

**Authorizing Resolution  
Uniform Evaluation Criteria Amendment**

Date: February 5, 2025

At a meeting of the City of Utica Industrial Development Agency, Utica, New York (the "Agency"), held at One Kennedy Plaza, Utica, New York on February 5, 2025, the following members of the Agency were:

PRESENT:            Vin Gilroy  
                          John Buffa  
                          John Zegarelli

ALSO PRESENT:    Jack Spaeth, Executive Director

ALSO PRESENT:    Linda E. Romano, Esq. (Bond, Schoeneck & King)  
(WEBEX)            Laura Ruberto (Bond, Schoeneck & King)

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

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

Vin Gilroy voting aye  
John Buffa voting aye  
John Zegarelli voting aye

RESOLUTION AMENDING THE AGENCY'S UNIFORM CRITERIA FOR THE EVALUATION OF PROJECTS FOR WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED.

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

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

WHEREAS, by resolution adopted June 13, 2016 the Agency adopted certain uniform criteria for the evaluation and selection of projects, in compliance with Section 859(a)(5) of the General Municipal Law (the "Uniform Evaluation Criteria"); and

WHEREAS, the Agency recognizes the need for onsite child care in the City of Utica and the positive impact it could have on parents returning to and remaining in the workforce; and

WHEREAS, to encourage employers in the City of Utica to provide onsite child care, the Agency wishes to amend its Uniform Evaluation Criteria to specifically consider whether a project will include onsite child care.

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

Section 1. The Agency hereby amends its Uniform Evaluation Criteria to include "The extent to which the proposed project will provide onsite child care for its employees." Attached to this resolution is the revised Uniform Evaluation Criteria.

Section 2. The Agency is currently undertaking a larger review of its Uniform Tax Exemption Policy (the "UTEP") and intends to amend the UTEP in the near future, at which time the UTEP will be formally amended to include this evaluation criteria. In the interim, the Agency shall consider this evaluation criteria when evaluating new projects.

Section 3. The Executive Director, officers and employees of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to execute and deliver all such additional certificates, instruments and documents and to

do all such further acts and things as may be necessary or, in the opinion of the Executive Director, officer or employee acting, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Act.

Section 4. This resolution shall take effect immediately.

STATE OF NEW YORK)

: ss.:

COUNTY OF ONEIDA)

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

That I have compared the annexed extract of the minutes of the meeting of the City of Utica Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on February 5, 2025 with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

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

IN WITNESS WHEREOF, I have hereunto set my hand as of February 5, 2025.

CITY OF UTICA INDUSTRIAL  
DEVELOPMENT AGENCY

By:



Jack N. Spaeth, Assistant Secretary

**City of Utica Industrial Development Agency  
Uniform Evaluation Criteria  
(Adopted July 13, 2016 and amended February 5, 2025)**

The Agency considers the following general factors in determining whether a project is eligible for financial assistance:

- The nature of the proposed project (e.g., manufacturing, commercial, civic).
- The nature of the property before the project begins (e.g., vacant land, vacant buildings).
- The economic condition of the area at the time of the application.
- The extent to which a project will create or retain permanent, private sector jobs.
- The estimated value of tax exemptions to be provided.
- The impact of the project and the proposed tax exemptions on affected tax jurisdictions.
- The impact of the proposed project on existing and proposed businesses and economic development projects in the County.
- The amount of private sector investment generated or likely to be generated by the proposed project.
- The likelihood of accomplishing the proposed project in a timely fashion.
- The effect of the proposed project upon the environment.
- The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located.
- The extent to which the proposed project will provide onsite child care for its employees
- The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the City of Utica.

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

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

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

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

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

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

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