

Standard Project Procedures

TOWN OF HEMPSTEAD LOCAL DEVELOPMENT CORPORATION

1. The Town of Hempstead Local Development Corporation (the “Corporation” or “TOHLDC”), will accept applications for financial assistance from qualified applicants for commercial, industrial or not-for-profit projects which will increase or retain permanent private sector employment through the issuance of tax-exempt or taxable bonds, or through the Corporation’s micro loan or revolving loan programs.
2. Applications for new project, together with an Environmental Assessment Form, a cost benefit analysis, a feasibility study, if applicable, a detailed breakdown of project costs and a narrative description of the project, must be submitted to the Corporation no later than the Monday of the week before the Corporation’s Board meeting. Incomplete Applications will not be accepted and will not be placed on Agenda for consideration.
3. The attorney or law firm listed in the application as the applicant’s attorney in connection with the TOHLDC financing will be expected to give the usual and customary opinions of borrowers Counsel in such LDC financing including, without limitation, zoning, site plan, public approvals, opinions and SEQR compliance opinions. If such attorneys are not willing or able to give such opinion, the applicant must engage competent and experienced counsel, satisfactory to TOHLDC, to render such opinions.
4. The Town of Hempstead Local Development Corporation (TOHLDC) will charge a non-refundable Application Fee.
5. The Corporation will not move ahead of other governmental authorities until all necessary permits, variances, governmental approvals and site plans have been approved, and copies of such approvals have been submitted to the Corporation. The Corporation may induce a project prior to the Applicant receiving all necessary permits, variances, governmental approvals and site plans if the inducement resolution states that any final authorization of the project or the issuance Bonds will be subject to the Applicant having obtained all such necessary permits, variances, governmental approvals and site plans. The Corporation will not hold a public hearing until all approvals have been granted and copies of the approvals received by the LDC.
6. The Corporation reserves the right to request a copy of an appraisal by a licensed appraiser selected by the Corporation prior to inducing a project or prior to granting final approval of a project.
7. The Corporation reserves the right to request the status of any and all tax certiorari cases prior to inducing a project.
8. The TOHLDC will not consider an inducement resolution for a project until the TOHLDC completes a Cost Benefit Analysis and the TOHLDC’s Bond Counsel completes a SEQR review and the Corporation is in a position to adopt a negative declaration with respect to SEQR. The Corporation will not adopt preliminary inducement resolutions before SEQR is completed, except for (i) instances where a Lead Corporation for SEQR has already been appointed and the adoption of a preliminary resolution is necessary for the Corporation to be included in a coordinated SEQR review, or (ii) when a preliminary inducement resolution is required under the Internal Revenue Code (the “Code”) for the issuance of tax-exempt bonds.
9. Prior to adopting a final authorizing resolution approving any transaction and the granting of economic benefits in connection therewith and the issuance of Bonds, the Corporation shall hold a public hearing as required by the Internal Revenue Code of 1986, as amended (the “Code”). A stenographer will record the minutes and furnish them to the TOHLDC to become part of the

official record. The costs associated with the transcript are covered in the application fee. The Executive Director and the Deputy Executive Director are hereby directed to publish public notices in a newspaper of general circulation in the Town of Hempstead. The Executive Director and the Deputy Executive Director are hereby authorized to pay the costs of such publication without the need of any further approvals by this Board. The Executive Director and the Deputy Executive Director are further directed and authorized to mail notice of such public hearing to each affected tax jurisdiction as required by the IDA Act. Public Notices of Public Hearings shall be published after the Corporation has adopted an inducement resolution for a project; provided, however, if in order to coordinate the 14-day public notice requirement under the Code with the Corporation's meeting schedule it is necessary to publish a public notice prior to inducement, then the Chairman or the Executive Director, upon consultation with Counsel to the Corporation and Bond Counsel, may publish a public notice for such transaction.

10. The Corporation will require a copy of an executed commitment agreement between the Applicant and the lender, a title report, a survey certified to the Corporation, a Phase I Environmental Audit, certified copies of organizational documents of the applicant and if applicable a Phase II Environmental Audit, before a closing date can be scheduled.
11. All Applicants will require permission by the Corporation in order to sublease any space within the Facility, subject to the applicable Corporation fees.
12. The Corporation will require a written agreement by the Applicant to remain within the Town of Hempstead for specified time frame and such agreement will state the number of jobs to be created or retained by the Applicant.
13. Yearly compliance affidavits will be required by the Corporation at the end of the calendar year. All projects will be required to provide certificates of insurance, no pending litigation certificates and annual audited or reviewed financial statements at the end of the fiscal year until the project terminates. An initial compliance fee of \$3,000.00 will be required at the closing of each transaction. An annual compliance fee of \$1,500.00 will be required each year thereafter for the life of the project for applications received after February 1st, 2016. Upon the termination of the project, a \$1,000.00 termination fee will be required.
14. The Corporation shall deliver all sales tax letters at the closing. Provided, however, if the Corporation determines the sales tax letter should be delivered prior to closing but after the sales tax exemption has been approved by the Board following the Public Hearing for certain projects that establish a basis for such early sales tax letter, there will be stated in the sales tax letter an outside date to close the transaction. The sales tax letter will also include the stipulation that if the Applicant does not adhere to the guidelines specified within the sales tax letter, the Applicant will be reported to the New York State Department of Taxation and Finance by the Corporation. The sales tax letter will also be revoked retroactively to the date of issuance if the transaction is not closed. The Corporation will charge 50% of its fee for the project at the time the sales tax letter is delivered. Such fee will be non-refundable. Each sales tax letter shall state that it shall expire on the earlier of the completion of the Project or a specified date. In addition, sales tax letters shall also state that the sales tax exemption shall expire on the date that the Applicant has incurred a specific dollar amount of sales tax exemptions.
15. The Staff of the Corporation shall circulate to all Board members, with copies to Corporation Counsel and Bond Counsel, a draft Agenda, as approved by the Chairman, one week prior to the Corporation's Board meeting. The Staff shall circulate a final Agenda no later than the end of business two days before a Board meeting. Copies of all resolutions to be adopted by the Board shall be attached to the final Agenda unless they were attached to the draft Agenda. The Board in its sole discretion may, but is not required to, consider matters brought to its attention at a meeting which were not included on the Final Agenda.
16. The Agenda for Board meetings shall follow the following format:

- I. New Business/Transaction Resolutions, Applications and Presentations
- II. New Business
- III. Reading of the Minutes
- IV. Old Business
- V. Treasurer's Report
- VI. Committee Reports
- VII. Executive Session
- VIII. Unfinished Business
- IX. Adjournment

- 17. Except when it is necessary for the Board to go into an Executive Session, all meetings of the Board of the Corporation shall be conducted in compliance with the New York State Open Meetings Law and shall be open to the Public.
- 18. No documents will be released until the Corporation is paid in full.
- 19. The Board in its sole discretion may waive any of these procedures as may be necessary.

Resolution: 0:8-2016 LDC

Adopted: 3/29/16



Name: Theodore Sasso
Title: Chairman