

Date: June 8, 2016

At a meeting of the Town of Brookhaven Industrial Development Agency (the "Agency"), held at Brookhaven Town Hall, 1 Independence Hill, 3<sup>rd</sup> Floor, Farmingville, New York 11738 on the 8th day of June, 2016, the following members of the Agency were:

Present: Frederick C. Braun, III, Martin Callahan, Felix J. Grucci, Jr.,  
Scott Middleton, Gary Pollakusky & Ann-Marie Scheidt

Recused:

Absent: Michael Kelly

Also Present: Lisa M. G. Mulligan, Chief Executive Officer

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to the adoption of a Uniform Project Evaluation Criteria Policy.

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

Voting Aye

Braun  
Callahan  
Grucci  
Middleton  
Pollakusky  
Scheidt

Voting Nay

RESOLUTION OF THE TOWN OF BROOKHAVEN  
INDUSTRIAL DEVELOPMENT AGENCY  
AUTHORIZING AND ADOPTING A UNIFORM  
PROJECT EVALUATION CRITERIA POLICY  
NECESSARY TO IMPLEMENT THE PROVISIONS OF  
THE PAAA AND THE ACT, AS AMENDED AND  
APPROVING THE FORM, SUBSTANCE AND  
EXECUTION OF RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 38 of the Laws of 1970 of the State of New York, as the same may be amended from time to time (collectively, the "Act"), the Town of Brookhaven Industrial Development Agency (the "Agency") was created with the authority and power, among other things, to promote, develop, encourage and assist in the acquisition, construction, improvement, maintenance, equipping and furnishing of certain industrial, manufacturing, warehousing, commercial, research, and recreation facilities as authorized by the Act in order to promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of the Town of Brookhaven, New York and of the State of New York and to improve their standard of living; and

WHEREAS, pursuant to Section 859-a(5) of the Act, the Agency is required to establish uniform criteria for the evaluation and selection of projects for each category of projects for which financial assistance will be provided by the Agency; and

WHEREAS, the establishment of uniform criteria for the evaluation and selection of projects for which the Agency will provide financial assistance will allow the Agency to assess all of the material information included in connection with the application for financial assistance submitted by the applicant, as necessary to afford a reasonable basis for the decision by the Agency to provide such assistance; and

WHEREAS, in connection with the foregoing, the Agency desires to adopt a Uniform Project Evaluation Criteria Policy; and

WHEREAS, a Uniform Project Evaluation Criteria Policy would permit the Agency to continue to provide financial assistance to various business entities to acquire, locate, construct, renovate, equip and/or expand in the Town of Brookhaven, New York (the "Town"), which would generate additional revenues, housing and employment within the Town; and

WHEREAS, to carry out the Agency's purposes under the Act, as amended, the Agency has the power under the Act to adopt the Uniform Project Evaluation Criteria Policy; and

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

Section 1. The Agency hereby finds and determines:

- (a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act.
- (b) Authorizing and adopting the Uniform Project Evaluation Criteria Policy will allow the Agency to formally establish uniform criteria for the evaluation and selection of projects for each category of projects for which financial assistance will be provided by the Agency.
- (c) Authorizing and adopting the Uniform Project Evaluation Criteria Policy will allow the Agency to continue to provide financial assistance to various business entities to acquire, locate, construct, renovate, equip and/or expand in the Town, which would generate additional revenues, housing and employment within the Town.
- (d) It is desirable and in the public interest for the Agency to adopt the Uniform Project Evaluation Criteria Policy.

Section 2. In consequence of the foregoing, the Agency hereby determines to adopt the Uniform Project Evaluation Criteria Policy, a copy of which is attached hereto as Exhibit A and made a part hereof.

Section 3. The Agency is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Agency are hereby approved, ratified and confirmed.

Section 4. This resolution shall take effect immediately.

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

I, the undersigned Secretary of the Town of Brookhaven Industrial Development Agency,  
DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town of Brookhaven Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on the 8th day of June, 2016, 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.

That the Uniform Project Evaluation Criteria Policy contained in this transcript of proceedings is in substantially the form presented to the Agency and/or approved by said meeting.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with the New York Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, that all members of said Agency had due notice of said meeting and that the meeting was all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 8th day of June, 2016:

By   
Secretary

Exhibit A

**UNIFORM PROJECT EVALUATION CRITERIA POLICY**

**TOWN OF BROOKHAVEN  
INDUSTRIAL DEVELOPMENT AGENCY  
EFFECTIVE JUNE 8, 2016**

Pursuant to Section 859-a(5) of Title 1 of Article 18-A of the New York State General Municipal Law (the “Act”), the Town of Brookhaven Industrial Development Agency (the “Agency”) is required to establish uniform criteria for the evaluation and selection of projects for each category of projects for which financial assistance will be provided by the Agency. This Uniform Evaluation Criteria Policy was adopted pursuant to resolution enacted by the members of the Agency on June 8, 2016.

**I. Steps Prior to Project Approval**

Prior to the approval of the provision of financial assistance by the Agency for any project, the following must occur:

- 1) The Agency must assess all of the material information included in connection with the application for financial assistance, as necessary to afford a reasonable basis for the decision by the Agency to provide such assistance;
- 2) The Agency must prepare a written cost benefit analysis (the “**Cost Benefit Analysis**”), identifying the following:
  - a. the retention or creation of permanent, private sector jobs attributable to the project;
  - b. the estimated value of the tax exemptions provided;
  - c. the amount of private sector investment likely to be generated by the project;
  - d. the likelihood of accomplishing the project in a timely fashion;
  - e. the extent to which the project will provide additional sources of revenue for municipalities and school districts; and
  - f. any other public benefits that might occur as a result of the project;
- 3) The applicant for assistance must state that, as of the date of the application, it is in substantial compliance with all provisions of the Act; and
- 4) If the project involves the removal or abandonment of a facility or plant within the State of New York, notification by the Agency to the chief executive officer of the municipality or municipalities in which the facility or plant was located.

## II. Project Categories and Evaluation Criteria

The following is a list of various project categories and the criteria by which projects will be evaluated by the Agency. The Agency shall evaluate each project based on the totality of applicable factors, and no one factor shall be determinative. In any case where a project may be categorized by more than one category listed below, the evaluative criteria for each applicable project category should be applied to the applicable component of the project.

### 1) Manufacturing/Warehousing/Distribution Projects

- a. For Manufacturing/Warehousing/Distribution Projects, the Agency should consider the following criteria, as applicable:
  - i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. The capital investment being made by the applicant;
  - iv. The impact, if any, from local labor construction for the project;
  - v. Wage rates (above median wage for the area);
  - vi. Regional wealth creation (percent of sales or customers from outside the area);
  - vii. In region purchases/support of local vendors (percentage of overall purchases for project);
  - viii. Research and development;
  - ix. Investments in energy efficiency;
  - x. Land use factors; and
  - xi. Retention/flight risk of applicant.

### 2) Agricultural/Food Processing Projects

- a. For Agricultural/Food Processing Projects, the Agency should consider the following criteria, as applicable:
  - i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. The capital investment being made by the applicant;
  - iv. The impact, if any, from local labor construction for the project;
  - v. Wage rates (above median wage for the area);
  - vi. Regional wealth creation (percent of sales or customers from outside the area);
  - vii. In region purchases/support of local vendors (percentage of overall purchases for project);
  - viii. Research and development;
  - ix. Investments in energy efficiency;
  - x. Land use factors
  - xi. Retention/flight risk of applicant

### 3) Adaptive Reuse/Community Development Projects

a. For Adaptive Reuse/Community Development Projects, the Agency should consider the following criteria, as applicable:

- i. The information provided in the Cost Benefit Analysis;
- ii. Creation and retention of jobs;
- iii. In region purchases/support of local vendors (percentage of overall purchases for project); The capital investment being made by the applicant;
- iv. The impact, if any, from local labor construction for the project;
- v. Increased property value of the project site;
- vi. Increased revenue, if any, to local taxing jurisdiction;
- vii. Distressed census tracts;
- viii. Age of structure, designation as historic site;
- ix. Elimination of slum or blight;
- x. Vacancy of site;
- xi. LEED/Renewable resources;
- xii. Alignment with local planning and development efforts;
- xiii. Site has delinquent taxes;
- xiv. Project/developer's return on investment;
- xv. Impediments to conventionally finance project.

### 4) Tourism Projects

a. For Tourism Projects, the Agency should consider the following criteria, as applicable:

- i. The information provided in the Cost Benefit Analysis;
- ii. Creation and retention of jobs;
- iii. The capital investment being made by the applicant;
- iv. The impact, if any, from local labor construction for the project;
- v. Regional wealth creation (percent of sales or customers from outside the area);
- vi. Increased revenue, if any, to local taxing jurisdictions;
- vii. Market/Feasibility Study;
- viii. Proximity/support of regional tourism attractions;
- ix. Local official(s) support;
- x. In region purchases/support of local vendors (percentage of overall purchases for project);
- xi. Sales taxes, hotel taxes and other tax revenues to be generated at the Facility;
- xii. LEED/Renewable resources.

### 5) Other Retail Projects

- a. For Other Retail Projects, the Agency should consider the following criteria:
- i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. In region purchases/support of local vendors (percentage of overall purchases for project);
  - iv. The capital investment being made by the applicant;
  - v. The impact, if any, from local labor construction for the project;
  - vi. Regional wealth creation (percent of sales or customers from outside the area);
  - vii. Increased revenue, if any, to local taxing jurisdictions;
  - viii. The applicable exemption to the retail restriction under the Act;
  - ix. Market Study (for goods or services not readily available);
  - x. Distressed census tracts;
  - xi. Urban or town center location;
  - xii. Elimination of slum or blight;
  - xiii. Alignment with local planning and development efforts;
  - xiv. Sales taxes and other tax revenues to be generated at the Facility.

6) Back Office/Data or Call Center Projects

- a. For Back Office/Data or Call Center Projects, the Agency should consider the following criteria, as applicable:
- i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. The capital investment being made by the applicant;
  - iv. The impact, if any, from local labor construction for the project;
  - v. Wage rates (above median wage for area);
  - vi. Regional wealth creation (percent of sales or customers from outside the area);
  - vii. In region purchases/support of local vendors (percentage of overall purchases for project);
  - viii. Supports local business or cluster;
  - ix. Retention/flight risk of applicant; and
  - x. LEED/Renewable resources.

7) Energy Production Projects

- a. For Energy Production Projects, the Agency should consider the following criteria, as applicable:
- i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. The capital investment being made by the applicant;
  - iv. The impact, if any, from local labor construction for the project;



- v. Wage rates (above median wage for area);
- vi. In region purchases/support of local vendors (percentage of overall purchases for project);
- vii. Advances renewable energy production/transmission goals;
- viii. How the project advances renewable energy production/transmission goals; and
- ix. The need being met for the municipality and/or region.

8) Affordable Housing Projects

- a. For Affordable Housing Projects, the Agency should consider the following criteria:
  - i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. In region purchases/support of local vendors (percentage of overall purchases for project);
  - iv. The impact, if any, from local labor construction for the project;
  - v. The number of residents at or below median income for community;
  - vi. Market/Feasibility study;
  - vii. Distressed census tract;
  - viii. Alignment with local planning and development efforts;
  - ix. Located in areas that have inadequate affordable housing supply;
  - x. Urban or town center location;
  - xi. Local official(s) support;
  - xii. Project/developer's return on investment;
  - xiii. Impediments to conventionally finance project.

9) Senior Housing Projects

- a. For Senior Housing Projects, the Agency should consider the following criteria:
  - i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. In region purchases/support of local vendors (percentage of overall purchases for project);
  - iv. The capital investment being made by the applicant;
  - v. The impact, if any, from local labor construction for the project;
  - vi. The number of residents at or below median income for community;
  - vii. Market/Feasibility study;
  - viii. Distressed census tract;
  - ix. Alignment with local planning and development efforts;
  - x. Urban or town center location;
  - xi. Local official(s) support;
  - xii. Located in areas that serve below median income seniors;
  - xiii. Project/developer's return on investment;

- xiv. Project promotes walkable community areas;
- xv. Impediments to conventionally finance project; and
- xvi. Project provides specific senior amenities.

#### 10) Market Rate Housing Projects

- a. For Market Rate Housing Projects, the Agency should consider the following criteria:
  - i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. In region purchases/support of local vendors (percentage of overall purchases for project);
  - iv. The capital investment being made by the applicant;
  - v. The impact, if any, from local labor construction for the project;
  - vi. Market/Feasibility study;
  - vii. Distressed census tract;
  - viii. Alignment with local planning and development efforts;
  - ix. Urban or town center location;
  - x. Local official(s) support;
  - xi. Located in areas that have inadequate housing supply;
  - xii. Project/developer's return on investment;
  - xiii. Project promotes transit oriented or walkable community areas; and
  - xiv. Impediments to conventionally finance project

#### 11) Other Projects

- a. For Other Projects, the Agency should consider the following criteria:
  - i. The information provided in the Cost Benefit Analysis;
  - ii. Creation and retention of jobs;
  - iii. In region purchases/support of local vendors (percentage of overall purchases for project);
  - iv. The capital investment being made by the applicant;
  - v. The impact, if any, from local labor construction for the project;
  - vi. Alignment with local planning and development efforts;
  - vii. Other factors as determined by the Agency to be relevant to the project.