the action of the Agency. For Applicants not responding to the Agency's request for reports by the stated due date, a \$500 late fee will be charged to the Applicant for each 30-day period the report is late beyond the due date, up until the time the report is submitted. Failure to provide such reports as provided in the transaction documents will be an Event of Default under the Lease (or Leaseback) Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Annual Employment, Tax Exemption & Bond Status Report may be reported to Agency board members, said report being an agenda item subject to the Open Meetings Law.
3. **Absence of Conflict of Interest.** The Applicant has consulted the Agency website of the list of the Agency members, officers and employees of the Agency. No member, officer, or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as herein after described (if none, state "none"):
4. **Hold Harmless.** Applicant hereby releases the Agency and its members, officers, servants, agents and employees from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's acquisition, construction and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final

agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

5. The Applicant acknowledges that the Agency has disclosed that the actions and activities of the Agency are subject to the Public Authorities Accountability Act signed into law January 13, 2006 as Chapter 766 of the 2005 Laws of the State of New York.
6. The Applicant acknowledges that the Agency is subject to New York State's Freedom of Information Law (FOIL). **Applicant understands that all Project information and records related to this application are potentially subject to disclosure under FOIL subject to limited statutory exclusions.**
7. The Applicant acknowledges that it has been provided with a copy of the Agency's recapture policy (the "Recapture Policy"). The Applicant covenants and agrees that it fully understands that the Recapture Policy is applicable to the Project that is the subject of this Application, and that the Agency will implement the Recapture Policy if and when it is so required to do so. The Applicant further covenants and agrees that its Project is potentially subject to termination of Agency financial assistance and/or recapture of Agency financial assistance so provided and/or previously granted.
8. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

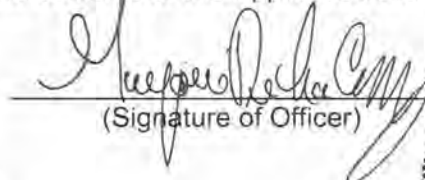
9. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.
10. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
11. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
12. The Applicant and the individual executing this Application on behalf of the Applicant acknowledge that the Agency will rely on the representations made herein when acting on this Application and hereby represent that the statements made herein do not contain any untrue statement of a material

fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

STATE OF NEW YORK)
COUNTY OF ONEIDA) ss.:

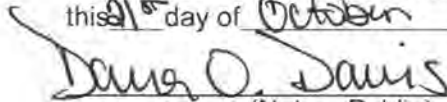
Marjorie De La Cruz, being first duly sworn, deposes and says:

1. That I am the Chief Legal Officer (Corporate Office) of Chobani, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read the attached Application, I know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete.


(Signature of Officer)



Subscribed and affirmed to me under penalties of perjury
this 21st day of October, 20 24


(Notary Public)

If the application has been completed by or in part by other than the person signing this application for the applicant please indicate who and in what capacity:

By: _____

Name: _____

Title: _____

Date: _____

- Any applicant submitting this form should submit it with a non-refundable application fee of **\$500**.
- If the applicant is requesting an increase in the value of the sales tax exemption, the applicant will also pay an additional fee equal to the increased OCIDA fee (see page 25 of original application) relating to the additional financial assistance. This fee will be payable as a condition of the sales tax exemption being issued.
- If the request is the first request for an extension of time, the \$500 application fee will be the only fee payable.
- If the request is for an extension of time that is not the first request, the OCIDA has the discretion of charging an additional fee.

Please submit to the Oneida County Industrial Development Agency, 584 Phoenix Drive, Rome NY 13441-1405, **within 14 days prior to the OCIDA Board of Directors meeting at which you want the Application to be included on the Agenda**. Wire transfer and ACH payments are acceptable but all related fees incurred by the Agency are payable by the Applicant. It is advised that an electronic version of the application accompany the original application via hard copy or e-mail. An electronic version of the application must accompany the original application via physical media or e-mail.

1959 RE Holdings, LLC
c/o Family Dollar Stores, LLC
510 Volvo Parkway
Chesapeake, VA 23320

November 13, 2025

Oneida County Industrial Development Agency
584 Phoenix Drive
Rome, New York 13441
Attention: Shawna Papale, Executive Director

Re: Request for Participation in Mortgage

Dear Ms. Papale:

On behalf of 1959 RE Holdings, LLC (“**Project Owner**”), an affiliate of Family Dollar Stores, LLC (“**Family Dollar**”), I write to respectfully request the Oneida County Industrial Development Agency’s (the “**Agency**”) participation in our upcoming mortgage financing. Reference is made to that certain Leaseback Agreement, dated as of July 30, 2012 (the “**Lease**”), between the Agency and Project Owner (as successor-in-interest to Family Dollar Services, Inc.).

On August 18, 2025, certain direct and indirect owners of Project Owner obtained a loan from WhiteHawk Capital Partners LP (“**Lender**”) in the maximum principal amount of \$250,000,000 (the “**Loan**”). The Loan will be secured by mortgages in certain properties owned by Project Owner and other affiliates of Family Dollar, including the Family Dollar distribution center located at 640 Perimeter Road, Rome, New York that is subject to the Lease (the “**Facility**”). The proceeds of the Loan will be used, among other purposes, to fund maintenance and other working capital needs of the Facility and the other facilities that are or will be collateral for the Loan.

As you are aware, Project Owner has benefited from the financial assistance provided by the Agency, which has supported the Facility’s ability to contribute to the local economy. We respectfully request the Agency to join in the execution and delivery of the new mortgage as is expressly contemplated under Section 1.1(i) of the Lease.

We appreciate the Agency’s continued support and partnership. Please let us know if you require any additional documentation or information to advance this request.

Sincerely,

1959 RE Holdings, LLC

Signed by:
By: 
Name: Keith Zanni
Title: Chief Legal Officer

**Authorizing Resolution
Consent to Mortgage, Sale and Assignment
Family Dollar Facility**

Date: November 18, 2025

At a meeting of the Oneida County Industrial Development Agency (the "Agency"), held at 584 Phoenix Drive, Rome, New York at 8:00 a.m. on November 18, 2025, the following members of the Agency were:

Members Present:

EDGE Staff Present:

Others Present:

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 mortgage, sale and assignment of a certain industrial development facility more particularly described below (Family Dollar Facility).

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

Voting Aye

Voting Nay

RESOLUTION AUTHORIZING THE AGENCY TO CONSENT TO
THE SALE OF THE FAMILY DOLLAR FACILITY, THE
ASSIGNMENT OF AGENCY LEASE DOCUMENTS TO 1959 RE
HOLDINGS, LLC AND TO EXECUTE RELATED DOCUMENTS.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended and Chapter 372 of the Laws of 1970 of the State of New York (collectively, the "Act"), 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, Family Dollar Services, Inc. (the "Company") applied to the Agency to enter into a transaction in which the Agency assisted in the continued operation of an existing 907,000 square foot distribution facility (the "Improvements") and all equipment installed therein (the "Equipment"), located on an 86.69± acre parcel of land at 640 Perimeter Road, Griffiss Business & Technology Park, City of Rome, Oneida County, New York (the "Land") (the Land, Improvements and Equipment collectively, the "Facility"), which is used for the distribution of general retail merchandise; and

WHEREAS, the Company leased the Facility to the Agency pursuant to a Lease Agreement dated as of July 30, 2012 (the "Lease Agreement"); and

WHEREAS, the Agency leased the Facility back to the Company pursuant to a Leaseback Agreement dated as of July 30, 2012 (the "Leaseback Agreement"); and

WHEREAS, the Facility is the subject of that certain Payment-in-Lieu-of-Tax Agreement by and between the Agency and Company, dated as of July 30, 2012 (the "PILOT Agreement");

WHEREAS, the Facility is the subject of that certain Environmental Compliance and Indemnification Agreement by and between the Agency and the Company dated as of July 30, 2012 (the "Environmental Compliance Agreement"); and

WHEREAS, the Company converted to a limited liability company such that the Company is now Family Dollar Services, LLC; and

WHEREAS, the Company conveyed the Facility to 1959 RE Holdings, LLC (the "Assignee") by deed dated July 5, 2025 (the "Effective Date"); and

WHEREAS, the Company desires to assign to Assignee all of the Company's rights, title, interest, benefits and privileges in, under and to the Lease Agreement, the Leaseback Agreement, the PILOT Agreement and the Environmental Compliance Agreement (collectively referred to as the "Agency Lease Documents"); and

WHEREAS, based on information provided by the Assignee, the Assignee will continue to operate the Facility as presently operated by the Assignor; and

WHEREAS, the Assignor has requested the Agency consent to the sale of the Facility to the Assignee and to the assignment of the Agency Lease Documents from the Assignor to the Assignee, such that all Agency Lease Documents shall inure to the benefit of the Assignee and remain in full force and effect (the "Assignment"); and

WHEREAS, the Assignee has secured a loan from WhiteHawk Capital Partners LP ("Lender") in the maximum principal amount of \$250,000,000 (the "Loan"), which Loan will be secured by mortgages in certain properties owned by the Assignee and other affiliates, including the Facility; and

WHEREAS, the Assignee has requested the Agency consent enter into a mortgage and any other documents the Lender may require to secure its lien on the Facility (collectively, the "Loan Documents"); and

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

Section 1. The Agency hereby finds and determines:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) Following the Assignment, the Facility will constitute a "project", as such term is defined in the Act; and

(c) The Assignment and the refinancing of the Facility will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of Oneida County and the State of New York and improve their standard of living and thereby serve the public purposes of the Act; and

(d) The Assignment and the refinancing of the Facility are reasonably necessary to induce the Assignee to maintain and expand its business operation in the State of New York; and

(e) It is desirable and in the public interest for the Agency to consent to the Assignment and the refinancing of the Facility.

Section 2. In consequence of the foregoing, the Agency hereby determines to consent to the Assignment and the refinancing of the Facility.

Section 3. The Agency is hereby authorized to do all things necessary or appropriate for the accomplishment of the Assignment and the refinancing of the Facility, and all acts heretofore taken by the Agency with respect to such sale, assignment and financing are hereby approved, ratified and confirmed.

Section 4.

(a) The Chairman, Vice Chairman, Secretary or any member of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Loan Documents and all documents as may be, in the judgment of the Chairman and Agency Counsel, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the "Closing Documents"). The execution thereof by the Chairman, Vice Chairman, or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, Vice Chairman, Secretary or member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Leaseback Agreement).

Section 5. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Closing Documents, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent 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 Closing Documents binding upon the Agency.

Section 6. This resolution shall take effect immediately.

STATE OF NEW YORK)
 : SS.:
COUNTY OF ONEIDA)

I, the undersigned Assistant Secretary of the Oneida County Industrial Development Agency, DO HEREBY CERTIFY THAT:

I have compared the foregoing copy of a resolution of the Oneida County Industrial Development Agency (the "Agency") with the original thereof on file in the office of the Agency, and the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

I FURTHER CERTIFY that (i) all directors 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 103a and 104, (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 November 18, 2025.

Tim Fitzgerald, Assistant Secretary

**Resolution
Extension of Housing Policy**

RESOLUTION OF THE ONEIDA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY AUTHORIZING THE
EXTENSION OF ITS UNIFORM TAX EXEMPTION POLICY
– HOUSING POLICY

WHEREAS, Oneida County Industrial Development Agency (the “Agency”) adopted a Uniform Tax Exemption and Agency Benefits Policy -- Market Rate Rental Housing Development Initiatives, effective March 1, 2015 and revised on April 20, 2018 (the “Housing Policy”); and

WHEREAS, the purpose of the Housing Policy is to encourage development of specific types of market rate rental housing that will attract a new work force to reside within Oneida County, which employment opportunities are being created by several economic development projects in Oneida County, thereby promoting employment opportunities and preventing economic deterioration; and

WHEREAS, the Housing Policy states it was intended to terminate December 31, 2025 unless the Agency elects to extend or modify the Housing Policy; and

WHEREAS, the Agency wishes to extend the Housing Policy in its current form for a period of six months while it works with the County of Oneida and local taxing jurisdictions to modify the Housing Policy to address the current housing demands of the region; and

NOW, THEREFORE, BE IT RESOLVED by the Oneida County Industrial Development Agency (a majority of the members thereof affirmatively concurring) that:

Section 1. The Housing Policy is hereby extended, in its current form, through June 30, 2026.

Section 2. The Agency is hereby authorized and directed to continue to work with the County of Oneida and other local taxing jurisdictions to review the current housing demands of Oneida County to make recommendations regarding the modification, termination or further extension of the Housing Policy, all for the public good and in furtherance of the Agency’s mission.

Section 3.

The Chairman of the Agency is hereby authorized and directed to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Section 4.

This resolution shall take effect immediately.

DRAFT

STATE OF NEW YORK)
 : ss.:
COUNTY OF ONEIDA)

I, the undersigned Secretary of the Oneida County Industrial Development Agency DO HEREBY CERTIFY THAT:

I have compared the foregoing copy of a resolution of the Oneida County Industrial Development Agency (the "Agency"), with the original thereof on file in the office of the Agency, and that the same is a true and correct copy of such resolution and of the proceedings of the Agency in connection with such matter.

Such resolution was passed at a meeting of the Agency duly convened on November 18, 2025 at eight a.m., local time, at Rome, New York which the following members were:

Members Present:

EDGE Staff Present:

Other Attendees:

The question of the adoption of the foregoing resolution was duly put to vote, which resulted as follows:

Voting Aye

Voting Nay

and, therefore, the resolution was declared duly adopted.

I FURTHER CERTIFY that (i) all members of the Agency had due notice of said meeting, (ii) the meeting was open for the public to attend in person and public notice of the time and place of said meeting was duly given, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand on November 18, 2025

Shawna Papale, Secretary

Oneida County Industrial Development Agency - Review of Governance Policies				
Policy	Material Provision(s)	Recommended Revision(s)	Reasoning	Authority / References
Compensation, Reimbursement and Attendance Policy	Reimbursement	(1) Reimbursements to be approved Agency's Chairman; (2) Chairman's request for reimbursement shall be approved by Treasurer. (3) Executive Director shall attend all meetings.	(1) Efficiency; (2) Transparency.	NY CLS Gen Mun § 858(17)
	Executive Director Attendance.		(1) Oversight; (2) Policy enforcement.	NY CLS Gen Mun § 858(17)
Conflict of Interest and Confidential Policy	General.	(1) Recommend replacement via the drafted Code of Ethics and Conflict of Interest Policy.	(1) Clarity; (2) Efficiency.	ABO Policy Guidance and General practice witnessed by other major IDAs across NYS
Code of Ethics and Conflict of Interests Policy	General	(1) New form drafted for the Board's review to replace IDA's existing Conflict of Interest and Confidentiality Policy, as well as it's existing Code of Ethics, as such policies are inconsistent with ABO Policy Guidance.	(1) Drafted form is specifically tailored to IDA requirements. (2) Combined Code of Ethics Policy and Conflict of Interests Policy into one (1) Policy.	ABO Policy Guidance
	Section 2.1 (e). Definition of "Interest".	(2) Expanded term to encompass the wide variety of applicants and ancillary agreements thereto.	(1) Clarity and conformity with ABO Policy Guidance.	ABO Policy Guidance
	Section 3.1 (g-h). Disclosure.	(3) Mandatory disclosure and potential withdrawal (where applicable).	(1) Conformity with law.	NY CLS Gen Mun § 801
	Section 3.1 (k). Future employment.	(4) No appearance before the Agency for two (2) years after termination of service or employment with the Agency pursuant to NYS law.	(1) Clarity/conformity with law.	NY CLS Pub O § 73
Whistleblower Policy	General	(1) New form drafted for the Board's review, as existing Whistleblower Policy is inconsistent with ABO Policy Guidance, and lacks sufficient detail and procedures for reporting and reviewing whistleblower complaints.	(1) Drafted form is specifically tailored to IDA requirements.	ABO Policy Guidance
	Section V.	(2) Distribution of Policy.	(1) Efficiency; (2) Transparency.	NY CLS Labor § 740
	Appendix A.	(3) Added Whiteblower Disclosure Statement.	(1) Efficiency; (2) Transparency.	Best recommended practices
Investment and Deposit Policy	Section I. Purpose.	(1) Incorporated legal requirements engrained in the policy.	(1) Clarity and conformity with law.	(1) NY CLS Pub A § 2925; (2) NY CLS Gen Mun § 10; (3) NY CLS Gen Mun § 11
	Section IV. Delegation of Authority.	(2) The Executive Director has the authority. (3) The Agency's Members have the oversight.	(1) Clarity.	General practice witnessed by other major IDAs across NYS
	Section VI. Diversification.	(4) Recommend elimination of 25% "rule" stating that one institution cannot hold more than 25% of the Agency's total investments.	(1) Diversification is via type of investments, not via the institution holdings the investments; (2) Efficiency.	General practice witnessed by other major IDAs across NYS
	Section VII. Internal Controls.	(5) Prescribed duties of Officers over day to day fiscal operations.	(1) Efficiency; (2) Clarity.	NY CLS Pub A § 2925
	Section IX. Written Contracts.	(6) As prescribed by law.	(1) Conformity with law.	NY CLS Pub A § 2925
	Section X. Annual Investment Report.	(7) As prescribed by law.	(1) Conformity with law.	NY CLS Pub A § 2925
	Section XI. Deposit of Monies.	(8) As prescribed by law.	(1) Conformity with law.	NY CLS Gen Mun § 10
	Section XIV. Annual Review.	(9) Investment policy shall be reviewed annually, as prescribed by law.	(1) Conformity with law.	NY CLS Gen Mun § 10
	Exhibit B.	(10) As passed per Board Resolution.	(1) Clarity.	NY CLS Pub A § 2925
	Section 3(C). Method of Disposition.	(1) Included relevant provision for the sale of unique property or unique circumstances.	(1) Conformity with law.	NY CLS Pub A § 2897(3)
Property Disposition Guidelines	Section 3(F). Bids for Disposat; Advertising; Procedure; Disposal by Negotiation; Explanatory Statement.	(2) Added instances in which property may be sold without public advertising pursuant to applicable law.	(1) Conformity with law.	NY CLS Pub A § 2897(6)(c)
	Section 3(G). Disposal of Property for less than FMV.	(3) Added procedures in which property may be sold below FMV pursuant to applicable law.	(1) Conformity with law.	NY CLS Pub A § 2897(7)
Sexual Harrassment Policy	To be provided.	(1) Refined definition of harassment.	(1) Conformity with NYS DOL Guidance.	2023 NYS DOL Guidance
	To be provided.	(2) Gender identity discrimination as a type of sexual harassment claim.	(1) Conformity with NYS DOL Guidance.	2023 NYS DOL Guidance
	To be provided.	(3) Bystander Intervention.	(1) Conformity with NYS DOL Guidance.	2023 NYS DOL Guidance
	To be provided.	(4) Additional examples of retaliation.	(1) Conformity with NYS DOL Guidance.	2023 NYS DOL Guidance
Procurement Policy	Section B. Methods of Procurement.	(1) Recommend updates to methods of procurement pursuant to relevant NYS law.	(1) Conformity with law/best recommended practices.	(1) NY CLS Gen Mun, Art. 18-A; (2) NY CLS Gen Mun § 103; (3) NY CLS Gen Mun § 104-b; General practice witnessed by other major IDAs across NYS
	Section C. Exceptions to Bidding.	(2) Recommend updates to exceptions to bidding pursuant to relevant NYS law.	(1) Conformity with law/best recommended practices.	
	Section D. Basis for the Award of Contracts.	(3) Recommend updates to basis for the award of contracts pursuant to relevant NYS law.	(1) Conformity with law/best recommended practices.	
	Section E. Documentation.	(4) Recommend updates to documentation pursuant to relevant NYS law.	(1) Conformity with law/best recommended practices.	
	Section F. Effect on Other Procurement Requirements.	(5) Recommend updates to effect on other procurement requirements pursuant to relevant NYS law.	(1) Conformity with law/best recommended practices.	
	Section G. Annual Review.	(6) Recommend codification of annual review pursuant to relevant NYS law.	(1) Conformity with law/best recommended practices.	
Travel and Discretionary Funds Policy	Section 3(B).	(1) Recommend pre-authorization for Agency travel, and flexibility for personal travel that interrupts official travel of precedes or follows official travel.	(1) Efficiency and clarity.	General practice witnessed by other major IDAs across NYS
Internal Control Policy	Section 1. Background.	(1) Recommend legal framework to be incorporated.	(1) Clarity.	(1) NY CLS Pub A § 2800(1)(a)(9); (2) NY CLS Pub A § 2800(2)(a)(8).
	Section 2. Intent.	(2) Recommend elaborated purpose for clarity.	(1) Clarity.	General practice witnessed by other major IDAs across NYS
	Section 3. Assessment Plan.	(3) Recommend defining the Agency's primary functions; determining risks; review of existing internal control systems in place; assess effectiveness; and corrective actions, if applicable.	(1) Clarity, oversight, and compliance.	General practice witnessed by other major IDAs across NYS
	Section 4. Internal Control Certification.	(4) Recommend certification of the aforementioned actions pursuant to relevant NYS law.	(1) Conformity with law.	NY CLS Pub A § 2800(2)(a)(8)
Acknowledgement of Fiduciary Duties and Responsibilities	General	(1) Recommend incorproation based on ABO Policy Guidance	(1) Conformity with ABO Guidance.	ABO Policy Guidance
	Section 1. Mission Statement.	(2) Recommend Member acknowledgement and adherence to the Agency's Mission Statement.	(1) Conformity with ABO Guidance.	
	Section 2. Deliberation.	(3) Recommend Member acknowledgement of independent judgment on matters before the Board.	(1) Conformity with ABO Guidance.	
	Section 3. Confidentiality.	(4) Recommend reiteration of Member duty of confidentiality, as also referenced in the Code of Ethics.	(1) Conformity with ABO Guidance.	
	Section IV. Conflict of Interest.	(5) Recommend Member acknowledgement of conflict of interest, as also referenced in the Code of Ethics.	(1) Conformity with ABO Guidance.	

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

COMPENSATION, REIMBURSEMENT AND ATTENDANCE POLICY

This Compensation, Reimbursement and Attendance Policy is adopted in accordance with Section 2824 of the Public Authorities Law.

Pursuant to and in accordance with Sections 856 and 901 of the General Municipal Law of the State of New York, the members of the Oneida County Industrial Development Agency (the "Board") shall serve without salary at the pleasure of the Oneida County Board of Legislators but may be reimbursed for reasonable expenses incurred in the performance of Agency duties upon the approval of the members. Reimbursements for any expenses shall be reviewed and approved by the Agency's Chairman. Provided, however, if the Chairman is seeking the reimbursement allowed herein then such reimbursement shall be subject to the approval by the Treasurer.

The officers, employees and agents of the Agency shall serve at the pleasure of the Agency at such compensation levels as may be approved by the members from time to time and may be reimbursed for reasonable expenses incurred in the performance of Agency duties upon the approval of the members.

The members and officers of the Agency shall be available as required to perform the operations of the Agency and as set forth within the By-Laws of the Agency, as may be amended, restated or revised by the Board from time to time. Said members and officers of the Agency shall put forth their best efforts to perform their respective duties as outlined in the By-Laws of the Agency and any other directives of the Board relating to same.

The Executive Director shall attend all meetings of the members of the Agency and be available as required to perform the operations of the Agency as set forth within the By-laws, as may be amended, restated or revised from time to time by the members of the Agency.

Any and all previously-approved Compensation, Reimbursement and Attendance policies of the Oneida County Industrial Development Agency are hereby rescinded.

~~EXHIBIT E—COMPENSATION, REIMBURSEMENT AND ATTENDANCE~~

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

COMPENSATION, REIMBURSEMENT AND ATTENDANCE POLICY

~~Approved and Adopted:~~

This Compensation, Reimbursement and Attendance Policy is adopted in accordance with Section 2824 of the Public Authorities Law.

Pursuant to and in accordance with Sections 856 and ~~{GML-enabling-act}~~901 of the General Municipal Law of the State of New York, the members of the Oneida County Industrial Development Agency (the “Board”) shall serve without salary at the pleasure of the Oneida County Board of Legislators but may be reimbursed for reasonable expenses incurred in the performance of Agency duties upon the approval of the ~~Board~~members. Reimbursements for any expenses shall be reviewed and approved by the Agency’s Chairman. Provided, however, if the Chairman is seeking the reimbursement allowed herein then such reimbursement shall be subject to the approval by the Treasurer.

The ~~non-members~~ officers, ~~agency~~ employees and agents of the Agency shall serve at the pleasure of the Agency at such compensation levels as may be approved by the ~~Board~~members from time to time and may be reimbursed for reasonable expenses incurred in the performance of Agency duties upon the approval of the ~~Board~~members.

The members ~~of the Board~~ and officers of the Agency shall be available as required to perform the operations of the Agency and as set forth within the By-Laws of the Agency, as may be amended, restated or revised by the Board from time to time. Said members and officers of the Agency shall put forth their best efforts to perform their respective duties as outlined in the By-Laws of the Agency and any other directives of the Board relating to same.

The Executive Director shall attend all meetings of the members of the Agency and be available as required to perform the operations of the Agency as set forth within the By-laws, as may be amended, restated or revised from time to time by the members of the Agency.

Any and all previously-approved Compensation, Reimbursement and Attendance policies of the Oneida County Industrial Development Agency are hereby rescinded.

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 10/29/2025 10:31:28 PM	
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ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

INTERNAL CONTROL POLICY

1. BACKGROUND:

Section 2800(1)(a)(9) and Section 2800(2)(a)(9) of Public Authorities Law require all public authorities to complete an annual assessment of the effectiveness of their internal control structures and procedures.

2. INTENT:

A. The purpose of the Oneida County Industrial Development Agency's (the "Agency") system of internal control policy shall be to:

(i) Promote effective and efficient operations so as to help the Agency in carrying out its mission. (ii) Provide reasonable assurance that the Agency's assets are safeguarded against inappropriate or unauthorized use. (iii) Promote the accuracy and reliability of accounting data and financial reporting to ensure that transactions are executed in accordance with the Member's authorization and that they are recorded properly in accounting records. (iv) Encourage adherence to the Agency's policies and procedures for conducting programs and operations. (v) Ensure compliance with applicable laws and regulations.

This system of internal control includes performing an annual assessment to identify potential weakness in policies or procedures to implement corrective actions.

This assessment shall identify significant weaknesses in controls, recognize emerging or inherent risks, and enable early detection of existing or potential problems. If an internal control system is working effectively, the Agency's Members will have a reasonable indication of the reliability of its operating practices and the accuracy of the information it uses to measure its activities and performance. Any deficiencies identified as a result of the assessment shall be addressed by the Agency's Members.

3. AGENCY'S INTERNAL CONTROLS ASSESSMENT PLAN:

A. Define the Agency's Primary Functions:

(i) Annually review the mission of the Agency and verify that its primary operating responsibilities, operations and functions will help fulfill its mission.

(ii) Annually evaluate the Agency's written mission statement to ensure that it clearly defines the Agency's purpose.

(iii) Define the Agency's objectives and ensure they are understood by Agency staff.

(iv) Review policies, procedures and guidelines to ensure that they guide Agency staff in the operations of the Agency and provide methods and procedures to assess the effectiveness of those functions.

B. Determine Risks:

(i) Assess the internal and external risk exposure and associated vulnerability of each function of the Agency and assign a corresponding risk level (i.e., high, medium, or low).

(ii) If a risk is identified, the Agency's Members shall determine how to best handle it by evaluating its significance, likelihood, and cause.

(iii) Based on the assigned risk levels, the Agency's Members shall determine how frequently it will review the controls in place for each function.

C. Review Existing Internal Control Systems in Place:

The Agency's Members and staff shall annually review and examine the policies and practices in place to ensure that those policies and practices are effective in addressing the risks that are relevant to the operation.

D. Assess the Extent to Which the Internal Control System is Effective:

(i) The assessment of internal controls should be a structured and monitored process to identify and to report any weaknesses of the internal control structure to the Agency's Members.

(ii) This process should determine if the existing control structure and procedures are adequate, to mitigate risk, minimize ineffectiveness and deter opportunities that could lead to the misappropriation of assets

(iii) The assessment should provide the Agency's Members with information as to whether the Agency's policies and operating practices were understood and were executed properly, and whether they are adequate to protect the organization from waste, abuse, misconduct, or inefficiency.

(iv) This assessment shall be completed through a combination of inquiry and observation, a review of documents and records and by replicating transactions to test the sufficiency of the control system.

E. Take Corrective Action:

When a weakness is identified, a correction action plan should be developed, adopted by the Agency's Members and then monitored by the Agency's Members to ensure that the weakness is addressed.

4. INTERNAL CONTROL CERTIFICATION:

A. Section 2800(2)(a)(8) of the Public Authorities Law:

(i) To satisfy the requirement of Section 2800(2)(a)(9) of Public Authorities Law, the Agency shall incorporate, either within its annual report or as a separate document, a statement explaining that the authority has conducted a formal, documented process to assess the effectiveness of its internal control structure and procedures, and indicate whether or not the internal controls are adequate.

(ii) This statement should eventually be posted to the Agency's website.

(iii) The statement shall state the following or equivalent:

The Agency's Members have documented and assessed the Oneida County Industrial Development Agency's Internal Financial Control System for the year ending December 31, 20____ and found the Agency's internal controls to be adequate. No deficiencies were found.

(iv) The Agency's Members shall retain documentation to support the assessment of its internal controls.

(v) If the Agency's Members find any deficiencies with the internal controls over its functions or operations, additional documentation should be maintained to demonstrate that the Agency has adopted corrective action plans to address these weaknesses.

(vi) This documentation should be made available upon request to the Agency's independent auditor or to ABO compliance review staff.

B. Public Authorities Reporting Information System (PARIS):

As part of the PARIS Annual Report tab, the Agency will be required to indicate whether or not it has prepared this assessment and will provide the URL link to the statement, if available.

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

INTERNAL CONTROL POLICY

~~In accordance with S 2931 of the Public Authorities Accountability Law, the governing board of the Oneida County Industrial Development Agency shall:~~

1. BACKGROUND:

Section 2800(1)(a)(9) and Section 2800(2)(a)(9) of Public Authorities Law require all public authorities to complete an annual assessment of the effectiveness of their internal control structures and procedures.

2. INTENT:

~~1. Establish and maintain for~~A. The purpose of the Oneida County Industrial Development Agency's (the "Agency-guidelines for a") system of internal control ~~that are in accordance with internal control standards;~~policy shall be to:

~~2. Designate an internal control officer, who shall report to the Executive Director of the Oneida County Industrial Development Agency, to implement and review the internal control responsibilities established pursuant to this section; and~~

~~3. Implement education and training efforts to ensure that members, officers and employees have achieved adequate awareness and understanding of internal control standards and, as appropriate, evaluation techniques.~~

(i) Promote effective and efficient operations so as to help the Agency in carrying out its mission. (ii) Provide reasonable assurance that the Agency's assets are safeguarded against inappropriate or unauthorized use. (iii) Promote the accuracy and reliability of accounting data and financial reporting to ensure that transactions are executed in accordance with the Member's authorization and that they are recorded properly in accounting records. (iv) Encourage adherence to the Agency's policies and procedures for conducting programs and operations. (v) Ensure compliance with applicable laws and regulations.

This system of internal control includes performing an annual assessment to identify potential weakness in policies or procedures to implement corrective actions.

This assessment shall identify significant weaknesses in controls, recognize emerging or inherent risks, and enable early detection of existing or potential problems. If an internal control system is working effectively, the Agency's Members will have a reasonable indication of the reliability of its operating practices and the accuracy of the information it uses to measure its activities and performance. Any deficiencies identified as a result of the assessment shall be addressed by the Agency's Members.

3. AGENCY'S INTERNAL CONTROLS ASSESSMENT PLAN:

A. Define the Agency's Primary Functions:

- (i) Annually review the mission of the Agency and verify that its primary operating responsibilities, operations and functions will help fulfill its mission.
- (ii) Annually evaluate the Agency's written mission statement to ensure that it clearly defines the Agency's purpose.
- (iii) Define the Agency's objectives and ensure they are understood by Agency staff.
- (iv) Review policies, procedures and guidelines to ensure that they guide Agency staff in the operations of the Agency and provide methods and procedures to assess the effectiveness of those functions.

B. Determine Risks:

- (i) Assess the internal and external risk exposure and associated vulnerability of each function of the Agency and assign a corresponding risk level (i.e., high, medium, or low).
- (ii) If a risk is identified, the Agency's Members shall determine how to best handle it by evaluating its significance, likelihood, and cause.
- (iii) Based on the assigned risk levels, the Agency's Members shall determine how frequently it will review the controls in place for each function.

C. Review Existing Internal Control Systems in Place:

The Agency's Members and staff shall annually review and examine the policies and practices in place to ensure that those policies and practices are effective in addressing the risks that are relevant to the operation.

D. Assess the Extent to Which the Internal Control System is Effective:

- (i) The assessment of internal controls should be a structured and monitored process to identify and to report any weaknesses of the internal control structure to the Agency's Members.
- (ii) This process should determine if the existing control structure and procedures are adequate, to mitigate risk, minimize ineffectiveness and deter opportunities that could lead to the misappropriation of assets
- (iii) The assessment should provide the Agency's Members with information as to whether the Agency's policies and operating practices were understood and were executed properly, and whether they are adequate to protect the organization from waste, abuse, misconduct, or inefficiency.

(iv) This assessment shall be completed through a combination of inquiry and observation, a review of documents and records and by replicating transactions to test the sufficiency of the control system.

E. Take Corrective Action:

When a weakness is identified, a correction action plan should be developed, adopted by the Agency's Members and then monitored by the Agency's Members to ensure that the weakness is addressed.

4. INTERNAL CONTROL CERTIFICATION:

A. Section 2800(2)(a)(8) of the Public Authorities Law:

(i) To satisfy the requirement of Section 2800(2)(a)(9) of Public Authorities Law, the Agency shall incorporate, either within its annual report or as a separate document, a statement explaining that the authority has conducted a formal, documented process to assess the effectiveness of its internal control structure and procedures, and indicate whether or not the internal controls are adequate.

(ii) This statement should eventually be posted to the Agency's website.

(iii) The statement shall state the following or equivalent:

The Agency's Members have documented and assessed the Oneida County Industrial Development Agency's Internal Financial Control System for the year ending December 31, 20 and found the Agency's internal controls to be adequate. No deficiencies were found.

(iv) The Agency's Members shall retain documentation to support the assessment of its internal controls.

(v) If the Agency's Members find any deficiencies with the internal controls over its functions or operations, additional documentation should be maintained to demonstrate that the Agency has adopted corrective action plans to address these weaknesses.

(vi) This documentation should be made available upon request to the Agency's independent auditor or to ABO compliance review staff.

B. Public Authorities Reporting Information System (PARIS):

As part of the PARIS Annual Report tab, the Agency will be required to indicate whether or not it has prepared this assessment and will provide the URL link to the statement, if available.

~~Final Approved May 22, 2008~~

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ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

INVESTMENT AND DEPOSIT POLICY

I. PURPOSE

Section 2925 of the Public Authorities Law requires the Oneida County Industrial Development Agency (the “Agency”) to adopt by resolution comprehensive investment guidelines which detail its operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the Agency. In addition to the requirements set forth in Section 2925 of the Public Authorities Law, the Agency is subject to the deposit and investment restrictions contained in Sections 10 and 11 of the General Municipal Law, which govern the deposit and investment of funds for the Agency’s own use and account.

The purpose of establishing this investment and deposit policy (the “Investment Policy”) is to develop comprehensive investment guidelines which detail the Agency’s operative policy and instructions to officers regarding the investing, monitoring, reporting, and depositing of funds pursuant to the foregoing provisions of the Public Authorities Law and General Municipal Law. The Agency desires to invest any funds prudently to maintain their value relative to inflation while preserving liquidity through low risk investments.

II. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the Agency’s own behalf or, where applicable, on behalf of any other entity or individual. The officers will be guided by this Investment Policy in managing the short and long-term investments of the Agency’s available cash.

This Investment Policy is not intended to restrict the normal business activities of the Agency, which include the making of loans to, equity investments in, and/or project expenditures in private companies in furtherance of the corporate purposes of the forgoing entities.

Any and all previously-approved Investment policies of the Oneida County Industrial Development Agency are hereby rescinded.

III. OBJECTIVES

The primary objectives of the local government’s investment activities are, in priority order:

- To conform with all applicable Federal, State and other legal requirements (legal);
- To adequately safeguard principal (safety);

- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield).

IV. DELEGATION OF AUTHORITY

The Executive Director shall have the authority and responsibility for investment and depositing of funds, including directing, implementing, and monitoring such investments, consistent with these guidelines. The Agency's Members shall provide oversight and supervision for such investment and depositing.

V. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Oneida County Industrial Development Agency (hereinafter Agency) to govern effectively.

Investments shall be made in good faith with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income, net of fees, to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

VI. DIVERSIFICATION

It is the policy of the Agency to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling. This shall not be construed so as to mandate absolute diversification in the event that it is determined, in a certain instance, that diversification is not in the best interest of the Agency. The Agency shall strive to make its investments in financial institutions located in Oneida County.

VII. INTERNAL CONTROLS

The officers are responsible for establishing and maintaining an internal control structure to provide reasonable assurance that:

- a. All moneys collected by any officer, agent, contractor or employee of the Agency to transfer those funds to the Agency within three (3) days of deposit, or within the time period specified by law, whichever is shorter.
- b. Each cash and investment account will be reviewed and reconciled on a monthly basis.

- c. Deposits and investments are safeguarded against loss from unauthorized use or disposition;
- d. Transactions are executed in accordance with the Member's authorization;
- e. Transactions are recorded properly;
- f. Transactions are managed in compliance with applicable laws and regulations governing public funds;
- g. Quarterly financial reports shall be shared with the Members regarding financial assets, investments held by the Agency and the selection of investment bankers, brokers, agents, dealers or auditors; and
- h. The Agency engages, on an annual basis, a firm qualified to conduct an independent audit of all investments, which shall be conducted in accordance with generally accepted government auditing standards and should at a minimum include:
 - i. The scope and objectives;
 - ii. Any material weaknesses found in the internal controls;
 - iii. A description of all non-compliance with the authority's own investment policies as well as any applicable laws or regulations; and
 - iv. A statement of positive assurance of compliance on the items tested and a statement of any other material deficiency or finding.

VIII. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the Agency shall direct the Executive Director to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit amounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;

- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Agency;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agency where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML §109-b;
- Obligations of this local government, by only with any moneys in a reserve fund established pursuant to GML §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Agency within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Agency within two years of the date of purchase.

IX. REQUIREMENT OF WRITTEN CONTRACTS

For any investment of funds, the Agency shall enter into a written contract pursuant to which the investment is made, except where the Members shall determine that: (a) a written contract is not practical; or (b) there is no regular business practice of executing a written contract with respect to a particular investment or transaction.

In situations where there is no written contract for a particular investment, the Agency shall follow such procedures as are appropriate to protect its financial interest.

X. ANNUAL INVESTMENT REPORT

In accordance with Section 2925 of the Public Authorities Law, within ninety (90) days after the end of its fiscal year, the Treasurer shall prepare and the Members shall approve an annual investment report that shall include:

- a. These investment guidelines as then currently amended;
- b. A description of any amendments to these investment guidelines since the last annual investment report;
- c. An explanation of these investment guidelines as amended;
- d. The results of the annual independent audit;
- e. The investment income record;

- f. A list of the total fees, commissions, or other charges paid to each investment banker, broker, agent, dealer, and advisor that rendered investment associated services to the Agency since the last annual investment report.

If the Agency does not incur any investment fees or commissions during a fiscal year, the report shall state that no such fees or commissions were incurred. If the Agency does not hold any investments during a fiscal year, it must still prepare a report stating that the Agency did not own any investments for that period.

The annual investment report may be part of any other annual report that the Agency is required to make. Said investment report shall be submitted through the Public Authorities Reporting Information System (PARIS) within ninety (90) days of the Agency's fiscal year end. The report shall also be submitted to the Chief Executive Officer and Chief Fiscal Officer of the County of Oneida.

XI. DEPOSIT OF MONIES

All monies of the Agency from whatever source derived shall be deposited forthwith in one or more commercial banks or trust companies designated by the Agency's Members; and, to the extent practicable, consistent with the cash requirements of the Agency, all such money shall be deposited in interest bearing counts. The Agency's Members shall specify the maximum amount that may be kept on deposit at any time with each bank or trust company. Such designations and amounts may be changed at any time by further resolution of the Agency.

In accordance with Section 10 of the General Municipal Law, all deposits of the Agency (including certificates of deposit and special time deposits) in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured as follows:

- a. By a pledge of "eligible securities" with an aggregate "market value" as defined by Section 10 of the General Municipal Law, at least equal to the aggregate amount of deposits. A list of eligible securities is attached as Exhibit "A".
- b. By an irrevocable letter of credit issued by a qualified bank (other than the bank with which the money is being deposited or invested) in favor of the Agency for a term not to exceed ninety (90) days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable minimum risk-based capital requirements.
- c. By an eligible surety bond payable to the Agency for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two

nationally recognized statistical rating organizations. The terms and conditions of any eligible surety bond shall be subject to approval of the Agency's Members.

- d. By a pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the amount of deposits from all such officers within the State at such bank or trust company, together with a security agreement from the bank or trust company.
- e. By an irrevocable letter of credit issued in favor of the Agency by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of the deposits and the agreed upon interest, if any.

Eligible securities used for collateralizing deposits shall be held by the depository and/or third-party bank or trust company subject to security and custodial agreements as described below.

- a. The security agreement shall provide that eligible securities are being pledged to secure Agency deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Agency to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Agency, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the depository or its custodial bank.
- b. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Agency, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The custodial agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The custodial agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Agency a perfected interest in the securities and may include such other terms as the Agency's Members deem necessary.

XII. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Agency shall transact business only with qualified, certified, or licensed investment bankers, brokers, agents, dealers, and other investment advisors and agents. The Agency shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the

agency conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Agency. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Executive Director is responsible for ensuring a report is delivered to the Agency Members for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Each year a list of depositories, trading partners and custodians will be authorized at the Agency's annual meeting. Said list shall be presented annually to the Agency for approval and will be attached hereto at Exhibit B.

XIII. SAVINGS CLAUSE

Nothing contained in Section 2925 of the Public Authorities Law shall be deemed to alter, affect the validity of, modify the terms of or impair any contract, agreement or investment of funds made or entered into by the Agency in violation of, or without compliance with the provisions of Section 2925 of the Public Authorities Law.

XIV. ANNUAL REVIEW

This Investment Policy shall be reviewed and approved by the Agency's Members on an annual basis.

A-1 Exhibit A: Schedule of Eligible Securities

- (1) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- (2) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.
- (3) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- (4) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation or such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- (5) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (6) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (7) Obligations of countries, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest categories by at least one nationally recognized statistical rating organization.
- (8) Obligations of domestic corporations rated one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (9) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (10) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- (11) Zero Coupon obligations of the United States government marketed as "Treasury strips".

B-1 Exhibit B: List of Depositories, Trading Partners and Custodians

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

~~EXHIBIT H~~ INVESTMENT AND DEPOSIT POLICY

~~INVESTMENT AND DEPOSIT POLICY~~

I. PURPOSE

Section 2925 of the Public Authorities Law requires the Oneida County Industrial Development Agency (the "Agency") to adopt by resolution comprehensive investment guidelines which detail its operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the Agency. In addition to the requirements set forth in Section 2925 of the Public Authorities Law, the Agency is subject to the deposit and investment restrictions contained in Sections 10 and 11 of the General Municipal Law, which govern the deposit and investment of funds for the Agency's own use and account.

The purpose of establishing this investment and deposit policy (the "Investment Policy") is to develop comprehensive investment guidelines which detail the Agency's operative policy and instructions to officers regarding the investing, monitoring, reporting, and depositing of funds pursuant to the foregoing provisions of the Public Authorities Law and General Municipal Law. The Agency desires to invest any funds prudently to maintain their value relative to inflation while preserving liquidity through low risk investments.

II. ~~I.~~ SCOPE

This investment policy applies to all moneys and other financial resources available for investment on ~~its~~ the Agency's own behalf or, where applicable, on behalf of any other entity or individual. The officers will be guided by this Investment Policy in managing the short and long-term investments of the Agency's available cash.

This Investment Policy is not intended to restrict the normal business activities of the Agency, which include the making of loans to, equity investments in, and/or project expenditures in private companies in furtherance of the corporate purposes of the forgoing entities.

Any and all previously-approved Investment policies of the Oneida County Industrial Development Agency are hereby rescinded.

III. ~~II.~~ OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order:

- To conform with all applicable Federal, State and other legal requirements (legal);
- To adequately safeguard principal (safety);

- To provide sufficient liquidity to meet all operating requirements (liquidity); and
- To obtain a reasonable rate of return (yield).

IV. ~~III.~~ DELEGATION OF AUTHORITY

~~The governing board's responsibility for administration of the investment program is delegated to the Chief Executive Officer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.~~

The Executive Director shall have the authority and responsibility for investment and depositing of funds, including directing, implementing, and monitoring such investments, consistent with these guidelines. The Agency's Members shall provide oversight and supervision for such investment and depositing.

V. ~~IV.~~ PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Oneida County Industrial Development Agency (hereinafter Agency) to govern effectively.

Investments shall be made in good faith with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income, net of fees, to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

VI. ~~V.~~ DIVERSIFICATION

It is the policy of the Agency to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling. ~~Not more than 25% of the Agency's total investments are in any one institution. The agency~~This shall not be construed so as to mandate absolute diversification in the event that it is determined, in a certain instance, that diversification is not in the best interest of the Agency. The Agency shall strive to make its investments in financial institutions located in Oneida County.

VII. ~~VI.~~ INTERNAL CONTROLS

The officers are responsible for establishing and maintaining an internal control structure to provide reasonable assurance that:

- ~~a. It is the policy of the Agency for all~~All moneys collected by any officer, agent, contractor or employee of the Agency to transfer those funds to the Agency within three (3) days of deposit, or within the time period specified by law, whichever is shorter.
- b. Each cash and investment account will be reviewed and reconciled on a monthly basis.
- ~~c. The Executive Director is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits~~Deposits and investments are safeguarded against loss from unauthorized use or disposition, ~~that transactions are executed in accordance with management's authorization and recorded properly, and is~~;
- d. Transactions are executed in accordance with the Member's authorization;
- e. Transactions are recorded properly;
- f. Transactions are managed in compliance with applicable laws and regulations ~~governing public funds;~~
- g. Quarterly financial reports shall be shared with the Members regarding financial assets, investments held by the Agency and the selection of investment bankers, brokers, agents, dealers or auditors; and
- h. The Agency engages, on an annual basis, a firm qualified to conduct an independent audit of all investments, which shall be conducted in accordance with generally accepted government auditing standards and should at a minimum include:
- i. The scope and objectives;
 - ii. Any material weaknesses found in the internal controls;
 - iii. A description of all non-compliance with the authority's own investment policies as well as any applicable laws or regulations; and
 - iv. A statement of positive assurance of compliance on the items tested and a statement of any other material deficiency or finding.

VIII. ~~VII.~~ PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the Agency shall direct the Executive Director to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit amounts;

- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Agency;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agency where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML §109-b;
- Obligations of this local government, by only with any moneys in a reserve fund established pursuant to GML §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Agency within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Agency within two years of the date of purchase.

IX. REQUIREMENT OF WRITTEN CONTRACTS

For any investment of funds, the Agency shall enter into a written contract pursuant to which the investment is made, except where the Members shall determine that: (a) a written contract is not practical; or (b) there is no regular business practice of executing a written contract with respect to a particular investment or transaction.

In situations where there is no written contract for a particular investment, the Agency shall follow such procedures as are appropriate to protect its financial interest.

X. ANNUAL INVESTMENT REPORT

In accordance with Section 2925 of the Public Authorities Law, within ninety (90) days after the end of its fiscal year, the Treasurer shall prepare and the Members shall approve an annual investment report that shall include:

- a. These investment guidelines as then currently amended;

- b. A description of any amendments to these investment guidelines since the last annual investment report;
- c. An explanation of these investment guidelines as amended;
- d. The results of the annual independent audit;
- e. The investment income record;
- f. A list of the total fees, commissions, or other charges paid to each investment banker, broker, agent, dealer, and advisor that rendered investment associated services to the Agency since the last annual investment report.

If the Agency does not incur any investment fees or commissions during a fiscal year, the report shall state that no such fees or commissions were incurred. If the Agency does not hold any investments during a fiscal year, it must still prepare a report stating that the Agency did not own any investments for that period.

The annual investment report may be part of any other annual report that the Agency is required to make. Said investment report shall be submitted through the Public Authorities Reporting Information System (PARIS) within ninety (90) days of the Agency's fiscal year end. The report shall also be submitted to the Chief Executive Officer and Chief Fiscal Officer of the County of Oneida.

XI. DEPOSIT OF MONIES

All monies of the Agency from whatever source derived shall be deposited forthwith in one or more commercial banks or trust companies designated by the Agency's Members; and, to the extent practicable, consistent with the cash requirements of the Agency, all such money shall be deposited in interest bearing counts. The Agency's Members shall specify the maximum amount that may be kept on deposit at any time with each bank or trust company. Such designations and amounts may be changed at any time by further resolution of the Agency.

In accordance with Section 10 of the General Municipal Law, all deposits of the Agency (including certificates of deposit and special time deposits) in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured as follows:

- a. By a pledge of "eligible securities" with an aggregate "market value" as defined by Section 10 of the General Municipal Law, at least equal to the aggregate amount of deposits. A list of eligible securities is attached as Exhibit "A".
- b. By an irrevocable letter of credit issued by a qualified bank (other than the bank with which the money is being deposited or invested) in favor of the Agency for a term not to exceed ninety (90) days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt

obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable minimum risk-based capital requirements.

- c. By an eligible surety bond payable to the Agency for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations. The terms and conditions of any eligible surety bond shall be subject to approval of the Agency's Members.
- d. By a pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the amount of deposits from all such officers within the State at such bank or trust company, together with a security agreement from the bank or trust company.
- e. By an irrevocable letter of credit issued in favor of the Agency by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of the deposits and the agreed upon interest, if any.

Eligible securities used for collateralizing deposits shall be held by the depository and/or third-party bank or trust company subject to security and custodial agreements as described below.

- a. The security agreement shall provide that eligible securities are being pledged to secure Agency deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Agency to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Agency, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the depository or its custodial bank.
- b. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Agency, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The custodial agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The custodial agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Agency a perfected interest in the securities and may include such other terms as the Agency's Members deem necessary.

XII. ~~VIII.~~ AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Agency shall transact business only with qualified, certified, or licensed investment bankers, brokers, agents, dealers, and other investment advisors and agents. The Agency shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. ~~No more than 25% of the Agency's total investments may be in any one institution.~~ All financial institutions with which the agency conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Agency. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Executive Director is responsible for ensuring a report is delivered to the Agency Members for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Each year a list of depositories, trading partners and custodians will be authorized at the Agency's annual meeting. Said list ~~will~~shall be presented annually to the Agency for approval and will be attached hereto at Exhibit B.

XIII. SAVINGS CLAUSE

Nothing contained in Section 2925 of the Public Authorities Law shall be deemed to alter, affect the validity of, modify the terms of or impair any contract, agreement or investment of funds made or entered into by the Agency in violation of, or without compliance with the provisions of Section 2925 of the Public Authorities Law.

XIV. ANNUAL REVIEW

This Investment Policy shall be reviewed and approved by the Agency's Members on an annual basis.

A-1 Exhibit A: Schedule of Eligible Securities

- (1) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
- (2) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.
- (3) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- (4) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation or such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- (5) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (6) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (7) Obligations of countries, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest categories by at least one nationally recognized statistical rating organization.
- (8) Obligations of domestic corporations rated one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (9) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (10) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- (11) Zero Coupon obligations of the United States government marketed as "Treasury strips".

B-1 Exhibit B: List of Depositories, Trading Partners and Custodians

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 10/29/2025 11:32:10 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://cloudimanage.com/BOND/22311376/1	
Modified DMS: iw://cloudimanage.com/BOND/22311376/4	
Changes:	
<u>Add</u>	103
Delete	22
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	125

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROCUREMENT POLICY

A. Introduction

1. Scope – In accordance with Article 18-A of the General Municipal Law (the “IDA Act”), Section 104-b of the General Municipal Law, and the Public Authorities Accountability Act of 2005, the Oneida County Industrial Development Agency (the “Agency”) is required to adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of Section 103 of the GML and paid for by the Agency for its own use and account.

2. Purpose – Pursuant to Section 104-b of the GML, the primary objectives of this policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of the County of Oneida, 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.

B. Methods of Procurement

1. The purchase of equipment, supplies, and non-professional services shall be authorized as follows:

- i. Where the estimated total cost does not exceed \$5,000, purchases shall be made upon verbal quotations that best meet the standards of efficiency, timeliness, practicality, and convenience at the discretion of Executive Director of the Agency or authorized designee. Given these objectives, a price quote from a single vendor may be sufficient. To the extent that multiple quotations are received, in the event the purchase is made from a vendor not providing the lowest quote, a written explanation will be placed in the file.
- ii. Where the estimated total cost is over \$5,000 and does not exceed \$20,000, the purchase shall be made upon at least three (3) written quotations, if available, and shall be authorized by the Executive Director of the Agency or authorized designee. In the event the purchase is made from a vendor not providing the lowest quote, a written explanation will be placed in the file.
- iii. Where the estimated cost is over \$20,000, the purchase shall be made based upon a competitive bidding process. The Agency’s Members shall authorize, or ratify, award of contracts for such purchases if the purchase was not anticipated in the Agency’s adopted Annual Budget. In the event the purchase is made from a vendor not providing the lowest

quote, a written explanation will be placed in the file and/or reflected in the Agency's Member meeting minutes.

- iv. Purchases may be made from a Federal, State, County, or other Municipal, State Authority, or Local Development Corporation contracts. Such purchases are not subject to the requirements specified in items 1(i)-1.(iii), above.
- v. All purchases of \$5,000 or more, or any purchases not anticipated in the Agency's adopted Annual Budget, shall be reported to the Agency's Members on a semi-annual basis. In the event that the purchase is made from a vendor not providing the lowest cost, an explanation shall be included in this report.

2. Contracts for professional services involve the application of specialized expertise, the use of professional judgement, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Professional service agreements are not required to be awarded to the lowest responsible bidder but rather the Agency may use a selection process to determine the most qualified proposal to perform the services. The purchase of professional services shall be authorized as follows:

- i. Where the estimated total cost does not exceed \$20,000, purchases shall be made upon a written proposal, quotation or statement of work at the discretion of the Executive Director of the Agency or authorized designee.
- ii. Where the estimated total cost is over \$20,000, the purchase shall be made based upon a public bid request for proposals process. The Agency's Members shall authorize award of contracts for such purchases if the purchase was not anticipated in the Agency's adopted Annual Budget.
- iii. Purchases may be made from a Federal, State, County, or other Municipal, State Authority, or Local Development Corporation contracts. Such purchases are not subject to the requirements specified in 2(i)-2(ii), above.
- iv. All purchases of \$5,000 or more, or any purchases not anticipated in the Agency's adopted Annual Budget, shall be reported to the Agency's Members on a semi-annual basis.

C. Exceptions to Bidding – Alternative proposals or quotations shall not be required for procurements made through or with respect to:

1. Emergency Procurements – An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or of the citizens. With approval by the Executive Director such emergency shall not be subject

to competitive bidding or the procedures stated above. Where practicable, the Executive Director will endeavor to obtain, at a minimum, verbal quotations for the work or services necessary. Any and all emergency purchases in excess of \$5,000 shall be reported to the Members as soon as practicable and for any such purchases in excess of \$10,000 the Members shall be notified electronically and/or telephonically prior to purchase if possible. In any event, said approval by the Executive Director shall be documented and shall also include a description of the facts giving rise to the emergency;

2. New York State or Oneida County Contracts – when the Agency is able to procure commodities, equipment, goods or services through New York State or Oneida County contracts, it is unnecessary to obtain quotations or bids;

3. State Finance Law Section 175-b (from agencies for the blind or severely handicapped);

4. Correction Law Section 186 (articles manufactured in correctional institutions);

5. Sole Source Procurements – A “sole source” means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace; (ii) no other goods and/or services provide substantially equivalent or similar benefits; and (iii) considering the benefits, the cost to the Agency is reasonable;

6. Utilities and Affiliate Transactions – The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements; and

7. Unavailability of three (3) vendors who are able or willing to provide a quote.

D. Basis for the Award of Contracts – Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the Agency determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the Agency may consider relevant factors including, without limitation:

1. Delivery requirements;

2. Quality requirements;

3. Quantity requirements;

4. Past vendor performance and/or experience;

5. The unavailability of three or more vendors who are able or willing to quote on a procurement; and

6. Whether it is in the best interests of the Agency to consider only one vendor who has previous expertise with respect to a particular procurement.

E. Documentation

1. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.

2. For each procurement by the Agency, the Executive Director of the Agency or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.

3. Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.

4. Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

F. Effect on Other Procurement Requirements – Where the procurement of a specified good or service is to be accomplished using funds other than the funds of the Agency and such funding sources specify different or more restrictive procurement requirements than are provided for in this Policy, the procurement requirements of the funding source will supersede the requirements of this Policy. Toward this end, the Agency will follow the procurement standards as set forth in 2 CFR Part 200 for any procurements utilizing federal funds unless otherwise superseded by the specific federal award agreement.

G. Annual Review – the Agency shall annually review this Procurement Policy.

H. Unintentional Failure to Comply – The unintentional failure to comply with the provisions of Section 104-b of the GML shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

EXHIBIT J – PROCUREMENT POLICY

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROCUREMENT POLICY

A. Introduction

1. Scope – In accordance with Article 18-A of the General Municipal Law (the “IDA Act”), Section 104-b of the General Municipal Law, and the Public Authorities Accountability Act of 2005, the Oneida County Industrial Development Agency (the “Agency”) is required to adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of Section 103 of the GML and paid for by ~~an IDA~~the Agency for its own use and account.

2. Purpose – Pursuant to Section 104-b of the GML, the primary objectives of this policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of ~~a political subdivision or district~~the County of Oneida, 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.

~~B. Procurement Policy – any procurement not subject to competitive bidding will be presented to the full board for approval. This policy does not pertain to procurements of agents of the agency identified in IDA project documents.~~

B. ~~C. Exceptions to Bidding~~Methods of Procurement

1. The purchase of equipment, supplies, and non-professional services shall be authorized as follows:

- i. Where the estimated total cost does not exceed \$5,000, purchases shall be made upon verbal quotations that best meet the standards of efficiency, timeliness, practicality, and convenience at the discretion of Executive Director of the Agency or authorized designee. Given these objectives, a price quote from a single vendor may be sufficient. To the extent that multiple quotations are received, in the event the purchase is made from a vendor not providing the lowest quote, a written explanation will be placed in the file.
- ii. Where the estimated total cost is over \$5,000 and does not exceed \$20,000, the purchase shall be made upon at least three (3) written quotations, if available, and shall be authorized by the Executive Director of the Agency or authorized designee. In the event the purchase is made from a vendor not providing the lowest quote, a written explanation will be placed in the file.

- iii. Where the estimated cost is over \$20,000, the purchase shall be made based upon a competitive bidding process. The Agency's Members shall authorize, or ratify, award of contracts for such purchases if the purchase was not anticipated in the Agency's adopted Annual Budget. In the event the purchase is made from a vendor not providing the lowest quote, a written explanation will be placed in the file and/or reflected in the Agency's Member meeting minutes.
- iv. Purchases may be made from a Federal, State, County, or other Municipal, State Authority, or Local Development Corporation contracts. Such purchases are not subject to the requirements specified in items 1(i)-1.(iii), above.
- v. All purchases of \$5,000 or more, or any purchases not anticipated in the Agency's adopted Annual Budget, shall be reported to the Agency's Members on a semi-annual basis. In the event that the purchase is made from a vendor not providing the lowest cost, an explanation shall be included in this report.

2. Contracts for professional services involve the application of specialized expertise, the use of professional judgement, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Professional service agreements are not required to be awarded to the lowest responsible bidder but rather the Agency may use a selection process to determine the most qualified proposal to perform the services. The purchase of professional services shall be authorized as follows:

- i. Where the estimated total cost does not exceed \$20,000, purchases shall be made upon a written proposal, quotation or statement of work at the discretion of the Executive Director of the Agency or authorized designee.
- ii. Where the estimated total cost is over \$20,000, the purchase shall be made based upon a public bid request for proposals process. The Agency's Members shall authorize award of contracts for such purchases if the purchase was not anticipated in the Agency's adopted Annual Budget.
- iii. Purchases may be made from a Federal, State, County, or other Municipal, State Authority, or Local Development Corporation contracts. Such purchases are not subject to the requirements specified in 2(i)-2(ii), above.
- iv. All purchases of \$5,000 or more, or any purchases not anticipated in the Agency's adopted Annual Budget, shall be reported to the Agency's Members on a semi-annual basis.

C. Exceptions to Bidding – Alternative proposals or quotations shall not be required for procurements made through or with respect to:

1. **Emergency Situation Procurements** – An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or of the citizens. With approval by the Executive Director such emergency shall not be subject to competitive bidding or the procedures stated above. Where practicable, the Executive Director will endeavor to obtain, at a minimum, verbal quotations for the work or services necessary. Any and all emergency purchases in excess of \$5,000 shall be reported to the Members as soon as practicable and for any such purchases in excess of \$10,000 the Members shall be notified electronically and/or telephonically prior to purchase if possible. In any event, said approval by the Executive Director shall be documented and shall also include a description of the facts giving rise to the emergency;

~~2. Resolution Waiving Bidding Requirements – The Agency may adopt a resolution waiving the competitive bidding requirements whenever it is determined to be impracticable.~~

2. New York State or Oneida County Contracts – when the Agency is able to procure commodities, equipment, goods or services through New York State or Oneida County contracts, it is unnecessary to obtain quotations or bids;

3. State Finance Law Section 175-b (from agencies for the blind or severely handicapped);

4. Correction Law Section 186 (articles manufactured in correctional institutions);

5. Sole Source Procurements – A “sole source” means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace; (ii) no other goods and/or services provide substantially equivalent or similar benefits; and (iii) considering the benefits, the cost to the Agency is reasonable;

6. Utilities and Affiliate Transactions – The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements; and

7. Unavailability of three (3) vendors who are able or willing to provide a quote.

D. Basis for the Award of Contracts – Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the Agency determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the Agency may consider relevant factors including, without limitation:

1. Delivery requirements;

2. Quality requirements;

3. Quantity requirements;
4. Past vendor performance and/or experience;
5. The unavailability of three or more vendors who are able or willing to quote on a procurement; and
6. Whether it is in the best interests of the Agency to consider only one vendor who has previous expertise with respect to a particular procurement.

E. Documentation

1. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.
2. For each procurement by the Agency, the Executive Director of the Agency or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.
3. Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.
4. Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

F. Effect on Other Procurement Requirements – Where the procurement of a specified good or service is to be accomplished using funds other than the funds of the Agency and such funding sources specify different or more restrictive procurement requirements than are provided for in this Policy, the procurement requirements of the funding source will supersede the requirements of this Policy. Toward this end, the Agency will follow the procurement standards as set forth in 2 CFR Part 200 for any procurements utilizing federal funds unless otherwise superseded by the specific federal award agreement.

G. ~~D.~~ Annual Review – the Agency shall annually review ~~its policies and procedures~~this Procurement Policy.

H. ~~E.~~ Unintentional Failure to Comply – The unintentional failure to comply with the provisions of Section 104-b of the GML shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 10/30/2025 9:57:00 AM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://cloudimanager.com/BOND/22310931/1	
Modified DMS: iw://cloudimanager.com/BOND/22310931/4	
Changes:	
<u>Add</u>	76
Delete	17
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	93

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROPERTY DISPOSITION POLICY

SECTION 1. DEFINITIONS.

“Contracting Officer” shall mean the officer or employee of the Oneida County Industrial Development Agency (hereinafter, the “Agency”) who shall be appointed by resolution to be responsible for disposition of property.

“Dispose” or “disposal” shall mean transfer of title or any other beneficial interest in personal or real property in accordance with section 28975 of the New York State Public Authorities Law.

“Property” shall mean personal property in excess of five thousand dollars (\$5,000.00) in value, and real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

SECTION 2. DUTIES.

A. The Agency shall:

(i) maintain adequate inventory controls and accountability systems for all property owned by the Agency and under its control;

(ii) periodically inventory such Property to determine which property shall be disposed of;

(iii) produce a written report of such property in accordance with subsection B herewith; and

(iv) transfer or dispose of such Property as promptly and practicably as possible in accordance with Section 3 below.

B. The Agency shall:

(i) publish, not less frequently than annually, a report listing all real property owned in fee by the Agency. Such report shall consist of a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the Agency and the name of the purchaser for all such property sold by the Agency during such period; and

(ii) shall deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, the Commissioner of the New York State Office of General Services, the New York State Legislature (via

distribution to the Majority Leader of the Senate and the Speaker of the Assembly), and the Authorities Budget Office.

SECTION 3. TRANSFER OR DISPOSITION OF PROPERTY.

A. Supervision and Direction. Except as otherwise provided herein, the duly appointed Contracting Officer shall have supervision and direction over the disposition and sale of Property of the Agency. The Agency shall have the right to dispose of its Property for any valid corporate purpose.

B. Custody and Control. The custody and control of Agency property, pending its disposition, and the disposal of such Property, shall be performed by the Agency or by the Commissioner of General Services when so authorized under this section.

C. Method of Disposition. Unless otherwise permitted, the Agency shall dispose of Property for not less than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Agency and/or Contracting Officer deems proper. The Agency may execute such documents for the transfer of title or other interest in Property and take such other action as it deems necessary or proper to dispose of such Property under the provisions of this section. Provided, however, except in compliance with all applicable law, no disposition of real property, any interest in real property, or any other property which because of its unique nature is not subject to fair market pricing shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction and provided further, no disposition of any other Property, which because of its unique nature or the unique circumstances of the proposed transaction is not readily valued by reference to an active market for similar property, shall be made without a similar appraisal.

D. Sales by the Commissioner of General Services (the "Commissioner"). When the Agency shall have deemed that transfer of Property by the Commissioner will be advantageous to the State of New York, the Agency may enter into an agreement with the Commissioner pursuant to which the Commissioner may dispose of Property of the Agency under terms and conditions agreed to by the Agency and the Commissioner. In disposing of any such Property, the Commissioner shall be bound by the terms hereof and references to the Contracting Officer shall be deemed to refer to such Commissioner.

E. Validity of Deed, bill of Sale, Lease, or Other Instrument. A deed, bill of sale, lease, or other instrument executed by or on behalf of the Agency, purporting to transfer title or any other interest in Property of the Agency in accordance herewith shall be conclusive evidence of compliance with the provisions of these guidelines and all applicable law insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other interest and has not received actual or constructive notice or lack of such compliance prior to closing.

F. Bids for Disposal; Advertising; Procedure; Disposal by Negotiation; Explanatory Statement.

(i) Except as permitted by all applicable law, all disposals or contracts for disposal of Property made or authorized by the Agency shall be made after publicly advertising for bids except as provided in subsection (iii) of this Section F.

(ii) Whenever public advertising for bids is required under subsection (i) of this Section F:

(A) the advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the Property proposed for disposition;

(B) all bids shall be publicly disclosed at the time and place stated in the advertisement; and

(C) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to three invitations for bids, will be most advantageous to the Agency, price and factors considered; provided, that all bids be rejected at the Agency's discretion.

(iii) Disposals and contracts for disposal of Property may be negotiated or made by public auction without regard to subsections (i) and (ii) of this Section F but subject to obtaining such competition as is feasible under the circumstances, if:

(A) the personal property involved has qualities separate from the utilitarian purpose of such Property, such as artistic quality, antiquity, historical significance, rarity, or other quality or similar effect, that would tend to increase its value, or if the personal property is to be sold in such quantity that, if disposed of under subsection (i) and (ii) of this Section F, would adversely affect the state or local market for such Property, and the estimated fair market value of such Property and other satisfactory terms of disposal can be obtained by negotiation;

(B) the fair market value of the Property does not exceed fifteen thousand dollars (\$15,000.00);

(C) bid prices after advertising therefore are not reasonable, either as to all or some part of the Property, or have not been independently arrived at in open competition;

(D) the disposal will be to the state or any political subdivision or public benefit corporation, and the estimated fair market value of the Property and other satisfactory terms of disposal are obtained by negotiation;

(E) under those circumstances permitted by subsection G below;
or .

(F) such action is otherwise authorized by law.

(iv) An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of:

(A) any personal property which has an estimated fair market value in excess of fifteen thousand dollars (\$15,000.00);

(B) any real property that has an estimated fair market value in excess of one hundred thousand dollars (100,000.00), except that any real property disposed of by lease or exchange shall only be subject to clauses (3) and (4) of this subparagraph;

(C) any real property disposal of by lease, if the estimated annual rent over the term of the lease is in excess of fifteen thousand dollars (\$15,000); or

(D) any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.

(iv) Each such statement shall be transmitted to the persons required to receive copies of the report required under Section 2(B) not less than ninety (90) days in advance of such disposal, and a copy thereof shall be preserved in the files of the Agency making such disposal.

G. Disposal of Property for less than Fair Market Value ("FMV").

(i) No assets owned, leased or otherwise in the control of the Agency may be sold, leased, or otherwise alienated for less than its FMV except if:

(A) the transferee is a government or public entity and terms of transfer require ownership and use to remain with the government or public entity; or

(B) the purpose of transfer is within the purpose, mission, or governing statute of the Agency; or

(C) the Agency provides written notification to the Governor, the Speaker of the Assembly, and the Temporary President of the Senate; provided, however, that such notification is subject to denial by the Governor, the Speaker of the Assembly, and the Temporary President of the Senate pursuant to the Public Authorities Accountability Act;

(ii) If the Agency proposes to make a transfer below FMV, the following information is required to be provided to the Agency's Members and the public:

(A) a full description of the asset;

(B) an appraisal of the FMV of the asset and any other information establishing the FMV sought by the Members of the Agency;

(C) a description of purpose or transfer, the kind and amount of the benefit to the public resulting from the transfer such as jobs and wages created or preserved;

(D) a statement of the value to be received compared to FMV;

(E) the names of any private parties participating in the transfer, and, if different than the information required by subparagraph (D) immediately above, a statement of the value to the private party;

(F) the names of other private parties that have made an offer for the asset being transferred, the value offered, and the purpose for which the asset would have been used.

(iii) The Members of the Agency must make a written determination that there is no reasonable alternative to the proposed below-market transfer that would achieve the same purpose of such transfer.

This Policy is subject to modification and amendment at the discretion of the Agency and shall be filed annually with all local and state agencies as required under all applicable law.

The designated Contracting Officer for the Agency is the Executive Director.

~~EXHIBIT I – PROPERTY DISPOSITION POLICY~~

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROPERTY DISPOSITION POLICY

SECTION 1. DEFINITIONS.

“Contracting ~~officer~~Officer” shall mean the officer or employee of the Oneida County Industrial Development Agency (hereinafter, the “Agency”) who shall be appointed by resolution to be responsible for disposition of property.

“Dispose” or “disposal” shall mean transfer of title or any other beneficial interest in personal or real property in accordance with section ~~2897~~28975 of the New York State Public Authorities Law.

“Property” shall mean personal property in excess of five thousand dollars (\$5,000.00) in value, and real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.

SECTION 2. DUTIES.

A. The Agency shall:

(i) maintain adequate inventory controls and accountability systems for all property owned by the Agency and under its control;

(ii) periodically inventory such ~~property~~Property to determine which property shall be disposed of;

(iii) produce a written report of such property in accordance with subsection B herewith; and

(iv) transfer or dispose of such ~~property~~Property as promptly and practicably as possible in accordance with Section ~~23~~23 below.

B. The Agency shall:

(i) publish, not less frequently than annually, a report listing all real property owned in fee by the Agency. Such report shall consist of a list and full description of all real and personal property disposed of during such period. The report shall contain the price received by the Agency and the name of the purchaser for all such property sold by the Agency during such period; and

(ii) shall deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, the Commissioner of the

New York State Office of General Services, ~~and~~ the New York State Legislature (via distribution to the Majority Leader of the Senate and the Speaker of the Assembly), and the Authorities Budget Office.

SECTION 3. TRANSFER OR DISPOSITION OF PROPERTY.

A. Supervision and Direction. Except as otherwise provided herein, the duly appointed ~~contracting officer (the “Contracting Officer”)~~ shall have supervision and direction over the disposition and sale of ~~property~~Property of the Agency. The Agency shall have the right to dispose of its ~~property~~Property for any valid corporate purpose.

B. Custody and Control. The custody and control of Agency property, pending its disposition, and the disposal of such ~~property~~Property, shall be performed by the Agency or by the Commissioner of General Services when so authorized under this section.

C. Method of Disposition. Unless otherwise permitted, the Agency shall dispose of ~~property~~Property for not less than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Agency and/or ~~contracting officer~~Contracting Officer deems proper. The Agency may execute such documents for the transfer of title or other interest in ~~property~~Property and take such other action as it deems necessary or proper to dispose of such ~~property~~Property under the provisions of this section. Provided, however, except in compliance with all applicable law, no disposition of real property, any interest in real property, or any other property which because of its unique nature is not subject to fair market pricing shall be made unless an appraisal of the value of such property has been made by an independent appraiser and included in the record of the transaction: and provided further, no disposition of any other Property, which because of its unique nature or the unique circumstances of the proposed transaction is not readily valued by reference to an active market for similar property, shall be made without a similar appraisal.

D. Sales by the Commissioner of General Services (the “Commissioner”). When the Agency shall have deemed that transfer of ~~property~~Property by the Commissioner will be advantageous to the State of New York, the Agency may enter into an agreement with the Commissioner pursuant to which the Commissioner may dispose of ~~property~~Property of the Agency under terms and conditions agreed to by the Agency and the Commissioner. In disposing of any such ~~property~~Property, the Commissioner shall be bound by the terms hereof and references to the ~~contracting officer~~Contracting Officer shall be deemed to refer to such Commissioner.

E. Validity of Deed, bill of Sale, Lease, or Other Instrument. A deed, bill of sale, lease, or other instrument executed by or on behalf of the Agency, purporting to transfer title or any other interest in ~~property~~Property of the Agency in accordance herewith shall be conclusive evidence of compliance with the provisions of these guidelines and all applicable law insofar as concerns title or other interest of any bona fide grantee or transferee who has given valuable consideration for such title or other

interest and has not received actual or constructive notice ~~of~~for lack of such compliance prior to closing.

F. Bids for Disposal; Advertising; Procedure; Disposal by Negotiation; Explanatory Statement.

(i) Except as permitted by all applicable law, all disposals or contracts for disposal of ~~property~~Property made or authorized by the Agency shall be made after publicly advertising for bids except as provided in subsection (iii) of this Section F.

(ii) Whenever public advertising for bids is required under subsection (i) of this Section F:

(A) the advertisement for bids shall be made at such time prior to the disposal or contract, through such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the ~~property~~Property proposed for disposition;

(B) all bids shall be publicly disclosed at the time and place stated in the advertisement; and

(C) the award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to three invitations for bids, will be most advantageous to the Agency, price and factors considered; provided, that all bids be rejected at the Agency's discretion.

(iii) Disposals and contracts for disposal of ~~property~~Property may be negotiated or made by public auction without regard to subsections (i) and (ii) of this Section F but subject to obtaining such competition as is feasible under the circumstances, if:

(A) the personal property involved ~~is of a nature and has qualities separate from the utilitarian purpose of such Property, such as artistic quality, antiquity, historical significance, rarity, or other quality or similar effect, that would tend to increase its value, or if the personal property is to be sold in such~~ quantity ~~which~~that, if disposed of under subsection (i) and (ii) of this Section F, would adversely affect the state or local market for such ~~property~~Property, and the estimated fair market value of such ~~property~~Property and other satisfactory terms of disposal can be obtained by negotiation;

(B) the fair market value of the ~~property~~Property does not exceed fifteen thousand dollars (\$15,000.00);

(C) bid prices after advertising therefore are not reasonable, either as to all or some part of the ~~property~~Property, or have not been independently arrived at in open competition;

(D) the disposal will be to the state or any political subdivision or public benefit corporation, and the estimated fair market value of the ~~property~~Property and other satisfactory terms of disposal are obtained by negotiation;

~~(E) the disposal is for an amount less than the estimated fair market value of the property, the terms of such disposal are obtained by public auction or negotiation, the disposal of the property is intended to further the public health, safety or welfare or an economic development interest of the Agency, the state or a political subdivision (to include but not limited to, the prevention or remediation of a substantial threat to public benefit or safety, the creation or retention of a substantial source of revenues, or where the authority's enabling legislation permits or other economic development initiatives), the purpose and the terms of such disposal are documented in writing and approved by resolution of the board of the Agency; or such action is otherwise authorized by law.~~

(E) under those circumstances permitted by subsection G below:
or .

(F) such action is otherwise authorized by law.

(iv) ~~(A)~~ An explanatory statement shall be prepared of the circumstances of each disposal by negotiation of:

(A) ~~(1)~~ any personal property which has an estimated fair market value in excess of fifteen thousand dollars (\$15,000.00);

(B) ~~(2)~~ any real property that has an estimated fair market value in excess of one hundred thousand dollars (100,000.00), except that any real property disposed of by lease or exchange shall only be subject to ~~classes~~clauses (3) ~~through~~and ~~(54)~~ of this subparagraph;

~~(3) any real property disposal of by lease for a term of five (5) years or less, if the estimated fair annual rent is in excess of one hundred thousand dollars (\$100,000.00); or~~

(C) ~~(4)~~ any real property ~~disposed~~disposal of by lease ~~for a term of more than five (5) years~~, if the ~~total~~ estimated annual rent over the term of the lease is in excess of ~~one hundred~~fifteen thousand dollars (~~\$100,000.00~~15,000); or

(D) ~~(5)~~ any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.

(iv) ~~(B)~~ Each such statement shall be transmitted to the persons ~~entitled~~required to receive copies of the report required under ~~all applicable law~~Section 2(B) not less than ninety (90) days in advance of such disposal, and a copy thereof shall be preserved in the files of the Agency making such disposal.

G. Disposal of Property for less than Fair Market Value ("FMV").

(i) No assets owned, leased or otherwise in the control of the Agency may be sold, leased, or otherwise alienated for less than its FMV except if:

(A) the transferee is a government or public entity and terms of transfer require ownership and use to remain with the government or public entity; or

(B) the purpose of transfer is within the purpose, mission, or governing statute of the Agency; or

(C) the Agency provides written notification to the Governor, the Speaker of the Assembly, and the Temporary President of the Senate; provided, however, that such notification is subject to denial by the Governor, the Speaker of the Assembly, and the Temporary President of the Senate pursuant to the Public Authorities Accountability Act;

(ii) If the Agency proposes to make a transfer below FMV, the following information is required to be provided to the Agency's Members and the public:

(A) a full description of the asset;

(B) an appraisal of the FMV of the asset and any other information establishing the FMV sought by the Members of the Agency;

(C) a description of purpose or transfer, the kind and amount of the benefit to the public resulting from the transfer such as jobs and wages created or preserved;

(D) a statement of the value to be received compared to FMV;

(E) the names of any private parties participating in the transfer, and, if different than the information required by subparagraph (D) immediately above, a statement of the value to the private party;

(F) the names of other private parties that have made an offer for the asset being transferred, the value offered, and the purpose for which the asset would have been used.

(iii) The Members of the Agency must make a written determination that there is no reasonable alternative to the proposed below-market transfer that would achieve the same purpose of such transfer.

This Policy is subject to modification and amendment at the discretion of the Agency and shall be filed annually with all local and state agencies as required under all applicable law.

The designated Contracting Officer for the Agency is ~~Shawna Papale~~the Executive Director.

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 10/30/2025 11:28:51 AM	
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Table moves from	0
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Embedded Excel	0
Format changes	0
Total Changes:	139

ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

TRAVEL & DISCRETIONARY FUNDS POLICY

Section 1. PURPOSE

The purpose of this policy is to implement a provision of the Public Authorities Accountability Act requiring the adoption of certain policies and to adhere to the recommended practices of the NYS Authorities Budget Office (the "ABO") to protect against the use of discretionary funds for purposes that do not advance the Oneida County Industrial Development Agency's (the "Agency") mission and public purposes. Public Authorities Law § 2824 requires the Agency to adopt a policy to govern business travel and ABO Recommended Practice entitled, Written Policies Governing the Use of Authority Discretionary Funds, specifically recommends adoption by the Agency of a policy on the proper use of discretionary funds that incorporates the legal principals set forth in NYS Attorney General opinion #2007-F4.

Section 2. APPLICABILITY

This policy shall apply to every member of the Agency and all officers and employees thereof.

Section 3. TRAVEL

A. APPROVAL OF TRAVEL

B. All official travel needed to conduct Agency business for which a reimbursement will be sought must be approved by the Executive Director prior to such travel. Provided, however, in the instance where the Executive Director will seek reimbursement for official travel needed to conduct Agency business, such travel must be pre-authorized by the Chairman or Treasurer of the Agency.

C. PAYMENT OF TRAVEL

The Agency will reimburse all reasonable expenses related to meals, travel and lodging that were incurred by any member, officer or employee as a result of the performance of their official duties; provided such travel was approved in accordance with Section 3(A) of this Policy prior to such travel. All official travel shall be properly authorized, reported and reimbursed. Under no circumstances shall expenses for personal travel be charged to, or temporarily funded by the Agency. This exclusion applies to personal travel which interrupts official travel, or precedes or follows a business trip. Further, personal expenses are not reimbursable even when incurred while on an Agency trip. Examples of such excluded expenses are pet care, house, or child-care expenses and purchase or repair of personal luggage. It is the traveler's responsibility to report his or her travel expenses in a responsible and ethical manner, in accordance with this policy.

D. TRAVEL EXPENSES

Where practical, employees should perform appropriate due diligence to obtain the lowest reasonable costs for travel expenses.

Travelers may use their private vehicle for business purposes if it is less expensive than renting a car, taking a taxi, or using alternative transportation, or if it saves time. The traveler will be reimbursed at a standard mileage reimbursement rate.

Meals will be reimbursed at actual expense or a per diem rate as determined from time-to-time. Lodging will be reimbursed at actual expense.

Reimbursement for miscellaneous expenses shall be determined on a case-by-case basis. Mileage rates and per diem allowances will be established and from time-to-time amended by the Treasurer. All expense reimbursement determinations made pursuant to this paragraph D shall be made by the Treasurer. In the instance where such determinations regard the travel of the Treasurer, the Chairman shall make such determinations.

Section 4. DISCRETIONARY FUNDS

A. USE OF DISCRETIONARY FUNDS

The expenditure of Agency funds must relate to an enumerated power, duty or purpose of the Agency. Therefore, the use of discretionary funds shall be limited to expenditures that benefit the Agency in advancing its mission and public purposes. Discretionary funds shall not be used in a manner that primarily benefits the individual member, officer or employee.

B. PRIOR APPROVAL

All expenditures of discretionary funds shall be approved by the Executive Director prior to such expenditure and fall within Annual Budget Allocations. Provided, however, in the instance where the Executive Director will seek an expenditure of discretionary funds, such expenditure shall be pre-authorized by the Chairman or Treasurer of the Agency. The Executive Director or the Chairman or the Treasurer, as the case may be, shall review the proposed use of funds and reasonably determine whether such use (i) primarily benefits the Agency as opposed to an individual member, officer or employee and (ii) advances the mission and public purpose of the Agency. Scrutiny of all expenses will be guided by judgment relating to the relevance of such costs and the benefits which may accrue from such activities.

C. APPROPRIATE EXPENDITURE GUIDANCE

(i) Membership Dues – Membership dues paid for the Agency to belong to a professional peer organization is a permissible use of Agency funds. However, individual membership costs for members, officers and employees to belong to a professional, social or fraternal organization whereby the membership is of and the primary benefit is to, the individual rather than the Agency, should not be an Agency expenditure.

(ii) Charitable Contributions & Sponsorships – The appropriateness of such sponsorship or charitable contribution will depend on whether it relates to the powers, duty and purposes of the Agency, and whether such expenditure will advance the Agency’s core mission and public purposes.

(iii) Food & Beverages – Expenditures for food and beverages purchased for or during the conduct of Agency business with persons that do business with the Agency may be an appropriate expenditure of Agency discretionary funds, provided that the expense is reasonable in light of the circumstances surrounding the Agency activity and is approved by the Agency Chairman as set forth herein.

(iv) Professional Training, Certification and Licensing – Paying the costs to attend training to maintain certifications or licenses, or to attend professional conferences may be an appropriate expenditure of Agency discretionary funds.

(v) Marketing – Expenses incurred in the course of marketing our area to prospects and relations with existing industries and businesses and supporting partners in the furtherance of the Agency’s mission may be an appropriate expenditure of Agency discretionary funds.

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~~Approved and adopted this 21 day of February 2013.~~

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 10/30/2025 10:26:57 AM	
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SEXUAL HARASSMENT POLICY

Oneida County Industrial Development Agency ("OCIDA") is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but OCIDA recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of OCIDA's commitment to a discrimination-free work environment.

Goals of this Policy: Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with OCIDA. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

POLICY:

1. OCIDA's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with OCIDA. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.

2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of OCIDA who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Executive Director or Chairman. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject OCIDA to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. OCIDA will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. OCIDA will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, OCIDA will act as required. In addition to any required discipline, OCIDA will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that

violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to Executive Director or the Chairman.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is "Sexual Harassment"?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender

(perceived or actual), sexual orientation, or gender expression is considered a violation of OCIDA policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults, which may be considered criminal conduct outside of the scope of this policy (please contact law enforcement if you wish to pursue criminal charges).
- Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied or implied to overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be

anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel retraumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

What is "Retaliation"?

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;

- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager, the Executive Director or the Chairman. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Executive Director or the Chairman.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

Supervisor Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the Executive Director or the Chairman. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaint and Investigation of Sexual Harassment

All reports, complaints or other information about suspected sexual harassment will be investigated, regardless of whether that information was reported verbally or in writing. Investigations will be conducted in a timely and thorough manner commensurate with the nature of the report, and will be kept confidential to the extent possible.

In conducting a fair and impartial investigation, in accord with the “due process” mandate of the NY Sexual Harassment Law, OCIDA will: (i) assess the scope of the investigation; (ii) provide appropriate notice of the allegations to anyone who is the subject of a harassment complaint; (iii) provide an opportunity to respond to the allegations; and (iv) provide complainants and witnesses an appropriate opportunity to present relevant information, including documents and other evidence relevant to the investigation. OCIDA will also consider and implement appropriate document request, review and preservation measures as required by law. OCIDA reserves the right to adapt and modify its investigatory procedure(s), in its discretion, based on the nature of the report and the alleged conduct at issue. This policy in no way alters the at-will nature of employment at the Agency.

All employees and other individuals covered under this policy are required to cooperate, as needed, in an investigation of suspected sexual harassment. Employees and other individuals who participate in an investigation are protected from retaliation. OCIDA recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving complaints and leading investigations will handle complaints and questions with sensitivity toward those participating.

All persons involved in the reporting and investigation of harassment are obligated to keep the information pertaining to the investigation confidential to the maximum extent possible to protect the privacy of those involved and to allow OCIDA to conduct an objective and fair investigation. This means that all persons involved will share such information only with persons who have a need to know.

If OCIDA determines this policy has been violated, it will take effective remedial action(s) commensurate with the circumstances. If OCIDA concludes that an employee has violated this policy, OCIDA will take appropriate action(s) to stop the harassment and to discipline the offending employee, which may include termination. If OCIDA concludes that a non-employee has violated this policy, OCIDA will take appropriate action(s) to stop the harassment and attempt to deter any future harassment. **Please Note: OCIDA reserves the right to discipline individuals for conduct that it deems inappropriate or unprofessional, even if the behavior does not rise to the level necessary to violate the law.**

OCIDA will notify the individual who was subject to the reported conduct and the person who filed the report, if different, whether or not the investigation confirms a violation of policy. OCIDA will also notify the individual(s) about whom the reported conduct was made regarding the investigation outcome and, where applicable, implement corrective action(s). Information about OCIDA’s responsive action(s) may or may not be provided, depending on the

circumstances. Any person who experiences or witnesses further harassing conduct or any retaliation should make an additional report pursuant to this policy.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by OCIDA, but is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Aside from the internal process at OCIDA, employees may also choose to pursue legal remedies with the following governmental entities at any time:

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to OCIDA does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State. Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint.

This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting 2023 version; p11 workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections:

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such law exists.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Conclusion

The policy outlined above is aimed at providing employees at OCIDA and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, immigration or citizenship status, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Sexual Harassment Report Form

This form is designed to assist individuals making a report under Oneida County Industrial Development Agency ("OCIDA")'s Sexual Harassment Prevention Policy. If you believe you are, or have been, subject to conduct in violation of the Sexual Harassment Prevention Policy or have witnessed or otherwise become aware of such conduct, you are expected to report that information either verbally or in writing. It is the OCIDA's policy to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. After completing this form, please submit it to your supervisor, the Executive Director, or Chairman. If you are more comfortable reporting verbally or in another manner, you are welcome to do so.

OCIDA prohibits retaliation against any individual who opposes a discriminatory practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such reports. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

YOUR INFORMATION

Name: _____
Home Address: _____ Work Address: _____

Personal Phone: _____ Work Phone: _____
Job Title: _____ Email: _____
Preferred Communication Method: _____

SUPERVISOR'S INFORMATION

Immediate Supervisor's Name: _____
Title: _____
Work Phone: _____ Work Address: _____

INFORMATION CONCERNING SUSPECTED SEXUAL HARASSMENT

1. The name of the person(s) involved in your report – *e.g.*, the individual you believe has engaged in improper behavior under the OCIDA Sexual Harassment Policy. *(Please use additional paper, if necessary, and attach/provide any relevant documents/evidence.)*

Name: _____ Title: _____
Work Address: _____ Work Phone: _____

Other identifying information: _____
Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other: _____

2. Please describe the conduct or incident that is the basis of this report and your reasons for believing the conduct or incident is sexual harassment. Please describe how the conduct or incident is affecting your work. *(Please use additional sheets of paper if necessary and attach/provide any relevant documents/evidence.)*

3. Date(s) harassment occurred: _____

Is the harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your report. *(Please use additional sheets of paper, if necessary.)*

5. Have you previously reported or provided information (verbal or written) about related sexual harassment conduct or incidents at OCIDA? If yes, when and to whom did you report your concerns or provide information?

After receiving this report, an OCIDA representative will contact you. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with the need to investigate your report and to take appropriate corrective action. For additional information, see OCIDA's Sexual Harassment Prevention Policy.

The information provided in this report is true and complete. I request that the OCIDA investigate the allegations in this report and advise me of the investigation outcome.

Signature: _____

Date: _____

SEXUAL HARASSMENT POLICY

Oneida County Industrial Development Agency ("OCIDA") is committed to maintaining a workplace free from ~~sexual harassment~~ and discrimination. Sexual harassment ~~violates OCIDA's Workplace Anti-Harassment Policy and~~ is a form of workplace discrimination. ~~OCIDA has a zero-tolerance policy for any form of sexual harassment, and all employees~~ that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but OCIDA recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner ~~that prevents~~ designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of OCIDA's commitment to a discrimination-free work environment.

~~Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by (i) filing a complaint internally with OCIDA, (ii) file a complaint with a government agency or (iii) file a complaint in court under federal, state or local (where applicable) anti-discrimination law.~~

Goals of this Policy: Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with OCIDA. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

POLICY:

1. ~~This Sexual Harassment Policy~~ OCIDA's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid, ~~contractors and persons conducting business with OCIDA.~~ The policy also applies to additional covered individuals. It applies

to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with OCIDA. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the company.

2. Sexual harassment ~~will not be tolerated~~ is unacceptable. Any employee or covered individual ~~covered by this policy~~ who engages in sexual harassment, discrimination, or retaliation will be subject to ~~disciplinary action, up to and including~~ action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation ~~Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee~~ is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint. ~~OCIDA has a zero-tolerance policy for such is protected from retaliation against anyone who, in good faith complains or provides information about suspected. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation.~~ Any employee of OCIDA who retaliates against anyone involved in a sexual harassment or discrimination investigation will ~~be subjected to~~ face disciplinary action, up to and including termination. ~~Any employee, paid or unpaid intern, or non-employee~~ All employees and covered individuals working in the workplace who ~~believes~~ believe they have been subject to such retaliation should inform a supervisor, ~~the manager, or~~ the Executive Director or ~~the~~ Chairman. ~~Any employee paid or unpaid intern or non-employee who believes~~ All employees and covered individuals who believe they have been a ~~victim~~ target of such retaliation may also seek ~~remedies with the New York State Division of Human Rights, the U.S. Equal Employment Opportunity Commission or local law enforcement as set forth herein~~ relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject OCIDA to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees ~~of~~ at every level who ~~are found to~~ engage in ~~sexual~~ harassment or discrimination, including managers and supervisors who engage in ~~sexual~~ harassment or discrimination or who ~~knowingly~~ allow such behavior to continue, will be ~~disciplined~~

~~for such conduct including, but not limited to, immediate termination~~penalized for such misconduct.

5. ~~Whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring,~~ OCIDA will conduct a prompt, and thorough ~~and confidential~~ investigation that ~~ensures~~is fair to all parties ~~will be heard. Disciplinary action will be taken.~~ An investigation will happen whenever management receives a complaint about discrimination or sexual harassment ~~is found to have occurred,~~ or when it otherwise knows of possible discrimination or sexual harassment occurring. OCIDA will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, OCIDA will act as required. In addition to any required discipline, OCIDA will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and ~~supervisor~~supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All ~~people to whom is policy applies~~employees and covered individuals are encouraged to report any harassment or behaviors that ~~violate this policy. A complaint form for employees to report harassment and file complaints is attached to this policy.~~ 7. violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe ~~to the~~or become aware of, to Executive Director or the Chairman.
7. ~~8.~~ This policy applies to all employees, ~~paid or unpaid interns, and non-employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace,~~ and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations ~~and be provided to employees upon hiring.~~ For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is "Sexual Harassment"?

Sexual harassment is a form of ~~sex~~gender-based discrimination ~~and that~~ is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

~~Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:~~

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of OCIDA policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- ~~• Such conduct has the~~• The purpose or effect of this behavior ~~unreasonably interfering~~interferes with an ~~individual's~~individual's work performance or ~~creating~~creates an intimidating, hostile or offensive work environment;

. The impacted person does even if the complaining individual is not need to be the intended target of the sexual harassment;

- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

- ~~• Such conduct is made either explicitly or implicitly a term or condition of employment; or~~

There are two main types of sexual harassment:

- ~~• Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.~~
- A sexually harassingBehaviors that contribute to a hostile work environment ~~consists of~~include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that ~~individual's~~individual's sex, gender identity, or gender expression. Sexual harassment also

consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements ~~or sexually discriminatory remarks made by someone which are~~ which an employee finds offensive or objectionable ~~to the recipient, which cause the recipient, causes an employee~~ discomfort or humiliation, ~~which interfere~~ or interferes with the ~~recipient's~~ employee's job performance.

- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

Any employee or covered individual who feels harassed ~~should complain~~ is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be ~~addressed under~~ discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults, which may be considered criminal conduct outside of the scope of this policy (please contact law enforcement if you wish to pursue criminal charges).
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied or implied to overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks, or jokes, or questions and comments about a ~~person's~~ person's sexuality ~~or~~ sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.

- ~~Sexual or discriminatory displays or publications anywhere in the workplace, such as:~~
 - o ~~Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.~~
 - o This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - o Interfering with, destroying, or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, name-calling;
 - o Intentional misuse of an individual's preferred pronouns; or
 - o Creating different expectations for individuals based on their perceived identities:
 - o Dress codes that place more emphasis on women's attire;
 - o Leaving parents/caregivers out of meetings.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees, ~~paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace.~~ An alleged harasser of sexual harassment can be a supervisor, a subordinate, a coworker, or and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract ~~workers~~worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel retraumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer [or industry](#) sponsored events or parties. Calls, texts, emails, and social media usage by employees [or covered individuals](#) can constitute unlawful workplace harassment, even if they occur away from the workplace premises ~~or not, on personal devices, or~~ during ~~work~~[non-work](#) hours.

[Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.](#)

What is "Retaliation"?

~~Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.~~

[Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.](#)

[Examples of retaliation may include, but are not limited to:](#)

- [• Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;](#)
- [• Publicly releasing personnel files;](#)
- [• Refusing to provide a reference or providing an unwarranted negative reference;](#)
- [• Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;](#)
- [• Undermining an individual’s immigration status; or](#)
- [• Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.](#)

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in ~~a~~ [“protected activity”](#). Protected activity occurs when a person has:

- [• ~~Filed~~\[Made\]\(#\) a complaint of sexual harassment \[or discrimination\]\(#\), either internally or \[with\]\(#\) any ~~anti-discrimination~~\[government\]\(#\) agency;](#)
- [• ~~Testified~~ or assisted in a proceeding involving sexual harassment \[or discrimination\]\(#\) under the Human Rights Law or \[any\]\(#\) other anti-discrimination law;](#)

- ~~▪~~ Opposed sexual harassment or discrimination by ~~make~~making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- ~~▪~~ ~~Complained~~Reported that another employee has been sexually ~~harassed~~harassed or discriminated against; or
- ~~▪~~ Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

~~Preventing~~Everyone must work toward preventing sexual harassment ~~is everyone's, but leadership matters. Supervisors and managers have a special responsibility. OCIDA cannot prevent or remedy sexual~~ to make sure employees feel safe at work and that workplaces are free from harassment unless it knows about it and discrimination. Any employee, ~~paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment or covered individual~~ is encouraged to report ~~such~~harassing or discriminatory behavior to a supervisor, manager, the Executive Director or the Chairman. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the ~~the~~ Executive Director or the Chairman.

Reports of sexual harassment may be made verbally or in writing. A ~~form for submission of a~~ written complaint form is attached to this ~~Policy, and all employees are encouraged to use this policy if an employee would like to use it, but the~~ complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees ~~should~~may use the complaint form and should note that it is on another ~~employee's behalf.~~employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

~~Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums such as the New York State Division of Human Rights, the U.S. Equal Employment Opportunity Commission and local law enforcement as set forth below.~~

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

Supervisor Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason

suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment ~~to the~~ the Executive Director or the Chairman. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

~~In addition to be subject to discipline~~Supervisors and managers can be disciplined if they ~~engaged~~engage in sexually harassing ~~conduct~~or discriminatory behavior themselves, ~~supervisors,~~ Supervisors and managers ~~will be subject to discipline~~can also be disciplined for failing to report suspected sexual harassment or ~~otherwise knowingly~~ allowing sexual harassment to continue ~~after they know about it.~~ Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaint and Investigation of Sexual Harassment

All reports, complaints or other information about suspected sexual harassment will be investigated, regardless of whether that information was reported ~~in verbal or written form~~ verbally or in writing. Investigations will be conducted in a timely and thorough manner commensurate with the nature of the report, and will be kept confidential to the extent possible.

~~An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process to protect their rights to a fair and impartial investigation.~~

In conducting a fair and impartial investigation, in accord with the “due process” mandate of the NY Sexual Harassment Law, OCIDA will: (i) assess the scope of the investigation; (ii) provide appropriate notice of the allegations to anyone who is the subject of a harassment complaint; (iii) provide an opportunity to respond to the allegations; and (iv) provide complainants and witnesses an appropriate opportunity to present relevant information, including documents and other evidence relevant to the investigation. OCIDA will also consider and implement appropriate document request, review and preservation measures as required by law. OCIDA reserves the right to adapt and modify its investigatory procedure(s), in its discretion, based on the nature of the report and the alleged conduct at issue. This policy in no way alters the at-will nature of employment at the Agency.

~~Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.~~

All employees and other individuals covered under this policy are required to cooperate, as needed, in an investigation of suspected sexual harassment. Employees and other individuals who participate in an investigation are protected from retaliation. OCIDA recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving complaints and leading investigations will handle complaints and questions with sensitivity toward those participating.

~~Investigations will be done in accordance with the following steps:~~

All persons involved in the reporting and investigation of harassment are obligated to keep the information pertaining to the investigation confidential to the maximum extent possible to protect the privacy of those involved and to allow OCIDA to conduct an objective and fair investigation. This means that all persons involved will share such information only with persons who have a need to know.

- ~~▪ Upon receipt of a complaint, the the Executive Director or the Chairman will conduct an immediate review of the allegations, prepare a report, and the President will take any interim actions, as appropriate. If the allegations are against either the the Executive Director or the Chairman, the Vice Chairman shall perform the relevant function. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.~~

If OCIDA determines this policy has been violated, it will take effective remedial action(s) commensurate with the circumstances. If OCIDA concludes that an employee has violated this policy, OCIDA will take appropriate action(s) to stop the harassment and to discipline the

offending employee, which may include termination. If OCIDA concludes that a non-employee has violated this policy, OCIDA will take appropriate action(s) to stop the harassment and attempt to deter any future harassment. **Please Note: OCIDA reserves the right to discipline individuals for conduct that it deems inappropriate or unprofessional, even if the behavior does not rise to the level necessary to violate the law.**

- ~~▪ If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.~~

OCIDA will notify the individual who was subject to the reported conduct and the person who filed the report, if different, whether or not the investigation confirms a violation of policy. OCIDA will also notify the individual(s) about whom the reported conduct was made regarding the investigation outcome and, where applicable, implement corrective action(s). Information about OCIDA's responsive action(s) may or may not be provided, depending on the circumstances. Any person who experiences or witnesses further harassing conduct or any retaliation should make an additional report pursuant to this policy.

- ~~▪ Request and review all relevant documents, including all electronic communications.~~
- ~~▪ Interview all parties involved, including any relevant witnesses.~~
- ~~▪ Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - ~~○ A list of all documents reviewed, along with a detailed summary of relevant documents;~~
 - ~~○ A list of names of those interviewed, along with a detailed summary of their statements;~~
 - ~~○ A timeline of events;~~
 - ~~○ A summary of prior relevant incidents, reported or unreported; and~~
 - ~~○ The final resolution of the complaint, together with any corrective action(s).~~~~
- ~~▪ Keep the written documentation and associated documents in the employer's records.~~
- ~~▪ Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.~~
- ~~▪ Inform the individual who complained of their right to file a complaint or charge externally as outlined below.~~

Legal Protections and External Remedies

Sexual harassment is not only prohibited by OCIDA, but is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Aside from the internal process at OCIDA, employees may also choose to pursue legal remedies with the following governmental entities at any time:

New York State Division of Human Rights (DHR):

The New York State Human Rights Law (HRL), ~~codified as~~ N.Y. Executive Law, ~~Art~~art. 15, § 290 et seq., applies to all employers in New York State ~~with regard to sexual harassment,~~ and protects employees, ~~paid or unpaid interns and non-employees~~ and covered individuals, regardless

of immigration status. A complaint alleging violation of the Human Rights Law may be filed ~~with~~ either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be ~~filed~~submitted any time within ~~one~~ year~~three years~~ of the harassment. If an individual ~~did~~does not file ~~at a complaint with~~ DHR, they can ~~sue~~bring a lawsuit directly in state court under the ~~HRL~~Human Rights Law, within three years of the alleged ~~discrimination~~sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to OCIDA does not extend your time to file with DHR or in court. The ~~one~~ year~~or three years~~ is~~are~~ counted from the date of the most recent incident ~~or of~~ harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that ~~discrimination~~sexual harassment has occurred. Probable cause cases ~~are forwarded to receive~~ a public hearing before an administrative law judge. If ~~discrimination~~sexual harassment is found ~~after at the~~ hearing, DHR has the power to award relief, ~~which~~. Relief varies but it may include requiring your employer to take action to stop the harassment, or ~~redress~~repair the damage caused by the harassment, including paying of monetary damages, ~~attorney's~~punitive damages, attorney's fees, and civil fines.

~~DHR's~~DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458; You may call (718) 741-8400; or visit: www.dhr.ny.gov.

~~Contact DHR at (888) 392-3644 or visit~~Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, ~~notarized~~ and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for ~~DHR's~~DHR's regional offices across New York State. Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission (EEOC):

The United States Equal Employment Opportunity Commission (EEOC) enforces federal ~~anti-~~antidiscrimination laws, including Title VII of the 1964 ~~Federal~~federal Civil Rights Act ~~(codified as, 42 U.S.C. § 2000 2000e et seq.)~~. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, ~~at which point the~~. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice

in certain cases) will decide whether to file a lawsuit. The EEOC will issue a [Notice of Right to Sue](#) ~~letter~~ permitting ~~the individual~~ [2023 version; p11 workers](#) to file a ~~complaint~~ [lawsuit](#) in federal court [if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.](#)

~~The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal~~ [Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.](#)

~~If an~~ [An](#) employee ~~believes that he/she has been discriminated against~~ [alleging discrimination](#) at work, ~~he/she~~ can file a ["Charge of Discrimination"](#). The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 ([TTY: 1-800-669-6820](#) ~~(TTY)~~), visiting their website at [www.eeoc.gov](#) ~~www.eeoc.gov~~ or via email at [info@eeoc.gov](#).

If an individual filed an administrative complaint with ~~DHR~~ [the New York State Division of Human Rights](#), DHR will [automatically](#) file the complaint with the EEOC to preserve the right to proceed in federal court.

Local ~~protections~~ Protections:

[Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or \(212\) 306-7450; or visit \[www.nyc.gov/html/cchr/html/home/home.shtml\]\(#\).](#)

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such law exists.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Conclusion

[The policy outlined above is aimed at providing employees at OCIDA and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, immigration or citizenship status, military status, disability, pre-disposing](#)

genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Sexual Harassment Report Form

This form is designed to assist individuals making a report under Oneida County Industrial Development Agency ("OCIDA")'s Sexual Harassment Prevention Policy. If you believe you are, or have been, subject to conduct in violation of the Sexual Harassment Prevention Policy or have witnessed or otherwise become aware of such conduct, you are expected to report that information either verbally or in writing. It is the OCIDA's policy to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. After completing this form, please submit it to your supervisor, the Executive Director, or Chairman. If you are more comfortable reporting verbally or in another manner, you are welcome to do so.

OCIDA prohibits retaliation against any individual who opposes a discriminatory practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such reports. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

YOUR INFORMATION

Name: _____
Home Address: _____ Work Address: _____

Personal Phone: _____ Work Phone: _____
Job Title: _____ Email: _____
Preferred Communication Method: _____

SUPERVISOR'S INFORMATION

Immediate Supervisor's Name: _____
Title: _____
Work Phone: _____ Work Address: _____

INFORMATION CONCERNING SUSPECTED SEXUAL HARASSMENT

1. The name of the person(s) involved in your report – e.g., the individual you believe has engaged in improper behavior under the OCIDA Sexual Harassment Policy. (Please use additional paper, if necessary, and attach/provide any relevant documents/evidence.)

Name: _____ Title: _____
Work Address: _____ Work Phone: _____

Other identifying information: _____
Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other: _____

2. Please describe the conduct or incident that is the basis of this report and your reasons for believing the conduct or incident is sexual harassment. Please describe how the conduct or incident is affecting your work. (Please use additional sheets of paper if necessary and attach/provide any relevant documents/evidence.)

3. Date(s) harassment occurred:

Is the harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your report. (Please use additional sheets of paper, if necessary.)

5. Have you previously reported or provided information (verbal or written) about related sexual harassment conduct or incidents at OCIDA? If yes, when and to whom did you report your concerns or provide information?

After receiving this report, an OCIDA representative will contact you. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with the need to investigate your report and to take appropriate corrective action. For additional information, see OCIDA's Sexual Harassment Prevention Policy.

The information provided in this report is true and complete. I request that the OCIDA investigate the allegations in this report and advise me of the investigation outcome.

Signature: _____

Date: _____

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 10/30/2025 11:04:14 AM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://cloudimanage.com/BOND/22529047/1	
Modified DMS: iw://cloudimanage.com/BOND/22469170/2	
Changes:	
<u>Add</u>	338
Delete	192
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	530