

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Crossroad Center

Belmont, NY

April 9, 2026

10:00a.m.

https://www.youtube.com/channel/UCXJ1KZ_F90Z77-JQxeHzDXQ?

AGENDA

Call to Order

- Nomination committee recommendations I
- Elect officers
- Elect Committee membership

Approval of Minutes

- Board Minutes – March 12, 2026

Treasurer's Report

- Banking & Financial Summary
 - Balance Sheet
 - Profit & Loss
 - Expense Abstract – Transactions by Vendor
 - CD Bank Statements
 - Discuss new business options for bank funds
 - Approve opening new CD for ACIDA bank funds

Action Items

- Presentation on RBDG BDO Zone by ECOSTRAT
- Presentation on new Building Development – CPL
- Discuss and approve ACIDA policies

Executive Session – to discuss a contractual issue

Old Business – updates

- Crossroads Property Sale – Final Documents
- EPA Brownfield Grant
- RBDG – BDO zone grant
- Gateway Center to the Western New York Wilds
- ARC Power grant
- Microenterprise grant
- Allegany County Strategic Plan Economic Development/EDO
- Clean energy projects
- GLC – Cuba Business Park

New Business
Good of the Order
Adjournment

Allegany County Industrial Development Agency
MEETING

March 12, 2026

Crossroads Conference Center, Belmont, New York 14813

ACIDA.org

OPENING REMARKS

- Douglas Frank, Temporary Chairperson called the board meeting to order at 10am. There were no conflicts of interest. Doug asked everyone to introduce themselves, then welcomed all new and returning board members and thanked the past board members for their service.
- Present: Douglas Frank, Temporary Chairperson; John Ricci, Member; Thomas McElheny, Member; Joseph Hart, Member; William Meunier, Member; Terri Ross, Member;
- Absent:
- By Telephone:
- By Teams: Steven Mauro, Member; Daniel Spitzer, Esq. Hodgson Russ LLP
- Others present: Dr. Craig Clark, ACIDA Executive Director; Barb Benjamin, ACIDA Operations Director; Melissa Pingitore, ACIDA Assistant Director; Tim Boyde, Deputy County Administrator II; Edmund Russell III, Esq. Hodgson Russ LLP; Mike Healy, County Legislator

ACTION ITEMS

- Elect Temporary Chair - We have a new board so we need to elect a temporary chair for this meeting as we will elect new officers at our next meeting. **A motion was made by John Ricci and seconded by Thomas McElheny to appoint Douglas Frank as Temporary Chairperson until the board elects officers at the next meeting. Approved/passed 7-0.**
- Nominating Committee for Board Officers – Craig suggested we have a nominating committee since we have 5 new board members and will need to elect officers. These positions are not a permanent position they'll be elected yearly. We will also need to have a finance committee, audit committee and governance committee. Craig would also like to have a building committee to work Melissa and himself because we have a contract with CPL to basically design our new building. Discussion was on insurance; the IDA has Directors and Officers Insurance that covers all board members and staff. Craig asked each board member to list any officers position or committee that they would like to serve on, for the nominating committee to review before the next meeting. **A motion was made by Terri Ross and seconded by William Meunier to approve Douglas Frank, John Ricci, and Tom McElheny to be on the nominating committee. Approved/passed 7-0**
- Discussion of ACIDA overview by Ed Russell – Hodgson Russ LLP and Craig Clark Executive Director ACIDA – Ed reiterated that the board is covered by insurance and addressed 3 things; what the IDA organization is, gave a little background, the other organizations and procedures for the meetings. Over

the years the state mandates have restricted what the IDA's can do as they became more active in the communities which required the formation of other entities to satisfy the needs of the community. Examples are the LDC for loans, and the CRC for bonds. These entities have a board and function for the IDA. The purpose is for economic development. IDA's guide the overall mission for economic development but these entities assist where the IDA's legally can't assist. The IDA Board Members will also sit on the boards for these other entities. Craig said we've had 2 bonds since he's been here. The bonds are not the responsibility of the IDA we just assist with tax exemptions. Ed said the meetings are run by a modified version of Roberts Rules. If we take an official action, we need a motion with a 1st and 2nd. If we have a formal resolution, we need a motion with a 1st and 2nd and a roll call. The meetings are basically about operations and projects. The authority budget office in the state was created to oversee all public authorities which the IDA is part of along with its associate entities. This brings with it more regulations and compliance issues. Hodgson, Russ LLP will have a boot camp they present to the board giving them their responsibilities and roles as board members. The real driving force of the organization is to provide benefits to qualified projects. Ed briefly explained the application process and what the applicant could be eligible for, real property tax exemption, sales tax exemption, mortgage tax exemption, all of the above or a combination of the above. The application is brought to the board for approval to set a public hearing of the project. After the public hearing, in the community, an approving resolution or authorizing resolution is presented to the board for approval. At this time is when the board actually approves a project. Discussion on what happens at a public hearing. Craig and Melissa schedule and hold the public hearings and the applicant is present to answer questions regarding their project. Craig reported that we don't have any outstanding applications or projects at this time. We do currently have a few projects on hold. There are a few projects that haven't closed yet, Hodgson Russ will prepare the closing documents when the company is ready to close. A fee is due at closing which is how the IDA exists. Craig asked the board members to sign the required forms that in the back of the green folder before leaving today for our files; Acknowledgment of Fiduciary Duties and Responsibilities and the Sexual Harassment. Craig briefly went over the project list, USDA Grant and EPA Grant documents in the back of the green folder.

BOARD MINUTES

- A motion was made by John Ricci and seconded by Douglas Frank to approve the February 12, 2026 minutes. Discussion on if the packet can be picked up a few days before the board meeting. Yes, there could be additions to the financials or resolutions we'll printout prior to the meeting.
Approved/passed 7-0

TREASURERS REPORT

- Banking and Financial Summary
 - Balance Sheet
 - Profit and Loss
 - Expense Abstract – Transactions by Vendor

- CD Bank Statements

A motion was made by Terri Ross and seconded by William Meunier to approve the banking and Financial Summary reports. Discussion on the financials not reflecting the sale of the property yet. Waiting for the Auditors to send the end of the year adjustments and the county to verify and send the last adjusting payment for the sale. Other discussion was that we combine the motions for the financials instead of having two motions. Craig briefly discussed the income, audit recommendations, investments, and all checks are double signed. Discussion on if the reports could be divided by income and expenses. Yes. The budget was briefly discussed and adjustments may need to be done because of how the operations of the IDA have changed over the last year. Discussion on the CD's having both short term and long term. Approved/passed 7-0

EXECUTIVE SESSION – DISCUSSION OF CONTRACTUAL/LEGAL ISSUE

- No Executive Session today
- A motion was made by and seconded by to go into Executive Session for discussion of a contractual /legal issue. Approved/passed.
- A motion was made by and seconded by to come out of Executive Session. Approved/passed.
- No action was taken in Executive Session.

ACTION ITEMS

- Resolution regarding Omni Cuba FTE Waiver – Craig explained that resolutions are on projects and Hodgson Russ LLP draw up the resolutions. This resolution is because the project was approved in 2022 and was never built although it closed. Meaning that the documents were finalized and the project closed. Recently the project was sold to another company which happens a lot with the solar projects. They plan on starting construction this year. The PILOT has 5 full-time employees per the application which is unusual. It's usually zero or part-time for large projects. The new owner is asking to modify the PILOT back to zero full-time employees. That's the reason for the modification. Ed explained why the application and all documents such as the resolutions need to match. **A motion was made by John Ricci and seconded by Thomas McElheny to approve the Resolution Authorizing Second Modification to Basic Documents Omni Cuba Solar, LLC Project.** Discussion that the first modification was transferring ownership. Discussion on the wording in the letter from Radio Power on number of employees, does it matter? The IDA documents only care about the number of employees on-site. **Approved/passed 7-0 Roll Call:**
Douglas Frank – AYE
Joseph Hart – AYE
Steven Mauro – AYE
Thomas McElheny – AYE
William Meunier – AYE
John Ricci – AYE

Terri Ross - AYE

- Amended Approving Resolution – Moraine Solar Energy Center, LLC – Craig reported that we need to approve an Amended Approving Resolution for Moraine Solar to add a tax parcel to the documents. Moraine erroneously forgot to add one tax parcel to the original documents. Discussion on if this is normal and Ed said no not with large projects. We are just clarifying that this is eligible for tax benefits not increasing what we offer as benefits. A change in benefits would require another public hearing and this is not changing the benefits. **A motion was made by Joseph Hart and seconded by William Meunier to approve the Amended Approving Resolution for Moraine Solar Energy Center, LLC. No further discussion. Approved/passed 7-0 Roll Call:**

Douglas Frank – AYE

Joseph Hart – AYE

Steven Mauro – AYE

Thomas McElheny – AYE

William Meunier – AYE

John Ricci – AYE

Terri Ross - AYE

OLD BUSINESS

- Craig explained that because in the past we have forgotten to address some old business at the next meeting that he keeps it on the agenda until finalized.
- Crossroads Facility sale to the County – Craig reported that we sold the two buildings and the parking lot in Belmont to the County in December. Ed explained that we have one last payment coming from the county, there was an adjustment that we are working through with the county. Ed believes they have an agreement and it's in council's office for a signature. Craig said the county owns the building, but we don't have the final payment yet to closed out the sale. Craig explained why we sold the buildings to the county. The OFA building was built for the county and most of the tenants in the Crossroads building are county departments. The County thought they should buy the buildings instead of paying rent. The IDA has free offices for 3 years here and that's why we're talking about building another building. Brief discussion on the new building.
- EPA Brownfield Grant – Melissa reported that we have a \$500,000 EPA Brownfield Assessment Grant. It specifically allows the IDA to work with properties throughout the county to assess the environmental health of property. Melissa reviewed what can be considered a Brownfield and talked about the bi-weekly meetings and the assessing team. There is a phase one and a phase two. Phase one is a historic photographic and visual inspection only. It won't disturb the site in anyway. We decide if the property is developable and then we decide if it makes sense to do a phase two which is a disruptive investigation. HRP is our environmental consultant that we are working with. If they find any concerns in a phase one it is submitted to the EPA. The assessment gives the developers and an environmental health report and they can determine what the cost will be to develop the property. The grant will probably cover 10-12 phase ones up to \$15,000 each and possibly up to 5 phase twos depending on cost of the phase two. This grant will not cover the clean-up required that would be a separate grant. The benefits are the developer can apply for state and federal tax incentives. Discussion on what the owner's liability is if he finds out he has contaminated property. Melissa doesn't have answers to the liability questions but will

send an invite to everyone interested in attending the next meeting with the environmental consultants, lawyers and people that will have those answers. More discussion on liability, phase one and phases twos, incentives, etc. Melissa will be attending a Brownfield Conference in Herkimer County in April and will bring back to the board what she learns. Discussion on Brownfields in Allegany County. Yes, we have Brownfields in Allegany County, a Brownfield can even be a suspected contamination. The IDA does receive some of the grant for travel and indirect costs but most is just a pass thru. The EPA usually pays within 24 hours after a request for reimbursement is submitted.

- RBDG-BDO Zone Grant – Craig reported we have a USDA Grant for \$75,000 - \$5000 of the grant is for in-kind time for Craig and Melissa. Ecostrat came to us regarding the USDA Grant Program where you basically host a bio company. It uses the waste wood products which aren't already being used. Basically, it's a desk audit that looks at all the potential woody biomass in our region to see what's available and give us a rating. That rating will go out and market bio companies to see if any want to locate in Allegany County. This rating is an economic development tool that doesn't cost us any money. Hopefully by the end of the summer, we will have our rating. The zone will be from a central point in the county, a 25-mile radius for a developer and 75-mile radius for the supply zone. New York State currently doesn't have any zones. The whole country only has 60-62 zones. A power-point can be sent that would explain the whole process. This will be a comprehensive study that will give a potential company a rating report which will consist of cost estimates and supply availability.
- Gateway Center to the Western New York Wilds – Tim talked about the good relationship/partnership between the county and the IDA on developing this tract of land. The county is in the process of submitting a grant application to the state to cover half of the cost of County Road 51. This road will connect County Road 20 to the potential hotel, restaurants and other facilities. This is the IDA's property but the county stands to financially gain economic opportunities. It's also an integral part of the new County DPW Shop on the S-Curves on County Rd 20. We have just received \$1.25 million from Rep. Langworthy for the construction improvements of the waterline. We will run a waterline and sewer line that will also provide access to a potential private housing development opportunity with 200 plus units. Grant applications have been submitted or are in the process of submitting to ARC and IGA to help cover the \$7 million project. The County has secured about 56% of the project funding through federal and state grants. Discussion was held on the waterline, waste water treatment plant and water tank on the hill for fire suppression. We have a hotel developer ready to sign once they know the water and sewer project are committed/started.
- ARC Power Grant – Craig reported that the IDA has proposed to build a building for new IDA offices and a marketplace for the local artists and farmers to sell their product. A smaller version of Tamarack in WV. We have applied for an ARC Grant and initially were turned down, but we will find out why and we're resubmitting the grant. The ARC Grant hopefully will be \$2 million. We are also talking with the Wilson Foundation for funding. The only commitment now is to build IDA office space; the marketplace is depending on funding.
- Microenterprise Grant – Melissa put together a summary of the Microenterprise grantees and briefly reviewed them. There are 26 companies that received funding and Melissa contacted them all to see how they were doing and what else they may need help with. Since 2021 there's been 100% retention of those businesses and 54% have had business expansion. Once funding is open the businesses submit an application and Mike Zimmerman with The Harrison Studio reviews them. Mike works with applicants that have been approved to receive funding. Discussion on the process, requirements to be

eligible and business training required for the grant. The grant is for small businesses and up to \$35,000 can be given out to each participant. The County actually applies for the CDBG Grant and the IDA manages the grant and is the pass thru to the recipients. We have done 3 phases of microenterprise grants and an application will be submitted for the next round as soon as the money has been approved by Congress for release. Discussion on how businesses know about the grants, advertise, word of mouth, Facebook, etc. It was suggested that a workshop be done around the county to get the word out.

- Allegheny County Strategic Plan Economic Development/EDO – Craig reported the County has an Economic Development Plan and he continues to work with Ashley Smith the County's Economic Development Director. Ashley has an Economic Development Organization and has a long power-point that Craig can send to the board to review. Craig has a shorter version that also shows how the organizations are working together and which group is doing what. Discussion was held on the manufacturing day coming up that is co-hosted by both organizations.
- Clean energy projects – Craig reported that the only clean energy project in the closing stages is Moraine Solar Energy, they should be putting panels and equipment up this summer. Discussion on some of the clean energy projects starting to be unsupported as a result of the big beautiful bill eliminating tax credits. Dan was asked for his expertise on the subject. Dan said it depends on the particular consortium and what their source of revenue is. Dan mentioned a couple of the largest ones in NY, one run by Erie BOCES and the other run by municipalities and what they do. A lot of projects will lose their tax credits but NYS and CA are refocusing on incentives to make up for the shortage. A lot of them are switching over to energy storage to take advantage of the big beautiful bill incentives. Discussion on the power authority being able to take all the power due to space and the continuation of projects. The legislature is working on getting the NY Power Authority involved in renewables. Dan doesn't see any issues currently. Discussion on solar farms becoming storage facilities. The reason for this isn't because of the lack of infrastructure with the power authority, it's to take advantage of the tax credits. Solar and wind can't be used as a base load power source because you can't count on the weather which is what creates their power. For instance, the most energy needed daily is 2-6pm and the wind usually blows more at night so that's when the power is being created. The storage facilities will keep the electrons until they are needed. Other services the storage facilities can provide to the grid are frequency regulation, black starts, ancillary services that come with storage to help utilities operate and they can help reduce the need so new substation, transmission and generating facilities don't have to be built. Storage helps reduce capital and utility costs. Theoretically reducing the cost of electric services. The big beautiful bill emphasizes tax credits for storage so we'll probably see a real flood of private money going into energy storage. A lot of solar companies are pivoting towards adding storage or becoming a full storage project instead. The New York State Energy Plan is an overriding document that calls for a transition to renewables as soon as possible. Discussion on production reports, does the IDA get reports? We don't, but we could send a questionnaire to them. The companies are required to submit the RPTL 575A form in April that lists production, revenues and expenses to the tax department. The form is part of the assessment process. Discussion on the great job annual report Melissa did on the projects. The upgrades to the RG&E system to help with eliminating power surges was discussed.
- GLC-Cuba Business Park – Craig updated the new board members with background on the Cuba Business Park. Great Lakes Cheese donated the facility to the IDA which immediately turned it over to the LDC which turned it over to the developer. Legally the IDA can't donate to a developer. The developer is the

same developer as the Wellsville Business Park. There is potential customer looking to fill half of the space at the Cuba Business Park Facility. This would create about 40 jobs and would be like a \$2.9 million investment.

NEW BUSINESS

GOOD OF THE ORDER

- Craig welcomed the new board and thanked the outgoing board members. Mike Healy on behalf of the Board of Legislature thanked the outgoing IDA Board Members and welcomed the new IDA Board Members.

CALENDAR

- **Next Meeting:** April 9, 2026 @ 10:00am at Crossroads Conference Center, Belmont, NY 14813

ADJOURNMENT

- With no further business at 11:44am, a motion was made by John Ricci and seconded by Thomas McElheny to close the meeting. All members were in favor, by a vote of 7-0 the meeting was adjourned. Carried

Respectfully submitted
Barb Benjamin
Operations Director

**ACIDA All Accounts
Balance Sheet
As of April 6, 2026**

Apr 6, 26

ASSETS	
Current Assets	
Checking/Savings	
Community Bank - 2312 12mos CD	651,484.61
Community Bank - 3351 6mos CD	652,829.87
Community Bank - 7161 12mos CD	1,387,061.41
110.01 · ACUC (Utility Corporation)	6,832.13
110.02 · Community Checking IDA	1,114,823.99
110.03 · CRC (Capital Resource Corp)	53,516.31
110.04 · First Citizens-IDA	90,877.89
110.05 · LDC (Local Development Corp)	496,867.40
CRC110 · Capital Resource Corp CD	262,209.85
Total Checking/Savings	4,716,503.46
Accounts Receivable	
ACUC Accounts Receivable	588.78
Total Accounts Receivable	588.78
Other Current Assets	
122 · Lease Receivables	436,735.00
135.00 · Prepaid Expenses	2,259.00
Total Other Current Assets	438,994.00
Total Current Assets	5,156,086.24
Fixed Assets	
152.00 · Land held for resale	286,501.00
154.00 · Waterlines	2,078,240.00
156.00 · Building	661,482.19
159.00 · Accumulated Depreciation	-359,168.00
160.00 · Land Improvements	196,414.00
161.00 · Property held for Resale	62,000.00
Total Fixed Assets	2,925,469.19
Other Assets	
131.00 · Due from ACUC	1,746.00
140.00 · Security Deposits	222.00
Total Other Assets	1,968.00
TOTAL ASSETS	8,083,523.43
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
IDA Payables	
Accrued 414(h)	840.40
Total IDA Payables	840.40
285 · ST2012 Series Bond Infrastructu	100,000.00
ACUC210 · Due to ACIDA	1,746.00
Total Other Current Liabilities	102,586.40
Total Current Liabilities	102,586.40

ACIDA All Accounts
Balance Sheet
As of April 6, 2026

Apr 6, 26	
Long Term Liabilities	
210.00 · Security Deposit	12,000.00
280.00 · LT2012 Series-Bond Infrastructu	2,695,000.00
550 · Deferred Inflow of Resources	365,760.00
Total Long Term Liabilities	3,072,760.00
Total Liabilities	3,175,346.40
Equity	
390.00 · Unrestricted Net Assets	5,498,095.34
AC90001 · Opening Balance Equity	-1,252,221.76
AC90002 · ACUC Retained Earnings	1,200,078.00
ACUC900 · ACUC Equity	52,144.00
CRC900 · CRC Equity	305,056.00
Net Income	-894,974.55
Total Equity	4,908,177.03
TOTAL LIABILITIES & EQUITY	8,083,523.43

Profit & Loss

March 10 through April 6, 2026

Mar 10 - Apr 6, 26

Ordinary Income/Expense	
Income	
CRC - Income	
475 · CRC CD Interest	
CRC CD 0220	792.67
Total 475 · CRC CD Interest	792.67
Total CRC - Income	792.67
IDA Income	
ACIDA 12 mos CD Interest	4,669.16
ACIDA 6 mos CD Interest	1,661.18
EPA Brownfield Grant	32,581.03
Misc	35,000.00
400.01 · ACIDA Admin Fee	13,804.26
400.04 · Financial Assistance Fee	229,563.58
484.00 · Refunds	457.02
Total IDA Income	317,736.23
Total Income	318,528.90
Gross Profit	318,528.90
Expense	
ACUC - Expense	
Professional Fees- Legal	118.50
Waterline Fees	
Utilities-Electric	
6350601 · 20031525411 ACUC Hot Box 6404	152.96
A635.07 · 20029438684 Hot Box 6689	374.14
Total Utilities-Electric	527.10
Total Waterline Fees	527.10
6350302 · Office Supplies	38.95
Total ACUC - Expense	684.55
IDA-Expense	
EPA Brownfield Grant	
Consultants/Contractual	31,029.55
Indirect Costs	
Conference Fees	75.00
Total Indirect Costs	75.00
Travel	25.00
Total EPA Brownfield Grant	31,129.55
IDA Payroll	
631 · Salaries/Wages	16,594.66
632 · Payroll Taxes	1,269.51
633 · Payroll Processing Charges	125.90
634 · NYS Disability	167.10
635 · NYS Paid Family Leave	1,105.22
Total IDA Payroll	19,262.39
Internet	59.95
Meeting Expense	
Food & Beverage	40.00
Total Meeting Expense	40.00
Miscellaneous	539.44

11:44 AM

04/06/26

Accrual Basis

Profit & Loss

March 10 through April 6, 2026

Mar 10 - Apr 6, 26

Office Expense	
Office Phones	93.32
Total Office Expense	93.32
Travel Expense	
Other	1,917.71
Total Travel Expense	1,917.71
620.13 · Office Supplies	
other	585.47
620.12 · Postage-shipping	33.63
620.28 · Software	27.11
Total 620.13 · Office Supplies	646.21
620.14 · Pilot Payments	
IDA Pilot Fees pass-thru	60,255.66
Total 620.14 · Pilot Payments	60,255.66
6200401 · Insurance	
Truck Stop; Parking Lot; Friend	1,872.00
Workers Compensation	608.00
Total 6200401 · Insurance	2,480.00
6201901 · Professional fees	
620.18 · Legal	40,398.50
Total 6201901 · Professional fees	40,398.50
Total IDA-Expense	156,822.73
LDC Expense	
Office	
Supplies	79.74
Total Office	79.74
Professional Fees - Legal Fees	1,421.00
Total LDC Expense	1,500.74
Total Expense	159,008.02
Net Ordinary Income	159,520.88
Net Income	159,520.88

Profit & Loss

January 1 through April 6, 2026

Jan 1 - Apr 6, 26

Ordinary Income/Expense	
Income	
ACUC - Income	
ACUC400 · Waterline Customer payments	7,463.45
Total ACUC - Income	7,463.45
CRC - Income	
475 · CRC CD Interest	
CRC CD 0220	2,359.47
Total 475 · CRC CD Interest	2,359.47
Total CRC - Income	2,359.47
Crossroads-Income	
Crossroads Refunds	14.51
420.00 · Rental Income	
420.04 · Audio Care	450.00
Total 420.00 · Rental Income	450.00
Total Crossroads-Income	464.51
IDA Income	
ACIDA 12 mos CD Interest	11,737.74
ACIDA 6 mos CD Interest	5,090.68
EPA Brownfield Grant	46,093.48
Misc	35,000.00
400 · Pilot Administration Fees	-2,760,000.00
400.01 · ACIDA Admin Fee	13,804.26
400.04 · Financial Assistance Fee	1,881,201.10
416.00 · Microenterprise Grant Award	79,796.24
420.08 · Rental Income - PM Research Bui	50,000.00
484.00 · Refunds	555.91
Total IDA Income	-636,720.59
LDC Income	
Interest	202.89
Total LDC Income	202.89
OFA - Income	
Refund	14.52
Total OFA - Income	14.52
450.00 · IDA PILOT Fees	60,255.66
Total Income	-565,960.09
Gross Profit	-565,960.09
Expense	
ACUC - Expense	
Professional Fees- Legal	118.50
Waterline Fees	
Utilities-Electric	
6350601 · 20031525411 ACUC Hot Box 6404	467.12
A635.07 · 20029438684 Hot Box 6689	1,188.26
Total Utilities-Electric	1,655.38
A635.08 · Waterline Supplies	54.90
A635.09 · Waterline Water Usage	0.14
Total Waterline Fees	1,710.42

11:44 AM

04/06/26

Accrual Basis

Profit & Loss

January 1 through April 6, 2026

	Jan 1 - Apr 6, 26
6350302 · Office Supplies	38.95
Total ACUC - Expense	1,867.87
Crossroads-Expense	
Utilities	
600.15 · Electric	2,133.55
600.16 · Heat	919.80
600.21 · Water Testing	
600.21 · Water Testing Supplies	76.55
600.21 · Water Testing - Other	2,428.00
Total 600.21 · Water Testing	2,504.55
Total Utilities	5,557.90
600.11 · Maintenance	
Other	50.00
Total 600.11 · Maintenance	50.00
Total Crossroads-Expense	5,607.90
IDA-Expense	
EPA Brownfield Grant	
Consultants/Contractual	42,808.40
Indirect Costs	
Conference Fees	75.00
Total Indirect Costs	75.00
Travel	25.00
Total EPA Brownfield Grant	42,908.40
IDA Payroll	
631 · Salaries/Wages	52,961.31
632 · Payroll Taxes	2,309.37
633 · Payroll Processing Charges	558.55
634 · NYS Disability	149.10
635 · NYS Paid Family Leave	926.67
Total IDA Payroll	56,905.00
Internet	239.80
Meeting Expense	
Food & Beverage	86.50
Total Meeting Expense	86.50
Miscellaneous	604.93
Office Expense	
Office Phones	373.28
Total Office Expense	373.28
Tax	
County & Town Taxes	36.84
Total Tax	36.84
Travel Expense	
Conference Fees	400.00
Other	1,917.71
Total Travel Expense	2,317.71

11:44 AM

04/06/26

Accrual Basis

Profit & Loss

January 1 through April 6, 2026

Jan 1 - Apr 6, 26

620.13 · Office Supplies	
other	903.41
620.12 · Postage-shipping	357.12
620.28 · Software	54.22
620.13 · Office Supplies - Other	100.99
Total 620.13 · Office Supplies	1,415.74
620.14 · Pilot Payments	
IDA Pilot Fees pass-thru	60,255.66
Total 620.14 · Pilot Payments	60,255.66
620.26 · Awards-Grants	
Program Delivery	10,800.00
6202601 · Microenterprise 20ME517-22	
Microenterprise 20ME517-22 ext	77,991.24
Total 6202601 · Microenterprise 20ME517-22	77,991.24
6202602 · Microenterprise Grant Admin cos	5,525.00
Total 620.26 · Awards-Grants	94,316.24
6200401 · Insurance	
Truck Stop; Parking Lot; Friend	1,872.00
Workers Compensation	608.00
620.31 · Directors & Officers	
Fees and Taxes	295.00
620.31 · Directors & Officers - Other	2,120.00
Total 620.31 · Directors & Officers	2,415.00
6200401 · Insurance - Other	1,163.22
Total 6200401 · Insurance	6,058.22
6201901 · Professional fees	
620.18 · Legal	54,046.58
6201503 · Transcription	285.00
Total 6201901 · Professional fees	54,331.58
IDA-Expense - Other	27.11
Total IDA-Expense	319,877.01
LDC Expense	
Office	
Supplies	79.74
Total Office	79.74
Professional Fees - Legal Fees	3,425.34
Total LDC Expense	3,505.08
OFA - Expense	
Utilities	
625.12 · Heat	486.60
625.14 · Water Testing	-2,505.00
Total Utilities	-2,018.40

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Accrual Basis

Profit & Loss

January 1 through April 6, 2026

Jan 1 - Apr 6, 26	
6250701 · Maintenance	
625.08 · Other	175.00
Total 6250701 · Maintenance	175.00
Total OFA - Expense	-1,843.40
Total Expense	329,014.46
Net Ordinary Income	-894,974.55
Net Income	-894,974.55

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ACIDA

Transaction List by Vendor

March 10 through April 6, 2026

Type	Date	Num	Memo	Account	Split	Amount
ACE Development Co LLC						
Deposit	03/16/2026	DEP	Moraine Solar Energy Center LLC 1% Fin ...	110.02 · Community Checking IDA	400.04 · Financial Assistance Fee	229,563.58
Deposit	03/30/2026	DEP	Moraine Atty Fees to Hodgson Russ LLP c...	110.02 · Community Checking IDA	Misc	35,000.00
ACES						
Bill Pmt -Check	04/06/2026	2705		110.02 · Community Checking IDA	20000 · Accounts Payable	-40.00
Armstrong Business Solutions						
Bill Pmt -Check	04/06/2026	2706	Acct # 0732950-01 coverage 4/1-5/10/26	110.02 · Community Checking IDA	20000 · Accounts Payable	-153.27
Arthur J Gallagher Risk Mgmt Serv						
Bill Pmt -Check	04/06/2026	2707	Acct # ALLECOU-22 Inv # 5898624 Policy ...	110.02 · Community Checking IDA	20000 · Accounts Payable	-1,872.00
Computer Solutions						
Bill Pmt -Check	03/10/2026	2702	Inv # 2453 HP Laserjet CF230A printer cart...	110.02 · Community Checking IDA	20000 · Accounts Payable	-59.96
Craig Clark						
Bill Pmt -Check	04/06/2026	2708	Jan-Feb '26 Mileage & Food Reimbursement	110.02 · Community Checking IDA	20000 · Accounts Payable	-157.53
Hodgson, Russ, LLP						
Bill Pmt -Check	03/31/2026	2704	Ref # 0010204931 Dkt # USWA 200000285...	110.02 · Community Checking IDA	20000 · Accounts Payable	-35,000.00
Bill Pmt -Check	04/06/2026	2709	Inv # 1335993 Matter # 039653.00000 IDA ...	110.02 · Community Checking IDA	20000 · Accounts Payable	-5,398.50
Invenery Wind Development North America.						
Deposit	03/20/2026	DEP	1% Late fee from Alle-Catt Wind EFT	110.02 · Community Checking IDA	400.01 · ACIDA Admin Fee	13,804.26
Melissa A Pingitore						
Deposit	03/10/2026	DEP	reimbursement of personal walmart purcha...	110.02 · Community Checking IDA	484.00 · Refunds	457.02
Bill Pmt -Check	04/06/2026	2710	ESD Conf - Albany meal reimbursement	110.02 · Community Checking IDA	20000 · Accounts Payable	-26.33
ShelterPoint Life Insurance Company						
Bill Pmt -Check	04/06/2026	2711	Policy # D744077 coverage 5/1/26-4/30/27	110.02 · Community Checking IDA	20000 · Accounts Payable	-1,351.20
The Hartford						
Bill Pmt -Check	04/06/2026	2712	Acct # 17933921 WC # 01WECBS4ZV5 5/...	110.02 · Community Checking IDA	20000 · Accounts Payable	-608.00
Visa						
Bill Pmt -Check	03/10/2026	2703	Corp Cards 0161, 0369 & 377	110.02 · Community Checking IDA	20000 · Accounts Payable	-2,959.54
Year End Adjustment						
Bill Pmt -Check	04/01/2026		QuickBooks generated zero amount transa...	110.02 · Community Checking IDA	20000 · Accounts Payable	0.00

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ACIDA

Transaction List by Vendor

March 10 through April 6, 2026

Type	Date	Num	Memo	Account	Split	Amount
Allegany County Treasurer's Office						
Bill Print -Check	03/10/2026	253	Pilot payment from Alliance Energy Group. ...	110.04 · First Citizens-IDA	20000 · Accounts Payable	-60,255.66
EPA Grant						
Deposit	03/25/2026	DEP	Brownfield Grant Project # AC10001.P2 8th...	110.04 · First Citizens-IDA	EPA Brownfield Grant	32,581.03
HRP Associates Inc						
Bill Print -Check	03/25/2026	254		110.04 · First Citizens-IDA	20000 · Accounts Payable	-31,029.55

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ACIDA
Deposit Detail
 March 9 through April 6, 2026

Type	Num	Date	Name	Account	Amount
Deposit	DEP	03/10/2026	Melissa A Pingitore	110.02 · Community Checking IDA	457.02
				484.00 · Refunds	-457.02
TOTAL					-457.02
Deposit	DEP	03/16/2026	ACE Development Co LLC	110.02 · Community Checking IDA	229,563.58
				400.04 · Financial Assistance Fee	-229,563.58
TOTAL					-229,563.58
Deposit	DEP	03/20/2026	Invenergy Wind Developmen...	110.02 · Community Checking IDA	13,804.26
				400.01 · ACIDA Admin Fee	-13,804.26
TOTAL					-13,804.26
Deposit	DEP	03/30/2026	ACE Development Co LLC	110.02 · Community Checking IDA	35,000.00
				Misc	-35,000.00
TOTAL					-35,000.00
Bill Pmt -Check		04/01/2026	Year End Adjustment	110.02 · Community Checking IDA	0.00
General Journal	BWB...	12/31/2025	Year End Adjustment	20000 · Accounts Payable	-2,505.00
TOTAL					-2,505.00

ACIDA
Check Detail
March 9 through April 6, 2026

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt -Check		04/01/2026	Year End Adjustment	110.02 · Community Checking IDA		0.00
General Journal	BWB JE 7a	12/31/2025	Year End Adjustment	20000 · Accounts Payable	0.00	-2,505.00
TOTAL					0.00	-2,505.00
Bill Pmt -Check	2702	03/10/2026	Computer Solutions	110.02 · Community Checking IDA		-59.96
Bill	2453	03/10/2026	other		-59.96	59.96
TOTAL					-59.96	59.96
Bill Pmt -Check	2703	03/10/2026	Visa	110.02 · Community Checking IDA		-2,959.54
Bill	3-1-2026	03/10/2026	other		-525.51	525.51
			620.28 · Software		-27.11	27.11
			620.12 · Postage-shipping		-33.63	33.63
			Other		-1,101.36	1,101.36
			Travel		-25.00	25.00
			Conference Fees		-75.00	75.00
			Other		-632.49	632.49
			Miscellaneous		-539.44	539.44
TOTAL					-2,959.54	2,959.54
Bill Pmt -Check	2704	03/31/2026	Hodgson, Russ, LLP	110.02 · Community Checking IDA		-35,000.00
Bill	10204931	03/31/2026	620.18 · Legal		-35,000.00	35,000.00
TOTAL					-35,000.00	35,000.00
Bill Pmt -Check	2705	04/06/2026	ACES	110.02 · Community Checking IDA		-40.00
Bill	3/30	03/31/2026	Food & Beverage		-20.00	20.00
Bill	3/26	03/31/2026	Food & Beverage		-20.00	20.00
TOTAL					-40.00	40.00

ACIDA
Check Detail
March 9 through April 6, 2026

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt -Check	2706	04/06/2026	Armstrong Business Solutions	110.02 · Community Checking IDA		-153.27
Bill	4/11-5/10/26	04/06/2026	Internet Office Phones		-59.95 -93.32	59.95 93.32
TOTAL					-153.27	153.27
Bill Pmt -Check	2707	04/06/2026	Arthur J Gallagher Risk Mgmt Serv	110.02 · Community Checking IDA		-1,872.00
Bill	5898624	04/06/2026	Truck Stop; Parking Lot; Friend		-1,872.00	1,872.00
TOTAL					-1,872.00	1,872.00
Bill Pmt -Check	2708	04/06/2026	Craig Clark	110.02 · Community Checking IDA		-157.53
Bill	Jan-Feb '26	04/06/2026	Other		-157.53	157.53
TOTAL					-157.53	157.53
Bill Pmt -Check	2709	04/06/2026	Hodgson, Russ, LLP	110.02 · Community Checking IDA		-5,398.50
Bill	1335993 IDA	04/06/2026	620.18 · Legal		-5,398.50	5,398.50
TOTAL					-5,398.50	5,398.50
Bill Pmt -Check	2710	04/06/2026	Melissa A Pingitore	110.02 · Community Checking IDA		-26.33
Bill	Feb '26	04/06/2026	Other		-26.33	26.33
TOTAL					-26.33	26.33
Bill Pmt -Check	2711	04/06/2026	ShelterPoint Life Insurance Company	110.02 · Community Checking IDA		-1,351.20
Bill	5/1/26-4/30/27	04/06/2026	634 · NYS Disability 635 · NYS Paid Family Leave		-174.30 -1,176.90	174.30 1,176.90
TOTAL					-1,351.20	1,351.20
Bill Pmt -Check	2712	04/06/2026	The Hartford	110.02 · Community Checking IDA		-608.00
Bill	5/1/26-4/30/27	04/06/2026	Workers Compensation		-608.00	608.00
TOTAL					-608.00	608.00

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ACIDA
Deposit Detail
March 9 through April 6, 2026

Type	Num	Date	Name	Account	Amount
Deposit	DEP	03/25/2026	EPA Grant	110.04 · First Citizens-IDA	32,581.03
				EPA Brownfield Grant	-32,581.03
TOTAL					-32,581.03

ACIDA
Check Detail
March 9 through April 6, 2026

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt -Check	253	03/10/2026	Allegany County Treasurer's Office	110.04 - First Citizens-IDA		-60,255.66
Bill	'26 Alliance	03/10/2026		IDA Pilot Fees pass-thru	-60,255.66	60,255.66
TOTAL					-60,255.66	60,255.66
Bill Pmt -Check	254	03/25/2026	HRP Associates Inc	110.04 - First Citizens-IDA		-31,029.55
Bill	151597	03/25/2026		Consultants/Contractual	-12,773.30	12,773.30
Bill	152085	03/25/2026		Consultants/Contractual	-18,256.25	18,256.25
TOTAL					-31,029.55	31,029.55

BY-LAWS
OF
ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

ARTICLE I
THE AGENCY

Section 1. *Name:* The name of the Agency shall be "Allegany County Industrial Development Agency." The Agency shall consist of three to seven board members who shall be appointed by the Allegany County Legislature.

Section 2. *Seal of Agency:* The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its creation.

Section 3. *Office of the Agency:* The office of the Agency shall be at Crossroads Center, 6087 NYS Route 19N, Suite 100, Belmont, New York 14813 but the Agency may have offices at such other places as the Agency may from time-to-time designate by resolution.

ARTICLE II
OFFICERS

Section 1. *Officers:* The officers of the Agency shall be a Chairman, a Vice-Chairman, a Secretary, a Treasurer, an Assistant Secretary, and an Assistant Treasurer.

Section 2. *Chairman:* The Chairman shall be a member of the Agency and preside at all meetings of the Agency. The Chairman shall sign all agreements, contracts, deeds and any other instruments on behalf of the Agency, except as otherwise authorized or directed by resolution of the Agency. The Chairman shall submit his recommendations and such information as he shall deem pertinent concerning the business, affairs and policies of the Agency, at each meeting.

Section 3. *Vice-Chairman:* The Vice-Chairman shall be a member of the Agency and perform the duties of the Chairman in the absence or incapacity of the Chairman. In the event of the resignation or death of the Chairman, the Vice-Chairman shall become the acting Chairman and perform duties of the Chairman until such time as the Agency shall appoint a new Chairman.

Section 4. *Secretary:* The Secretary shall be a member of the Agency. He shall keep all records of the Agency, shall act as secretary at the meetings of the Agency, shall keep a record of all votes thereat. He shall record the proceedings of the Agency in a journal of the

proceedings to be kept for such purpose. He shall perform all duties incident to this office. He shall have custody of the seal of the Agency, and shall have the power to affix such seal to all contracts and other instruments authorized by the Agency to be executed.

Section 5. *Assistant Secretary:* The Assistant Secretary shall perform duties of the Secretary in the absence or incapacity of the Secretary. In case of the resignation or death of the Secretary the Assistant Secretary shall perform the duties of the Secretary until such time as the Agency shall appoint a new secretary.

Section 6. *Treasurer:* The Treasurer shall be a member of the Agency. He shall have the care and custody of all funds of the Agency and shall deposit all such funds in the name of the Agency in such bank or banks as the Agency may designate. Except as otherwise authorized by resolution of the Agency, the Treasurer shall sign all instruments of indebtedness, orders and checks for the payment of money by the Agency pursuant to the direction of the Agency. Except as otherwise authorized by resolution of the Agency, all such instruments of indebtedness, orders and checks shall be countersigned by the Chairman. The Treasurer shall keep regular books of accounts showing all receipts and expenditures. He shall render to the Agency at each regular meeting an account of the financial transactions and the current financial condition of the Agency. He shall give such bond for the faithful performance of his duties as the Agency may determine.

Section 7. *Assistant Treasurer:* The Assistant Treasurer shall perform the duties of the Treasurer in the absence or incapacity of the Treasurer. In the event of the resignation or death of the Treasurer, the Assistant Treasurer shall perform the duties of the Treasurer until such time as the Agency shall appoint a new Treasurer. He shall give such bond for the faithful performance of his duties as the Agency may determine.

Section 8. *Additional Duties:* The officers of the Agency shall perform such other duties and functions as may from time to time be required by the Agency, by its by-laws, or by its rules and regulations.

Section 9. *Appointment of Officers:* All officers of the Agency shall be appointed at the annual meeting of the Agency. Officers shall hold office for one year, or until their successors are appointed. The Assistant Secretary and Assistant Treasurer need not be members of the Agency. If the term of an Agency member should terminate, his term of office as an officer shall also terminate.

Section 10. *Vacancies:* In the event that any seat on the board becomes vacant prior to the expiration of the term of that vacating board member, the Legislature shall appoint a new board member to fill the unexpired term of that seat.

Old: Should any office become vacant, the Agency shall appoint a successor at the next regular meeting, and such appointment shall be for the unexpired term of said office.

Section 11. *Members of the Agency:* The term of the office of each board member of the Agency shall be for a term of service not to exceed four years, after which a four-year term application for re-appointment, or new appointment, must be approved by the Allegany County Legislature. No board member, including the Chairperson, shall serve as the Agency's Chief Executive Officer, Executive Director, Chief Financial Officer, Comptroller, or hold any other equivalent position while also serving as a member of the board.

Old: The term of office of each member of the Agency shall be at the pleasure of the Allegany County Board of Legislators and each member shall continue to hold office until his successor is appointed and has qualified.

Section 12. *Executive Director:* An Executive Director may be appointed by the Agency, and, if so, shall have general supervision over the administration of the business and affairs of the Agency's management of all projects of the Agency.

Section 13. *Additional Personnel:* The Agency may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the New York State Industrial Development Agency Act, as amended, and all other laws of the State of New York applicable thereto. The selection and compensation of all personnel, including the Executive Director, shall be determined by the Agency subject to the laws of the State of New York.

ARTICLE III

MEETINGS

Section 1. *Annual Meeting:* The annual meeting of the Agency shall be held on the Second Thursday of January at 9:00 o'clock A.M. at the regular meeting place of the Agency. In the event such day shall fall on a legal holiday, the annual meeting shall be held on the next succeeding day that is not a legal holiday.

Section 2. *Regular Meetings:* Regular meetings of the Agency may be held at such times and places as from time to time may be determined by the Agency.

Section 3. *Special Meetings:* The Chairman of the Agency, when it deems it desirable, and shall, upon written request of two members of the Agency call a special meeting of the Agency for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each member of the Agency or may be mailed to the business or home address of each member of the Agency at least two days prior to the date of such special meeting. Waivers of notice may be signed by any members failing to receive proper notice. At such special meeting no business shall be considered other than as designated in the call, but if all members of the Agency are present at a special meeting, with or without notice thereof, and are all agreeable thereto, any and all business may be transacted at such special meeting.

Section 4. *Executive Sessions:* When determined by the Agency that any matter pending before it is confidential in nature, it may, upon its own motion, establish an executive session and exclude non-members from such session.

Section 5. *Quorum:* At all meetings of the Agency, a majority of the Agency shall constitute a quorum for the purpose of transacting business; provided that a smaller number may meet and adjourn to some other time or until a quorum is obtained.

Section 6. *Order of Business:* At the regular meetings of the Agency, the following shall be the order of business:

- 1) Roll Call.
- 2) Reading and approval of the minutes of the previous meeting.
- 3) Bill and communication.
- 4) Report of the Treasurer.
- 5) Reports of Committees.
- 6) Unfinished business.
- 7) New Business.
- 8) Adjournment.

All resolutions shall be in writing and shall be recorded in the journal of the proceedings of the Agency.

Section 7. *Manner of Voting:* The voting on all resolutions coming before the Agency shall be by roll call, and yeas and nays shall be entered on the minutes of such meeting, except in the case of appointments and when the vote may be by ballot. Any action of the Agency shall be binding, upon determination by a majority of the entire membership of the Agency.

ARTICLE IV

AMENDMENTS

Section 1. *Amendments to By-Laws:* The by-laws of the Agency may be amended with the approval of a majority of all the members of the Agency at a regular meeting or at a special meeting called for that purpose; but no such amendment shall be adopted unless at least thirty days written notice, thereof, has been previously given to all members of the Agency and to the Allegany County Board of Legislators.

Original By-Laws amended as of August 30, 1974.

Current By-Laws amended as of April 12, 2018.

COUNTY OF ALLEGANY INDUSTRIAL DEVELOPMENT AGENCY

WHISTLEBLOWER POLICY

SECTION 1. SCOPE. Every member of the board (the "Board") of the County of Allegany Industrial Development Agency (the "Agency") and all officer and employees thereof, in the performance of their duties shall conduct themselves with honesty and integrity and observe the highest standards of business and personal ethics as set forth in the Code of Ethics of the Agency (the "Code").

SECTION 2. DEFINITIONS. For purposes of this section, unless the context specifically indicates otherwise:

(a) "Employee" means an individual who performs services for and under the control and direction of an employer for wages or other remuneration.

(b) "Employer" means any person, firm, partnership, institution, corporation, or association that employs one or more employees.

(c) "Law, rule or regulation" includes any duly enacted statute or ordinance or any rule or regulation promulgated pursuant to any federal, state or local statute or ordinance.

(d) "Public body" includes the following:

(i) the United States Congress, any state legislature, or any popularly-elected local governmental body, or any member or employee thereof;

(ii) any federal, state, or local judiciary, or any member or employee thereof; or any grand or petit jury;

(iii) any federal, state, or local regulatory, administrative, or public agency or authority, or instrumentality thereof; or

(iv) any federal, state, or local law enforcement agency, prosecutorial office, or police or peace officer.

(e) "Retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee.

(f) "Supervisor" means any individual with an employer's organization who has the authority to direct and control the work performance of the affected employee; or who has managerial authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains.

SECTION 3. PROHIBITIONS. An employer shall not take any retaliatory personnel action against an employee because such employee does any of the following:

- (a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that is in violation of a law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety;
- (b) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by such employer; or
- (c) objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation.

SECTION 4. APPLICATION. The protection against retaliatory personnel action provided by paragraph (a) of Section 3 of this policy pertaining to disclosure to a public body shall not apply to an employee who makes such disclosure to a public body unless the employee has brought the activity, policy or practice in violation of law, rule or regulation to the attention of a supervisor of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice.

SECTION 5. OBLIGATIONS.

(a) **Obligation to Report Violations of the Agency's Code or other Applicable Laws.** Each member, officer or employee is responsible to report any violation of the Agency's Code or any other applicable laws (whether suspected or known) to the Agency's Executive Director. Reports of violations will be kept confidential to the extent possible.

(b) **Obligations of the Executive Director.** The Executive Director is responsible for immediately forwarding any claim to the Agency's counsel who shall investigate and handle the claim in a timely manner.

SECTION 6. VIOLATION; REMEDY.

(a) An employee who has been the subject of a retaliatory personnel action in violation of this section may institute a civil action in a court of competent jurisdiction for relief as set forth in subdivision five of this section within one year after the alleged retaliatory personnel action was taken.

(b) Any action authorized by this section may be brought in the county in which the alleged retaliatory personnel action occurred, in the county in which the complainant resides, or in the county in which the employer has its principal place of business.

(c) It shall be a defense to any action brought pursuant to this section that the personnel action is predicated upon grounds other than the employee's exercise of any rights protected by this section. It shall also be a defense that the individual is an independent contractor.

(d) A court, in its discretion, may order relief in any action brought under Section 6 of this policy as follows:

- (i) an injunction to restrain continued violation of this section;
- (ii) the reinstatement of the employee to the same position held before the retaliatory personnel action, or to an equivalent position;
- (iii) the reinstatement of full fringe benefits and seniority rights;
- (iv) the compensation for lost wages, benefits and other remuneration; and
- (v) the payment by the employer of reasonable costs, disbursements, and attorney's fees.

SECTION 7. EMPLOYER RELIEF. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disbursements be awarded to an employer if the court determines that an action brought by an employee under this section was without basis in law or in fact.

SECTION 8. EXISTING RIGHTS. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement or employment contract; except that the institution of an action in accordance with this section shall be deemed a waiver of the rights and remedies available under any other contract, collective bargaining agreement, law, rule or regulation or under the common law.

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

INVESTMENT POLICY

I. INVESTMENT AND DEPOSIT POLICY

A. Introduction

**06-10-2021-Resolution #3
ACIDA Investment Policy
approved.**

1. Scope – This investment and deposit policy applies to all monies and other financial resources available for investment and deposit on its own behalf or on behalf of any other entity or individual.

2. Objectives – The primary objectives of the local government's investment activities are, in priority order;

a. To conform with all applicable federal, state and other legal requirements (legal);

b. To adequately safeguard principal (safety);

c. To provide sufficient liquidity to meet all operating requirements (liquidity); and

d. To obtain a reasonable rate of return (yield).

3. Prudence – All participants in the investment process and all participants responsible for depositing the Agency's funds shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair confidence in the Agency to govern effectively.

Investments and deposits shall be made 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 to be derived.

All participants involved in the investment process and all participants responsible for depositing the Agency's funds shall refrain from personal business activity that could conflict with proper execution of the investment program or the deposit of the Agency's funds or which could impair their ability to make impartial investment decisions.

4. Diversification – it is the policy of the Agency to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

5. Internal Controls

a. All money's collected by an officer or employee of the Agency shall be immediately deposited in such depositories and designated by the Agency for the receipt of such funds.

b. The Agency shall maintain or cause to be maintained a proper record of all book, notes, securities or other evidences of indebtedness held by the Agency for investment and deposit purposes.

c. The Agency is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that 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 are managed in compliance with applicable laws and regulations.

6. Designation of Depositories

In accordance with the IDA Act, the Agency shall designate as depositories of its money those banks and trust companies authorized to serve as such pursuant to said law.

B. Investment Policy

1. Permitted Investments

Pursuant to GML Section 11, the Agency is authorized to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following type of investments:

a. Special time deposit accounts;*

b. Certificates of deposit;*

c. Obligations of the United States of America;**

d. Obligations guaranteed by agencies of the United States of America where payment of principal and interest are guaranteed by the United States of America;**

e. Obligations of the State of New York;*

*Special time deposit accounts and certificates of deposit are permitted investments provided that (1) they shall be payable within such time as the proceeds shall be needed to meet expenditures for which the moneys were

obtained and (2) they are collateralized in the same manner as set forth in Section VII (C) below for deposits of public funds.

**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 bond or notes, shall be payable or redeemable at the option of the Agency within two years of the date of purchase.

2. Authorized Financial Institutions and Dealers

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 local government conducts business must be credit worthy. 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 or Chairman is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

3. Purchase Investment

The Agency may contract for the purchase of investments;

- a. Directly, including through a repurchase agreement, from an authorized trading partner.
- b. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the GML where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No 88-46, and the specific program has been authorized by the governing board
- c. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only

in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Agency by the bank or trust company shall be held pursuant to a written custodial agreement as described in GML Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, 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 agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Agency a perfected interest in the securities.

4. Repurchase Agreements

Repurchase Agreements are authorized subject to the following restrictions:

- a. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- b. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- c. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- d. No substitution of securities will be allowed.

e. The custodian shall be a party other than the trading partner.

C. Deposit Policy

1. Collateralization of Deposits

In accordance with the provisions of GML, 10, 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:

- a. By pledge of "eligible securities" with an aggregate "market value" as provided by GML Section 10, equal to the aggregate amount of deposits from the categories designated in Exhibit A attached hereto.
- b. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of government for a term not to exceed 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 on nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
- c. By an eligible surety bond payable to the government 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 shall be approved by the governing board.

2. Safekeeping and Collateralization

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government 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 local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Agency or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, 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 backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a

change in the rating on a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Agency a perfected interest in the securities.

Approved and adopted this June 10, 2021

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROPERTY DISPOSITION POLICY

SECTION 1. INTRODUCTION.

(A) **Scope.** This property disposition policy applies to all dispositions of property covered by the Public Authorities Accountability Act of 2005 (the "PAAA").

(B) **Definitions.** The following terms shall have the following meanings in this Property Disposition Policy.

(1) "Contracting officer" shall mean the officer or employee of the Allegany County Industrial Development Agency (hereinafter, the "Agency") who shall be appointed by resolution to be responsible for the disposition of property.

(2) "Dispose" or "disposal" shall mean transfer of title or any other beneficial interest in personal or real property in accordance with section 2897 of the Public Authorities Law.

(3) "Property" shall mean the following:

(a) personal property in excess of five thousand dollars (\$5,000) in value;

(b) real property; and

(c) 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) **Inventory; List of Surplus Property; Disposal of Same.** The Agency shall:

(1) maintain adequate inventory controls and accountability systems for all property owned by the Agency and under its control;

(2) periodically inventory such property to determine which property shall be disposed of;

(3) produce a written report of such property in accordance with subsection B herewith; and

(4) transfer or dispose of such property as promptly and practicably as possible in accordance with Section 2 below.

(B) **Real Property List; Publication of Same.** The Agency shall

(1) 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

(2) 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).

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 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.

(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 of lack of such compliance prior to the closing.

(F) **Bids for Disposal; Advertising; Procedure; Disposal by Negotiation; Explanatory Statement.**

(1) 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 (3) of this Subsection (F).

(2) Whenever public advertising for bids is required under paragraph (1) of this Subsection (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 the invitation for bids, will be most advantageous to the Agency, price and other factors considered; provided, that all bids may be rejected at the Agency's discretion.

(3) Disposals and contracts for disposal of property may be negotiated or made by public auction without regard to paragraphs (1) and (2) of this subsection (F) but subject to obtaining such competition as is feasible under the circumstances, if:

(a) the personal property involved is of a nature and quantity which, if disposed of under paragraphs (1) and (2) of this subsection (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;

(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, and the estimated fair market value of the 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 health or safety, the creation or retention of a substantial number of job opportunities, or 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

(f) such action is otherwise authorized by law.

(4) 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;

(b) any real property that has an estimated fair market value in excess of one hundred thousand dollars, except that any real property disposed of by lease or exchange shall only be subject to clauses (c) through (e) of this paragraph (4);

(c) any real property disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of one hundred thousand dollars for any of such years;

(d) any real property disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of one hundred thousand dollars; or

(e) 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.

Each such statement shall be transmitted to the persons entitled to receive copies of the report required under all applicable law 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.

These Guidelines are subject to modification and amendment at the discretion of the Agency board and shall be filed annually with all local and state agencies as required under all applicable law.

New

or

Revised / Edited



Allegany County Industrial Development Agency

CODE OF ETHICS

SECTION 1. PURPOSE AND AUTHORITY

The purpose of this Policy is to serve as a guide for official conduct and to enhance the ethical and professional performance of the Allegany County Industrial Development Agency's (the "Agency") directors and employees. This Code is intended to preserve public confidence in the Agency's mission and shall apply to all officers and employees of the Agency.

SECTION 2. RESPONSIBILITY OF DIRECTORS AND EMPLOYEES

- 1. Transparency and Independence:** Directors and employees shall perform their duties with transparency, without favor, and refrain from engaging in outside matters of financial or personal interest, including other employment, that could impair independence of judgment or prevent the proper exercise of official duties.
- 2. Financial Conflicts:** Directors and employees shall not, directly or indirectly, make, advise, or assist any person to make any financial investment based upon information available through their official position that could create a conflict between their public duties and private interests.
- 3. Gifts and Gratuities:** Directors and employees shall not accept or receive any gift or gratuities where the circumstances would permit the inference that: (a) the gift is intended to influence the individual in the performance of official business or (b) the gift constitutes a tip, reward, or sign of appreciation for any official act. This prohibition extends to financial payments, services, loans, travel reimbursement, entertainment, hospitality, or promises of future employment.
- 4. Confidential Information:** Directors and employees shall not disclose confidential information acquired in the course of their official duties or use such information to further their personal interests.
- 5. Use of Agency Resources:** Agency resources, including equipment, staff time, and property, shall be used only for official Agency business and not for personal benefit or the benefit of any third party.

SECTION 3. IMPLEMENTATION OF CODE OF ETHICS.

1. **Distribution:** This Code of Ethics shall be provided to all directors and employees upon commencement of employment or appointment and shall be reviewed annually by the Governance Committee.
2. **Ethics Officer:** The Board may designate an Ethics Officer, who shall report to the Board and shall have the following duties:
 - Counsel directors and employees who seek advice about ethical behavior.
 - Receive and investigate complaints about possible ethics violations.
 - Dismiss complaints found to be without substance.
 - Prepare investigative reports of findings for action by the Executive Director or the Board.
 - Record the receipt of gifts or gratuities; directors and employees must notify the Ethics Officer within 48 hours of receipt of any such gift.

SECTION 4. REPORTING AND PENALTIES.

1. **Reporting Unethical Behavior:** Employees and directors are required to report possible unethical behavior to the Ethics Officer. Reports may be filed anonymously and are protected from retaliation by the policies adopted by the Agency.
2. **Penalties:** In addition to any penalty contained in any other provision of law, any director or employee who knowingly and intentionally violates any provisions of this code may be removed in the manner provided for in law, rules, or regulations.

SECTION 5. ANNUAL REVIEW. This policy shall be reviewed and re-adopted by the Board of Directors annually during the annual organizational meeting.

Adopted: _____

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

PROCUREMENT POLICY

SECTION 1. INTRODUCTION.

(A) **Scope.** In accordance with Article 18-A of the General Municipal Law (the "Act"), Section 104-b of the General Municipal Law, and the Public Authorities Accountability Act of 2005, the Allegany County Industrial Development Agency is required 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 General Municipal Law and paid for by an IDA for its own use and account.

(B) **Purpose.** Pursuant to Section 104-b of the General Municipal Law, 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, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption.

SECTION 2. PROCUREMENT POLICY.

(A) **Determination Required.** Prior to commencing any procurement of goods and services, the Executive Director or an authorized designee shall prepare a written statement setting forth the basis for (1) the determination that competitive bidding is not required for such procurement, and if applicable (2) the determination that such procurement is not subject to any requirements set forth in this policy. Such written statements shall be maintained by the Executive Director or such authorized designee in a specially designated procurement file.

(B) **Procedure for determining whether Procurements are subject to Competitive Bidding.** The procedure for determining whether a procurement of goods and services is subject to competitive bidding shall be as follows:

(1) The Executive Director or an authorized designee shall make the initial determination as to whether competitive bidding is required. This determination will be based on Section 103 of the General Municipal Law which requires competitive bidding for expenditures of (a) more than \$20,000 for the performance of any public works contract (services, labor or construction), and (b) more than \$10,000 for any purchase contract (acquisition of commodities, materials, supplies or equipment).

(2) The Executive Director or such authorized designee shall review the purchase request against prior years' expenditures and a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate purchases of a similar nature will exceed the above competitive bidding procedures shall be followed for said expenditure.

(3) The Executive Director or such authorized designee shall present any legal issues regarding the applicability of the competitive bidding requirements stated herein to the Agency's Counsel.

(C) **Methods of Competition to be used for Non-Bid Procurements and Procurements Exempt by Statute.** Alternative proposals or quotations for goods and services shall be secured by use of

written requests for proposals or written quotations, verbal quotations or any other method of procurement which furthers the purposes of this Section except for items excepted herein (see 7 below) or procurements made pursuant to:

- (1) General Municipal Law Section 103 (3) (through county contracts), or
- (2) General Municipal Law Section 104 (through state contracts), or
- (3) State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), or
- (4) Correction Law, Section 186 (articles manufactured in correctional institutions).

(D) Procedures for the Purchase of Commodities, Equipment or Goods under \$10,000.

- (1) **Up to \$500:** The discretion of the Executive Director or authorized designee.
- (2) **\$501- \$3,000:** Documented verbal quotations from at least three vendors.
- (3) **\$3,001 - \$10,000:** Written/fax quotations from at least three vendors.

(E) Procedures for the Purchase of Public Works or Services under \$20,000.

- (1) **Up to \$1000:** The discretion of the Executive Director or authorized designee.
- (2) **\$1,001 - \$5,000:** Documented verbal quotations from at least three vendors.
- (3) **\$5,001 - \$20,000:** Written/fax quotations from at least three vendors.

(F) Basis for the Award of Contracts. Contracts will be awarded to the lowest responsible vendor who meets the specifications.

(G) Award to Other than the Lowest Cost Quoted. Circumstances justifying an award to other than the lowest cost quoted include the following:

- (1) Delivery requirements;
- (2) Quality requirements;
- (3) Quality;
- (4) Past vendor performance;
- (5) The unavailability of three or more vendors who are able to quote on a procurement; and
- (6) It may be in the best interests of the Agency to consider only one vendor who has previous expertise with respect to a particular procurement.

(H) Documentation.

(1) For each purchase made the Executive Director or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.

(2) The basis for any determination that competitive bidding is not required shall be documented, in writing, by the Executive Director or such authorized designee, and filed with the purchase order or contract therefore.

(3) For those items not subject to competitive bidding such as professional services, emergencies, purchased under city contracts or procurements from sole sources, documentation should include a memo to the files which details why the procurement is not subject to competitive bidding and include, as applicable:

- (a) a description of the facts giving rise to the emergency and that they meet the statutory criteria; or
- (b) a description of the professional services; or
- (c) written verification of city contracts; or
- (d) opinions of Counsel, if any; or
- (e) a description of sole source items and how such determinations were made.

(4) Whenever an award is made to other than the lowest quote the reasons for doing so shall be set forth in writing and maintained in the procurement file.

(5) 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.

(I) Exceptions to Bidding. Exceptions to the foregoing bidding requirements are permitted in the following circumstances:

(1) **Emergency Situation.** 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.

(2) **Resolution Waiving Bidding Requirements.** The Agency may adopt a resolution waiving the competitive bidding requirements whenever it is determined to be impracticable.

(3) **Sole Source.** Defined as a situation when there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique benefits, the cost is reasonable for the product offered and there is no competition available. In this situation, a request for a resolution waiving bidding requirements, as described above, is required.

(4) **True Lease.** Prices will be obtained through quotations whenever possible. The award shall be made on the basis of goods and/or services to be provided, ability to meet the specifications desired and price.

(5) **Insurance.** All insurance policies shall be procured in accordance with the following procedures:

- (a) Premium less than \$10,000 - documented telephone quotations from at least three agents (if available).
- (b) Premium over \$10,001 -written quotations/fax or proposals from at least three agents (if available)

(6) **Professional Services.** This category includes services which require special education and/or training, license to practice or are creative in nature. Examples of professional services are: lawyers, doctors, accountants, engineers, artists, etc.

(J) **Minority and Women Business Enterprises.** The Agency shall comply with all applicable legal requirements relating to the hiring of such businesses.

(K) **Input from members of the Agency.** Comments concerning the procurement policy shall be solicited from the members of the Agency from time to time.

(L) **Annual Review.** The Agency shall annually review its policies and procedures.

(M) **Unintentional Failure to Comply.** The unintentional failure to comply with the provisions of Section 104-b of the General Municipal Law shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

SECTION 3. RESTRICTIONS ON CONTACTS DURING PROCUREMENT.

(A) **Restricted Period.** In accordance with State Finance Law §139-j and §139-k, a "Restricted Period" shall be in effect for any procurement contract with an estimated annualized expenditure in excess of \$15,000. This period runs from the earliest notice of intent to solicit a proposal through the final award and approval of the contract.

(B) **Designated Contact.** For every procurement during a Restricted Period, the Agency shall identify one or more "Designated Contacts" to whom all communications from vendors must be directed.

(C) **Prohibited Contacts.** During the Restricted Period, any contact between a vendor and any member, officer, or employee of the Agency other than the Designated Contact is prohibited, unless it falls under a statutory exception (such as a public pre-bid conference or written questions submitted via a formal RFP process).

(D) Investigation of Allegations.

1. Reporting: Any Agency member or employee who becomes aware of an "impermissible contact" or a violation of this section shall immediately report such allegation to the Agency's Ethics Officer (or Executive Director, if not the subject of the allegation).
2. Review Process: The Ethics Officer shall conduct an immediate investigation into the

allegation. This review shall include:

- (a) Written notification to the vendor regarding the allegation.
 - (b) Providing the vendor a reasonable opportunity to respond to the allegation in writing.
 - (c) A review of any recorded "contacts" maintained in the procurement file.
3. Written Finding: Upon completion of the investigation, the Ethics Officer shall prepare a written determination stating whether the vendor knowingly and willfully violated the provisions of State Finance Law §139-j.

(E) Sanctions and Penalties.

- 1. Non-Responsibility: If a violation is found to be "knowing and willful," the vendor shall be deemed "non-responsible." The Agency shall not award the contract to such vendor.
- 2. Debarment: Pursuant to State Finance Law §139-j(10)(b), any vendor found to have committed a second violation within a four-year period shall be rendered ineligible to submit a proposal on any procurement contract with any New York State "Governmental Entity" for a period of four (4) years.
- 3. Reporting to OGS: The Agency shall report all determinations of non-responsibility and debarment due to violations of the Procurement Lobbying Law to the New York State Office of General Services (OGS).

SECTION 4. DESIGNATION OF CONTRACTING OFFICER.

(A) In accordance with the Public Authorities Accountability Act, the Executive Director of the Allegany County Industrial Development Agency is hereby designated as the "Contracting Officer" of the Agency.

(B) The Contracting Officer shall be responsible for the Agency's compliance with this Procurement Policy, the oversight of the disposal of property, and the filing of all required procurement reports with the Authorities Budget Office.

Adopted: _____



Allegany County Industrial Development Agency

CONFLICTS OF INTEREST POLICY

SECTION 1. PURPOSE AND AUTHORITY. The purpose of this Policy is to implement Section 883 of Title One of Article 18-A of the General Municipal Law (the "Act"), which provides that Article 18 of the General Municipal Law (the "Conflict of Interest Law") applies to all members, officers and employees of Allegany County Local Development Corporation (the "Corporation").

SECTION 2. DEFINITIONS. (A) The definitions contained in Section 800 of the Conflict of Interest Law apply to this Policy.

(B) Generally, a conflict of interest is a situation in which the financial, familial, or personal interests of a director or employee of the Corporation come into actual or perceived conflict with their duties and responsibilities to the Corporation. Perceived conflicts of interest are situations where there is the appearance that a director or employee can personally benefit from actions or decisions made in their official capacity, or where a director or employee may be influenced to act in a manner that does not represent the best interests of the Corporation. The perception of a conflict may occur if circumstances would suggest to a reasonable person that a director or employee may have a conflict. The appearance of a conflict and an actual conflict should be treated in the same manner for purposes of this Policy.

SECTION 3. CONFLICTS OF INTEREST. (A) General Rule. Except as authorized by Section 802 of the Conflict of Interest Law:

(1) No member, officer or employee of the Corporation shall have an interest in any contract with the Corporation when such member, officer or employee, either individually or as a member of a board, has the power or duty to:

(a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;

(b) audit bills or claims under the contract; or

(c) appoint an officer or employee who has any of the powers or duties set forth above.

(2) No chief fiscal officer, treasurer, or his or her deputy or employee, of the Corporation shall have an interest in a bank or trust company that is designated as a depository, paying agent, registration agent or for investment of funds of the Corporation.

(B) Disclosure. Except as provided in subsection (C) below, any member, officer or employee of the Corporation who has, will have, or later acquires an interest in any actual or proposed contract with the Corporation shall publicly disclose the nature and extent of such interest in writing to the members of the Corporation as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be set forth in and made part of the official record of the proceedings of the Corporation. Once disclosure has been made with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures are required by such member, officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

(C) Disclosure Not Required. Pursuant to Section 803(2) of the Conflict of Interest Law, the disclosure required in subsection (B) above is not required in the case of an interest in a contract described in Section 802(2) of the Conflict of Interest Law.

(D) Recusal and Abstention. No director or employee of the Corporation may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting thereon, when he or she knows or has reason to know that a conflict of interest exists. Directors and/or employees must recuse or abstain, as applicable, from deliberations, votes, or internal discussion on matters which could give rise to a conflict of interest, and are prohibited from attempting to influence other directors or employees in the deliberation and voting on such matter.

(E) Resignation. The directors and employees of the Corporation acknowledge and agree that, pursuant to the Conflict of Interest Law, recusal and abstention do not cure a conflict of interest and that, in some instances, the director or employee may be required to resign one of the positions that is creating the conflict of interest. Counsel to the Corporation will be available to provide guidance on these matters.

(F) Penalties for Violations. Pursuant to Section 805 of the Conflict of Interest Law, any officer or employee of the Corporation who willfully and knowingly violates the foregoing provisions of the Conflict of Interest Law, may be guilty of a misdemeanor. Furthermore, pursuant to Section 804 of the Conflict of Interest Law, any contract that is willfully entered into by or with the Corporation in which there is an interest prohibited by the Conflict of Interest Law shall be null, void and wholly unenforceable.

SECTION 4. PROHIBITED ACTIONS. (A) General. Pursuant to Section 805-a of the Conflict of Interest Law, no member, officer or employee of the Corporation shall:

(1) either directly or indirectly, solicit, accept or receive any gift having a value of seventy-five (75) dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended as a reward for any official action on his or her part, or that it was intended to or could reasonably be expected to influence him or her in the performance of his or her official duties;

(2) disclose confidential information acquired in the course of his or her official duties or use such information to further his or her personal interests;

(3) receive or enter into any express or implied agreement for compensation for services to be rendered in relation to any matter before the Corporation; or

(4) receive or enter into any express or implied agreement for compensation for service to be rendered in relation to any matter before the Corporation whereby his or her compensation is to be dependent or contingent upon any action by such Corporation with respect to that matter; provided, however, that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(B) Penalty for Violation. Pursuant to Section 805-a of the Conflict of Interest Law, any person who shall knowingly and intentionally violate the Conflict of Interest Law may be fined, suspended or removed from office or employment in the manner provided by law.

SECTION 5. DETERMINATION OF CONFLICT OF INTEREST. The Governance Committee and/or Ethics Officer of the Corporation shall advise any individual who appears to have a conflict of interest how to proceed. The Governance Committee and/or Ethics Officer of the Corporation shall seek guidance from counsel to the Corporation regarding the determination of a conflict of interest.

SECTION 6. POSTING AND AVAILABILITY. (A) The Chief Executive Officer of the Corporation shall have a copy of the Conflict of Interest Law and of this Policy posted in the office of the Corporation in a place which is conspicuous to the officers, members and employees of the Corporation.

(B) All Directors and employees of the Corporation should be provided with this Policy upon commencement of employment or appointment and shall be required to acknowledge that they have read, understand and are in compliance with the terms of this Policy. Directors and employees should review on an ongoing basis circumstances that constitute a conflict of interest or the appearance of a conflict of interest, abide by this Policy and seek guidance when necessary and appropriate. This Policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest, including, but not limited to, the Conflict of Interest Law.

SECTION 7. MISCELLANEOUS PROVISIONS. (A) [Reserved.]

(B) Compensation. Pursuant to Section 858-a(1) of the Act, the compensation of an officer or full time employee of the Corporation (but not including part time employees or consultants, including accountants, attorneys and bond counsel to the Corporation) shall not be contingent on the granting of financial assistance by the Corporation.

Adopted:_____



Allegany County Industrial Development Agency

DEFENSE AND INDEMNIFICATION POLICY

The Allegany County Industrial Development Agency (the "Agency"), shall indemnify all members of the Board of the Agency and each officer and employee of thereof, in the performance and scope of their duties, and to the extent authorized by the Board, and each other person authorized to act for the Agency or on its behalf, to the full extent to which indemnification is permitted under the General Municipal Law of the State of New York.

Adopted: _____

Allegany County Industrial Development Agency

Project Evaluative Criteria

The Allegany County IDA (ACIDA) will conduct a written cost benefit analysis and evaluate each project being considered for benefits using the criteria listed below:

- Extent to which a project will create or retain permanent jobs
- Estimated value of tax exemptions to be provided
- Amount of private sector investment
- Likelihood of project being accomplished in a timely fashion
- Amount of new revenue provided to local taxing jurisdictions
- Inclusion of onsite childcare for employees or other benefits to support employee childcare needs
- Any other miscellaneous public benefits that might occur

Material Terms

In addition, the ACIDA will, at the time of project review, take into consideration material terms which will be used to determine if a project applicant has met the obligations required for the approval of incentives set by the board. These terms will be utilized by the board in setting and monitoring project benchmarks during the term of the incentives for the purposes of administering the IDA's policy for termination of benefits.

It is understood that the review will vary depending on project type and project specifics. The IDA has adopted specific "Evaluative Criteria" to be considered when reviewing each project type.

These criteria are adopted to provide board guidance when reviewing project applications. The board reserves the right to use additional measures and to gather additional information or data relating to evaluative criteria specific to individual projects.

Approved and adopted: _____

See Attached Table for Suggested Project Types, Material Terms and Evaluative Criteria:

Allegany County IDA Project Matrix
Criteria, Material Terms & Evaluative Criteria

State Required Criteria	Project Type	Material Terms	Evaluative Criteria
1. Extent to which a project will create or retain permanent jobs 2. Estimated value of tax exemptions 3. Amount of private sector investment 4. Likelihood of project being accomplished in a timely fashion 5. Extent of new revenue provided to local taxing jurisdictions 6. Any other misc. public benefits	<u>Manufacturing,</u> <u>Warehouse,</u> <u>Distribution</u>	1. Create or Retain Jobs 2. Private Sector Investment 3. Wage Rates above Median Wage for Area	1. Wage Rates (above Median Wage for Area) 2. Regional Wealth Creation (% Sales/Customers Outside Area) 3. Research and Development Activities 4. Locational Land Use Factors, Brownfields or Locally Designated Development Areas 5. Retention/Flight Risk
	<u>Agricultural,</u> <u>Food Processing</u>	1. Create or Retain Jobs 2. Private Sector Investment 3. Wage Rates above Median Wage for Area	1. Wage Rates (above Median Wage for Area) 2. Regional Wealth Creation (% Sales/Customers Outside Area) 3. In Region Purchases (% of overall Purchases, from Local Growers) 4. Research and Development Activities 5. Locational Land Use Factors, Proximity to Local Ag. Production 6. Retention/Flight Risk

Allegany County IDA Project Matrix

Criteria, Material Terms & Evaluative Criteria

State Required Criteria	Project Type	Material Terms	Evaluative Criteria
1. Extent to which a project will create or retain permanent jobs 2. Estimated value of tax exemptions 3. Amount of private sector investment 4. Likelihood of project being accomplished in a timely fashion 5. Extent of new revenue provided to local taxing jurisdictions 6. Any other misc. public benefits	<u>Adaptive Reuse,</u> <u>Community</u> <u>Development</u>	1. Private Sector Investment 2. Retain or Create Jobs (if applicable) 3. Increased Property Value 4. Increased Revenue to Local Taxing Jurisdictions	1. Distressed Census Tracts 2. Age of Structure 3. Elimination of Slum and Blight 4. Building or Facility Vacancy 5. Redevelopment Supports Local Community Development Plan 6. Environmental or Safety Issues 7. Building or site has Historic designation 8. Project/Developer's Return on Investment 9. Impediments to Conventionally Finance Project
	<u>Tourism</u>	1. Private Sector Investment 2. Create or Retain Jobs (if applicable) 3. Regional Wealth Creation (% Sales/Customers Outside Area)	1. Market Study (Document Demand and Impact on Existing Operators) 2. Regional Wealth Creation 3. Proximity/Support of Regional Tourism Attractions/Facilities 4. Local Official(s), Convention Visitors Bureau Support 5. Generation of Local Revenues (i.e. Hotel Bed Taxes)

Allegany County IDA Project Matrix
Criteria, Material Terms & Evaluative Criteria

State Required Criteria	Project Type	Material Terms (Suggested)	Evaluative Criteria (Suggested)
1. Extent to which a project will create or retain permanent jobs 2. Estimated value of tax exemptions 3. Amount of private sector investment 4. Likelihood of project being accomplished in a timely fashion 5. Extent of new revenue provided to local taxing jurisdictions 6. Any other misc. public benefits	<u>Retail</u>	1. Private Sector Investment 2. Create or Retain Jobs (if applicable) 3. Regional Wealth Creation (% Sales/Customers Outside Area)	1. Market Study/Goods or Services Not Readily Available, Impact on Existing Businesses (Municipal CEO approval) 2. Regional Wealth Creation 3. Highly Distressed Census Tracts 4. Urban or Town Center Location 5. Elimination of Slum and Blight 6. Alignment with Local Planning and Development Efforts
	<u>Back Office, Data, Call Centers</u>	1. Private Sector Investment 2. Create or Retain Jobs (if applicable) 3. Wage Rates above Median Wage for Area	1. Wage Rates (above Median Wage for Area) 2. Regional Wealth Creation (% Sales/Customers Outside Area) 3. Retention/Flight Risk

Allegany County IDA Project Matrix

Criteria, Material Terms & Evaluative Criteria

State Required Criteria	Project Type	Material Terms (Suggested)	Evaluative Criteria (Suggested)
1. Extent to which a project will create or retain permanent jobs 2. Estimated value of tax exemptions 3. Amount of private sector investment 4. Likelihood of project being accomplished in a timely fashion 5. Extent of new revenue provided to local taxing jurisdictions 6. Any other misc. public benefits	Energy Production	1. Private Sector Investment 2. Create or Retain Jobs (if applicable) 3. Wage Rates above Median Wage for Area	1. Wage Rates (above Median Wage for Area) 2. Advances State Renewable Energy Production/Transmission Goals
	Housing	1. Private Sector Investment 2. Create or Retain Jobs (if applicable)	1. Market Study (Document Need and Impact on Existing Facilities) 2. Highly Distressed Census Tract 3. Alignment with Local Planning and Development Efforts 4. Urban, Town/Village Center Location 5. Local Official(s) Support 6. Is There a Financial Gap



Allegany County Industrial Development Agency

REAL PROPERTY ACQUISITION POLICY

SECTION 1: PURPOSE AND AUTHORITY

In accordance with the **Public Authorities Accountability Act (PAAA)** and **Section 2824(1)(e) of the Public Authorities Law**, the Allegany County Industrial Development Agency (the "Agency") adopts these guidelines for the acquisition of real property. The purpose of this policy is to ensure that all acquisitions are made in a prudent manner, for a valid corporate purpose, and in compliance with New York State Law.

SECTION 2: DEFINITIONS

- **Acquisition:** The acquisition of title or any other beneficial interest in real property.
- **Contracting Officer:** The Executive Director of the Agency (or their designee) shall serve as the Contracting Officer responsible for the supervision and direction of property acquisitions.
- **Real Property:** Any interest in land, including improvements, appurtenances, and easements.

SECTION 3: APPLICABILITY

This policy applies to the acquisition of real property by the Agency for its own use or benefit.

Note: This policy does **not** apply to "conduit" transactions where the Agency takes a leasehold interest solely to provide financial assistance (e.g., tax exemptions) to a private project, as defined in Section 854(14) of the General Municipal Law.

SECTION 4: PROCEDURES FOR ACQUISITION

Before any interest in real property is acquired, the following steps must be taken:

A. Determination of Fair Market Value (FMV):

- I. The Contracting Officer shall obtain at least one independent appraisal from a qualified professional to determine FMV.
- II. **Exemption:** An appraisal is not required for property donated to the Agency or if the valuation is uncomplicated and the value is estimated to be under \$10,000.

B. Negotiation:

- I. The Agency shall endeavor to pay no more than FMV.

- II. If the property is unique or essential to an Agency project, the Board may authorize payment above FMV, provided the justification is documented in a Board resolution.

C. Environmental Due Diligence:

- I. A **Phase I Environmental Site Assessment** shall be conducted for all fee title acquisitions to identify potential liabilities.
- II. The Agency must comply with the **State Environmental Quality Review Act (SEQRA)** prior to taking any binding action.

D. Title and Legal Review:

- I. Agency Counsel must review all title documents and deeds.
- II. The Agency shall obtain title insurance unless specifically waived by Agency Counsel.

SECTION 5: APPROVAL REQUIREMENTS

No contract for the acquisition of real property shall be binding on the Agency until it has been approved by a majority vote of the **Agency's Board of Directors**. The Board must find that the acquisition furthers the Agency's mission to promote economic welfare and job opportunities in Allegany County.

SECTION 6: EMINENT DOMAIN

While the Agency has the power of condemnation under Article 18-A, it shall only be used as a last resort. Any such proceeding must comply strictly with the **New York Eminent Domain Procedure Law (EDPL)** and include a public hearing and specific findings of public necessity.

SECTION 7: REPORTING

The Contracting Officer shall prepare an **Annual Real Property Report** listing all real property acquired during the fiscal year. This report shall include:

- A description of the property.
- The purchase price paid.
- The name of the seller.
- The current use or intended purpose of the property.

This report shall be reviewed annually by the ACIDA Board and filed with the New York State Authorities Budget Office (ABO) via the Public Authorities Reporting Information System (PARIS).

Adopted: _____



Allegany County Industrial Development Agency

INCENTIVE AND CONDITIONAL COMPENSATION POLICY

SECTION 1. PURPOSE AND AUTHORITY. The purpose of this Policy is to implement Section 883 of Title One of Article 18-A of the General Municipal Law (the "Act"), which provides that Article 18 of the General Municipal Law (the "Conflict of Interest Law") applies to all members, officers and employees of Allegany County Industrial Development Agency (the "Agency").

Prohibition of Incentive Compensation

The Agency shall not provide any incentive compensation, performance bonuses, or merit-based cash awards to any officer or employee. All compensation must be based on a fixed salary or hourly rate as approved by the Board of Directors in the annual budget.

Conditional Compensation and Severance

- **Severance:** The Agency does not provide "severance packages" or "golden parachutes." Upon separation, employees are entitled only to legally required wages and the payout of accrued vacation time as specifically authorized in the Agency's Personnel Policy.
- **Condition of Payment:** No compensation shall be granted for services already rendered, nor shall any "contingent" payments be made based on the completion of specific projects or bond issuances.

Longevity Payments

The Agency does not provide cash longevity payments based solely on years of service, except as part of a board-approved cost-of-living adjustment (COLA) applied to the base salary of all employees.

Annual Review

This policy shall be reviewed and re-adopted by the Board of Directors annually during the January organizational meeting.

Adopted: _____



Allegany County Industrial Development Agency

POLICY PROHIBITING EXTENSION OF CREDIT TO BOARD MEMBERS AND STAFF

1. PURPOSE

The purpose of this policy is to ensure that the Allegany County Industrial Development Agency operates in accordance with **Section 2824(5) of the Public Authorities Law**. This policy is intended to prevent even the appearance of financial impropriety or personal enrichment by those charged with governing and managing the Authority.

2. STATUTORY MANDATE

Pursuant to PAL § 2824(5), the Authority is strictly prohibited from extending or maintaining credit, arranging for the extension of credit, or renewing an extension of credit in the form of a personal loan to or for any:

- **Board Member** (Director/Commissioner)
- **Officer**
- **Employee** (Staff)

3. PROHIBITED ACTIVITIES

The following actions are strictly forbidden under this policy:

- **Direct Personal Loans:** Lending Authority funds directly to an individual for personal use.
- **Indirect Loans:** Using Authority influence or assets to guarantee a private loan for a member or staffer.
- **Advance Payments:** Providing salary advances or draws against future commissions/bonuses that have not yet been earned.
- **Personal Use of Credit Cards:** Utilizing Authority-issued credit cards for personal expenses, even if the individual intends to reimburse the Authority immediately.

4. EXCEPTIONS

This policy does not prohibit:

- **Travel Advances:** Reasonable advances for authorized business travel and expenses, provided they are accounted for and reconciled in accordance with the Authority's Travel & Expense Policy.

- **Standard Benefits:** Participation in standard employee benefit programs (e.g., 401k loans) where the credit is extended by a third-party financial institution under uniform terms available to all eligible participants.

5. OVERSIGHT AND COMPLIANCE

- **Reporting:** The Audit Committee shall review financial records annually to ensure no prohibited credits have been extended.
- **Violations:** Any individual who violates this policy may be subject to disciplinary action, including removal from office or termination of employment, and may be reported to the Authorities Budget Office (ABO).

Adopted: _____