

STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Policy for Termination of Benefits

Projects seeking assistance from the Steuben County Industrial Development Agency will be required to agree to the following language to establish and provide a fair policy, compliant with Section 875 of the New York General Municipal Law, potentially resulting in the suspension/termination of Agency benefits and/or recapture of Agency benefits.

The following language will be included in all Agency PILOT Agreements.

Additional Event of Default. The Company recognizes and acknowledges that the Agency is entering into this Agreement based in part on representations made by the Company in its application to the Agency, dated on or about _____ (the “Application”) regarding job creation and retention at the Facility. The Application anticipated a total complement of ____ full-time jobs or equivalent employees (“Full-time employees”) within ____ years of commencement of operations by the Company at the Facility.

The Company is required under this Agreement and hereby agrees to submit an annual report of employment (“Annual Report”) to the Agency by March 31st of each year based on the employment for the prior calendar year with the initial report due on March 31st of the year following commencement of operations by the Company at the Facility.

A Full-Time Employee shall work at least 35-40 hours per week. A part-time employee will count as a fraction of a Full-Time Employee (an employee working 17.5-20.0 hours per week will count as .5). A seasonal employee will also count as a fraction of a Full-Time employee based on a number of full months worked in a year (an employee hired to work only for three months in a year will count as .25).

If it is determined upon review of the Annual Report that the number of employees at facility is less than the “Employment Target”, the Agency and its Board of Directors shall have the right to seek additional clarification from the Company regarding its inability to meet job targets. Furthermore, the Agency shall reserve the right to suspend the benefits, negotiate more appropriate benefit terms based on the actual economic impact to the community, or in certain cases terminate this PILOT Agreement (and related Lease Agreement and Leaseback Agreement) upon thirty (30) days written notice to the Company.

In limited circumstances the Agency maintains the right to recapture financial assistance previously received by the company upon determination the company has willingly acted in an egregious manner. This would include but is not limited to:

- Nature of project changes w/out approval of IDA.
- Company knowingly provided false information in applying for IDA benefits.

Approved and Adopted this 23rd day of February, 2023.