

**COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY**

**ANNUAL HOUSEKEEPING RESOLUTION 2025**

A regular meeting of County of Chautauqua Industrial Development Agency (the "Agency") was convened in public session at the Fredonia Technology Incubator located at 214 Central Avenue, in the City of Dunkirk, Chautauqua County, New York on March 25, 2025 at 10:30 a.m., local time.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION 03-25-25-01 APPROVING CERTAIN APPOINTMENTS AND ADMINISTRATIVE MATTERS AND THE ANNUAL REPORT OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY IN ACCORDANCE WITH THE NEW YORK PUBLIC AUTHORITIES LAW**

WHEREAS, County of Chautauqua Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, civic, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, the members of the Agency desire to make certain appointments and approve certain administrative matters; and

WHEREAS, the New York State Legislature adopted the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009 (collectively, and as each may be further amended, the "PAAA"), designed to ensure that New York's public authorities operate more efficiently, more openly, and with greater accountability; and

WHEREAS, to carry out the aforesaid purposes, the Agency has the power under the Act to do all things necessary to fulfill its obligations imposed by the Act and PAAA; and

WHEREAS, PAAA requires that the Agency prepare and submit an annual report in the form, substance and manner as prescribed in PAAA and as included herein as Attachment A (the "Annual Report"); and

WHEREAS, the Agency desire to reappoint and readopt certain officers, committees, and administrative matters of the Agency to ensure the effective and efficient operation of the Agency, said within Attachment B attached hereto; and

WHEREAS, the Agency desires to approve of its regular Agency schedule for calendar year 2025 as contained within Attachment C attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby takes the following actions:

(A) The Agency hereby accepts and approves the PAAA Annual Report for the fiscal year 2024 as contained within Attachment A. The CEO is hereby authorized and directed to submit and distribute the Annual Report in accordance with the requirements of the PAAA. The Agency further authorizes and directs the CEO to comply with all other provisions of PAAA applicable to the Annual Report as diligently as possible, including making such changes thereto as the CEO determines to be appropriate or necessary in order to comply with the PAAA.

(B) The Agency hereby approves the appointments and the administrative matters as identified and described within Attachment B attached hereto.

(C) In connection with the Agency's appointment of the Agency's Depository Banking Institutions, the Agency hereby authorizes its officers and/or members to execute any depository agreement, signature cards, and any related documents required to be executed before such officer and/or member will be authorized to make deposits and execute checks on behalf of the Agency.

Section 2. The Agency hereby authorizes the Chairperson, Vice Chairperson, Chief Executive Officer, and the Chief Financial Officer of the Agency to take all steps necessary to implement any matters or actions related to the materials contained within Attachment A and Attachment B attached hereto.

Section 3. The Agency approves of the meeting schedule contained within Attachment C.

Section 4. 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 with respect to same are hereby approved, ratified and confirmed.

Section 5. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

Gary Henry	VOTING	_____
Daniel Heitzenrater	VOTING	_____
Amy Harding	VOTING	_____
Sagan Sheffield-Smith	VOTING	_____
Daniel DeMarte	VOTING	_____
Tom Harmon	VOTING	_____
John Healy	VOTING	_____
Kevin Muldowney	VOTING	_____

The foregoing resolution was thereupon declared duly adopted.

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

I, the undersigned Secretary of County of Chautauqua Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the directors of the Agency held on March 25, 2025 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 25th day of March, 2025.

BY: \_\_\_\_\_  
Secretary

(SEAL)

**Attachment A**

PAAA 2024 Annual Report

**Attachment B<sup>1</sup>**

**Officers of the Board and the Agency/Authority for Calendar Year 2025:**

**Officers of the Board:**

Gary Henry	Chairperson
Dan Heitzenrater	Vice Chairperson
Sagan Sheffield-Smith	Treasurer
Amy Harding	Secretary
Kristine Morabito	Assistant Secretary
Rosemarie Strandburg	Assistant Treasurer

**Officers of the Agency/Authority:**

Mark Geise	Administrative Director/Chief Executive Officer
Shelby Bilskie	Chief Financial Officer
Richard E. Dixon	Past Chief Financial Officer
Mark Geise	Contracting Officer
Mark Geise	FOIL Officer
Mark Geise	Ethics Officer
Kayla Strandburg	Records Management Officer
Shelby Bilskie	Human Resources Officer
Gary Henry	FOIL Appeals Officer

**Confirmation of Regular Agency/Authority Meeting Schedule for Calendar Year 2025:** See attached tentative meeting schedule attached hereto as **Attachment C.**

**Agency/Authority Board Member Committee Appointments for Calendar Year 2025:**

<b>Audit &amp; Finance Committee</b>	
Gary Henry	Chairperson
Dan Heitzenrater	Vice Chairperson
Sagan Sheffield-Smith	Treasurer
<b>Governance Committee</b>	
Gary Henry	Chairperson
Amy Harding	Secretary
Kevin Muldowney	Member
<b>Transactions Committee</b>	
Gary Henry	Chairperson
Mark Geise	Administrative Director/CEO
Richard Dixon	Past Chief Financial Officer
	Project Specific Business Development Manager as

<sup>1</sup> Attachment B shall apply to the County of Chautauqua Industrial Development Agency (“Agency”) and its affiliates being the Chautauqua Region Economic Development Corporation (“CREDC”) and the Chautauqua County Capital Resource Corporation (“CCRC”), each being defined as an “Authority” as so referenced herein.

	designated by the CFO for each Project
Shelby Bilskie	Chief Financial Officer

**Appointment of Agency/Authority Counsel and Bond Counsel for Calendar Year 2025:**

From Phillips Lytle LLP:  
 Gregory L. Peterson, Esq. Agency Counsel  
 Milan K. Tyler, Esq. Agency Counsel

From Harris Beach Murtha Cullina PLLC:  
 Robert G. Murray, Esq. Agency Counsel

From Hodgson Russ LLP:  
 Christopher C. Canada, Esq. Bond Counsel  
 Shannon E. Wagner, Esq. Bond Counsel

**Appointment of Agency/Authority Depository Banking Institutions for Calendar Year 2025:**

Cattaraugus County Bank  
 Manufacturers and Traders Trust Company

**Approval and Confirmation of Agency/Authority Mission Statements and Performance Measurements for Calendar Year 2025:**

County of Chautauqua Industrial Development Agency (“CCIDA”) Mission Statement:  
 The CCIDA is an economic development organization authorized and empowered by the State of New York to make Chautauqua County a better place to work, live, and visit. We facilitate development by attracting new businesses, while promoting the retention and expansion of existing businesses. Assistance in the forms of incentives – tax abatements, low interest loans, and bond financing – enhances the opportunities for job creation and retention by our businesses.

CCCRC Mission Statement: The mission is to promote community and economic development and the creation of jobs in the non-profit and for-profit sectors for the citizens of the County by developing and providing programs for not-for-profit institutions, manufacturing and industrial businesses and other entities to access low interest tax-exempt and non-tax-exempt financing for their eligible projects; and undertaking projects and activities within the County for the purpose of relieving and reducing unemployment, bettering and maintaining job opportunities, carrying on scientific research for the purpose of aiding the County by attracting new industry to the County or by encouraging the development of, or retention of, an industry in the County, and lessening the burdens of government and acting in the public interest.

CREDC Mission Statement: The mission is to relieve and reduce unemployment, to promote and provide for additional and maximum employment, to maintain job opportunities and to better said job opportunities, to instruct or train individuals to

improve or to develop their capabilities for jobs, to carry on scientific research for the purpose of aiding the community or geographical area by attracting industry to the community or area, or by encouraging the development of or retention of an industry in the community or area and to lessen the burden of government and to act in the public interest. The public objective of each and every one of the purposes enumerated above is to stimulate employment opportunities, job training and industrial development in the Chautauqua region.

List of Performance Goals:

1. Business Attraction - Attract businesses, visitors and new residents by maintaining a skilled workforce, developing infrastructure, and creating a dynamic environment in which to work, live, and visit.
2. Business Retention - Proactive outreach (reach out) to identify potential business retention and expansion opportunities and continue support after closing.
3. Capacity - We will build capacity through staff development/education, educational outreach to the business community, continued membership on local, regional, and national economic development organizations, and maintain appropriate staffing levels to deliver quality services.

**Governance Certification:**

**1. Have the board members acknowledged that they have read and understood the mission of the public authority? Yes.**

**2. Who has the power to appoint the management of the public authority? The Board of Directors of the Agency/Authority.**

**3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority?**

The Board of Directors has not adopted a written policy. However, the Board of Directors follow prudent and reasonable practices to appoint responsible individuals.

**4. Briefly describe the role of the Board and the role of management in the implementation of the mission.**

The Board of Directors provides strategic guidance, oversight, policy setting and validation of the Agency's/Authority's mission, performance, and results. Management collaborates with the Board of Directors in strategy development and to implement Agency/Authority programs, processes, activities, and policies to achieve the Agency/Authority mission.

**5. Has the Board acknowledged that they have read and understood the responses to each of these questions? Yes.**

**Attachment C**

TENTATIVE 2025 MEETING SCHEDULE



**CCIDA/ CREDC/ CRC – 2025 POLICY UPDATES AND AMENDMENTS**

<b>Policy</b>	<b>Changes</b>
Amended and Restated Credit Card Policy	Updated to reflect current authorized users and limits.
Amended and Restated Code of Ethics & Conflict of Interest Policy	Updated to incorporate new best practices from ABO. <ol style="list-style-type: none"> <li>Article IV (1)(iv) added to include instruction to refer Board members/ employees to Agency’s Ethics Officer</li> <li>Article IV (2)-(4) broadened to include employees and clarifying requirements</li> </ol>
Amended and Restated FOIL Policy	<ol style="list-style-type: none"> <li>Section 5: added in Agency’ indexing system can be utilized to account for “reasonable response time”</li> <li>Section 8: Updated to contemplate new requirement in Public Officer’s Law Section 87 requiring adoption of notification procedures for current/former employees with respect to disclosure of disciplinary records.</li> </ol>
Amended and Restated Procurement Policy	<ol style="list-style-type: none"> <li>Section B, 4: added in annual reporting of procurement contracts to ABO as best practice to memorialize procedure required by PAL 2879.</li> </ol>
Amended and Restated Recapture Policy	<ol style="list-style-type: none"> <li>Stylistic edits throughout</li> <li>New Project Monitoring Section as best practice to memorialize procedure Agency already follows.</li> </ol>
Amended and Restated Sexual Harassment Prevention Policy	Updated to conform with current NYS requirements
Amended and Restated Uniform Project Evaluation Policy	Updated to include reference to all factors set forth in GML 874 to conform with new requirement to incorporate onsite daycare in project evaluation. Also provides flexibility for any future changes to 874.
Investment and Deposit Policy	Annual readoption required by PAL 2925
Real Property Disposition Policy	Annual readoption required by PAL 2896
Record Retention Policy	New Policy - required by Article 57-A of the New York State Arts and Cultural Affairs Law and Part 185 of 8-CRR-NY Records of Public Corporations
Continuity of Operations Policy	New Policy - required by Chapter 168 of the Laws of 2020. Should also appear in employee policy manual.
Policies unchanged and not readopted for 2025	Accounting Policy; Fiscal Internal Controls; Anti-Nepotism; Defense and Indemnification; Diversity; Real Property Acquisition; Supervision, Performance Evaluation ; Travel, Conference, Meals and Entertainment; Whistleblower

# County of Chautauqua Industrial Development Agency

## CREDIT CARD POLICY

Purpose: To establish the Policy and Procedures for the use of CCIDA corporate credit cards.

### **I. Introduction:**

It is commonplace for organizations to use credit cards for the convenience of making purchases on behalf of the organization. In some instances, purchases can only be made via a credit card as manual checks are not accepted (i.e. hotel reservations, internet purchases). In order to simplify the process for purchasing certain items on behalf of the County of Chautauqua Industrial Development Agency (“CCIDA”), the following policy outlines the use of credit cards.

### **II. Authorization**

A resolution will be presented to the board prior to the issuance of the credit card that authorizes

- The approval of the issuance of a credit card and the number and type(s) of credit cards to be used such as general purpose cards or vendor specific cards
- Identify all authorized users
- Set appropriate credit limits
- Establish custody of the cards when not in use
- The uses of the card
- The appropriate internal control structure for monitoring the use of the card
- The approval process for payment of the charges.
- Establish a means to recoup any unauthorized expenditures.

The use of an CCIDA credit card(s) shall be in accordance with, and is not intended to circumvent, the CCIDA’s Procurement Policy and/or the CCIDA’s Travel, Conference, Meals and Entertainment Policy.

The CCIDA shall be permitted to obtain and utilize a credit card(s) as so authorized by the resolution and preferably with the CCIDA’s primary bank. In addition to the CCIDA itself, the individuals authorized to be issued a card are listed on Schedule A, along with the credit limit authorized. Schedule A shall be updated as the individuals authorized and credit limits change. The credit cards will be issued to the specific individuals listed on Schedule A in order to help maintain accountability. Once issued, unless otherwise determined by the CEO, all cards are to be locked in the Treasurer’s lockbox when not in use. If an individual is no longer designated as a cardholder, and/or leaves CCIDA employment, the card issued to this individual will be cancelled. As determined by the resolution of the CCIDA, only authorized personnel of the CCIDA may be assigned and use the CCIDA Credit Card.

The audit and finance committee will evaluate the use of the cards on a yearly basis to determine the continued need for the card and the nature and type of purchases being made.

### **III. Use of Cards**

All purchases made on the CCIDA's credit card must comply with the CCIDA's Procurement Policy and Travel, Conferences, Meals and Entertainment Policy. The CCIDA credit card may be used only for official business of the CCIDA to pay for actual and necessary expenses incurred in the performance of work-related duties for the CCIDA. The card may be used only for the following purchases:

- Hotel reservations
- Rental car reservations
- Travel related expenses including but not limited to airfare, train fare, taxi fare, parking and the like
- Training, conference, luncheons and seminar registrations
- Internet purchases where a vendor will not accept a check included and not limited to office expenses
- Purchase as approved under other Agency agreements

Personal expenses on the CCIDA's credit card are strictly prohibited. A credit card that allows cash advances or cash back from purchases is also prohibited. The card will be issued in the name and liability of the County of Chautauqua Industrial Development Agency with the name of the individual authorized on the card.

The employee issued the credit card is responsible for its protection and custody and shall immediately notify the Treasurer or CFO if the card is lost or stolen.

Employees must immediately surrender the CCIDA credit card upon termination of employment. The CCIDA reserves the right to withhold the final payroll check and payout of accrued leave until the card is surrendered.

### **IV. Recordkeeping**

The use of the CCIDA credit card may be substantiated with a purchase order, receipts and documentation detailing the goods or services purchased, cost, date of the purchase and the official business explanation. Receipts and documentation must be submitted to the Chief Financial Officer (CFO) following the purchase to reconcile against the monthly credit cards statement.

At the end of each month, the CFO is to review the monthly card statement and reconcile it with the receipts and documentation received for that month. The CFO should determine that all purchases are supported by documentation. Any variances are to be investigated. Any purchase/charge without appropriate supporting documentation requires a detailed explanation and description and the written approval of the Chief Executive Officer (or Board Chair in the case of CEO changes). Unauthorized or improper purchases will result in credit card revocation and discipline of the employee. The CCIDA shall also take appropriate action to recoup unauthorized or improper expenditures. Once the reconciliation is complete, the CFO will initial the reconciliation to show it has been completed.

Once the credit card has been reconciled, payment via check will be made. All purchases made with the endeavor to do so credit cards shall be paid for within the grace period so that no interest charges or penalties will accrue.

**Schedule A**

<b>Name</b>	<b>Title</b>	<b>Credit Limit Authorized</b>
Mark Geise	CEO	\$10,000
Rich Dixon	<u>Past CFO</u>	\$10,000
<u>Shelby Bilskie</u>	<u>Chief Financial Officer</u>	<u>\$10,000</u>
<u>Jason Sample</u>	<u>Marketing &amp; Communications Director</u>	<u>\$10,000</u>
Rosmarie Strandburg	Project Manager	\$ 5,000
Kayla Strandburg	Assistant CFO	\$ 5,000
Nathan Aldrich	Economic Development Coordinator	\$ 5,000
Kristine Morabito	Project Manager	\$ 5,000
<del>Carol Rasmussen</del>	<del>Business Development Manager</del>	<del>\$ 5,000</del>

~~Reviewed~~Restated and ~~adopted~~Readopted this ~~26<sup>th</sup>~~25<sup>th</sup> day of ~~September, 2023~~March, 2025.

**County of Chautauqua Industrial Development Agency (“CCIDA”),  
Chautauqua Region Economic Development Corporation (“CREDC”) and  
Chautauqua County Capital Resource Corporation (“CRC”)**

**CODE OF ETHICS & CONFLICT OF INTEREST POLICY**

This Code of Ethics is adopted upon approval by the respective Boards of each corporation in accordance with Section 2824 of the Public Authorities Law and applies to all members, directors, committee members, officers and employees of the County of Chautauqua Industrial Development Agency (CCIDA) and its affiliates: Chautauqua Region Economic Development Corporation (CREDC), Chautauqua County Capital Resource Corporation (CRC) and any other affiliated entities that may hereafter be established (hereinafter collectively referred to as the “Agency”).

This Code of Ethics shall serve as a guide for official conduct and is intended to enhance the ethical and professional performance of the Agency’s members, directors, officers and employees and to preserve public confidence in the Agency’s mission.

**ARTICLE I  
Conflicts of Interest**

A conflict of interest is a situation in which the financial, familial, or personal interests of a member, director, officer or employee come into “actual” or “perceived” conflict with their duties and responsibilities with the Agency.

“Perceived” conflicts of interest are situations where there is the appearance that a member, director, officer or employee can personally benefit from actions or decisions made in their official capacity, or where a member, director, officer or employee may be influenced to act in a manner that does not represent the best interests of the Agency. The perception of a conflict may occur if circumstances would suggest to a reasonable person that a member, director, officer or employee may have a conflict.

“Actual” conflicts of interest are situations where a member, director, officer or employee can personally benefit from actions or decisions made in their official capacity, or where a member, director, officer or employee is influenced to act in a manner that does not represent the best interests of the Agency.

Except for Prohibited Conflicts of Interest as set forth in Article V herein, Perceived and Actual conflicts of interest should be treated in the same manner for purposes of disclosure under Article IV herein.

## **ARTICLE II**

### **Standards of Conduct**

1. No member, director, officer or employee of the Agency should accept other employment which will impair their independence of judgment in the exercise of their official duties.

2. No member, director, officer or employee of the Agency should accept employment or engage in any business or professional activity which will require them to disclose confidential information which they have gained by reason of their official position or authority.

3. No member, director, officer or employee of the Agency should disclose confidential information acquired by them in the course of their official duties nor use such information to further their personal interests.

4. No member, director, officer or employee of the Agency should use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others; provided, however, nothing herein shall prohibit any business or enterprise in which such member, director, officer or employee may have a financial interest from obtaining financial assistance provided that the Prohibited Conflicts of Interest provisions of Article V herein are not violated.

5. No member, director, officer or employee of the Agency should engage in any transaction as representative or agent of the Agency with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their official duties; provided, however, nothing herein shall prohibit any business or enterprise in which such member, director, officer or employee may have a financial interest from obtaining financial assistance provided that the Prohibited Conflicts of Interest provisions of Article V herein are not violated.

6. No member, director, officer or employee of the Agency should by their conduct give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

7. Each member, director, officer and employee of the Agency should abstain from making personal investments in enterprises which they have reason to believe may be directly involved in decisions to be made by them or which will otherwise create substantial conflict between their duty in the public interest and their private interest; provided, however, nothing herein shall prohibit any business or enterprise in which such member, director, officer or employee may have a financial interest from obtaining financial assistance provided that the Prohibited Conflicts of Interest provisions of Article V herein are not violated.

8. Each member, director, officer or employee of the Agency should endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of his or her trust.

Notwithstanding anything contained in this Article II to the contrary, nothing shall prohibit any member, director, officer or employee of the Agency from acquiring property adjacent to or otherwise proximate to the lands in which the Agency has an interest, provided that such acquisition is not based upon the use of confidential information obtained by such member, director, officer or employee of the Agency in his capacity with the Agency as determined by such member, director, officer or employee after consultation with the Ethics Officer and counsel to the Agency.

### **ARTICLE III**

#### **Gifts**

Pursuant to and in accordance with Section 805-a of the General Municipal Law, no member, director, officer or employee of the Agency shall directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more under circumstances in which it could reasonably be inferred that the gift was intended to influence such individual, or could reasonably be expected to influence such individual, in the performance of the individual's official duties or was intended as a reward for any official action on the individual's part. Inferences that gifts having a value of less than seventy-five dollars can influence or reward members, directors, officers or employees of the Agency is deemed to be unreasonable.

### **ARTICLE IV**

#### **Procedures for Disclosing a Conflict of Interest**

Except for Prohibited Conflicts of Interest as set forth in Article V below, all members, directors, officers or employees of the Agency shall adhere to the following procedures:

1. All members, directors, officers and employees shall examine their specific facts and circumstances giving rise to the question of a conflict in order to determine:
  - (i) whether such member, director, officer or employee can personally benefit from the actions or decisions made in their official capacity (i.e. Actual Conflict); or
  - (ii) whether a member, director, officer or employee is influenced to act in a manner that does not represent the best interests of the Agency (i.e. Actual Conflict); or
  - (iii) whether a reasonable person would conclude that such member, director, officer or employee may have a conflict (i.e. Perceived Conflict). In determining whether a reasonable person would conclude that there is a conflict, such member, director, officer or employee must assess the materiality within the context of the specific facts and circumstances. Provided that the event giving rise to the question of a conflict is material within the context of the specific facts and circumstances, then it would be reasonable for a person to conclude that there may be a conflict.

(iv) board members or employee should refer to the Agency’s Ethics Officer when questions arise as to whether a particular relationship, association, or situation creates an Actual Conflict or a Perceived Conflict.

2. All Actual and Perceived conflicts of interest shall be disclosed in writing to the Ethics Officer as soon as practicable after learning of the Actual or Perceived conflict of interest. The written disclosure must (i) identify the matter before the Agency, (ii) identify the Standard of Conduct in question and (iii) contain sufficient facts and circumstances in order to accurately convey the extent of the member’s, director’s, officer’s or employee’s interest in such matter. In addition, in the event a member of the board of directors or an employee of the Agency has a conflict, ~~he or she shall verbally disclose~~ the conflict shall be verbally disclosed during a public session of a board meeting at which the matter creating the conflict appears on the agenda. Such verbal disclosure shall include: the name of the interested person, the nature of the conflict, and a description of how the conflict was resolved. The verbal disclosure shall be recorded in the minutes of the meeting and be made part of the public record.

3. The member, director, officer or employee with the conflict of interest shall recuse themselves and refrain from participating in all discussions or decisions on the matter creating the conflict and shall not take any official action on the matter creating the conflict. In addition, in the event a member of the board of directors of the Agency has a conflict, he or she shall, in addition to the foregoing, abstain from voting on such matter creating the conflict.

4. The member, director, officer or employee with the conflict of interest shall refrain from directly or indirectly attempting to influence the discussions, decisions, deliberations or vote of any other member of the board of directors on the matter giving rise to such conflict.

## **ARTICLE V Prohibited Conflicts**

General Municipal Law (“GML”) Article 18 regulates financial conflicts of interest of members, directors, officers and employees of the Agency. Therefore, notwithstanding any other provision contained in this Policy, financial conflicts of interest shall be governed solely by this Article V.

Prohibition: No member, director, officer or employee shall have a direct or indirect financial interest in a contract with the Agency where such member, director, officer or employee has some form of control over the contract (“Prohibited Interest”).

No Cure: Disclosure, recusal, and abstention will not cure a Prohibited Interest. In order to avoid a violation of a “Prohibited Interest” the contract may not be acted upon or the member, director, officer or employee would have to resign.

Violations: Any member, director, officer or employee who is determined to have “willfully and knowingly” violated the Prohibited Interest provisions of Article 18 of the GML may be found guilty of a misdemeanor. In addition, the contract, if willfully entered into, may be determined “null, void and wholly unenforceable”



Exceptions: Article 18 of the GML provides fifteen exceptions to the Prohibited Interest provision. One of the more commonly claimed exceptions comes into play when the member, director, officer or employees (“officials”) interest in the contract is prohibited solely by reason of the official’s employment with the entity that has the contract with the Agency. This exception applies provided: (a) the official’s compensation from the private employer is not contingent upon the contract between the employer and the Agency and (b) the official’s duties for the private employer do not directly involve the procurement, preparation or performance of any part of the contract. [Note: This exception does not cover an Agency official who is a director, partner, member, or shareholder of the private employer]. The second most commonly claimed exception is where the official has an interest in a contract that was entered into with the Agency prior to the time the official was elected or appointed as such member, director, officer or employee of the Agency. Provided, however, this exception does not authorize the renewal of any such contract.

Disclosure of Exception: Disclosure of Interest that falls within one of the Exceptions: The official is required to publicly disclose the nature and extent of his or her prospective, existing or subsequently acquired interest in any actual or proposed contract. The disclosure must be made in writing and must be placed, in its entirety, in the official record. The official must recuse him or herself from participating in any discussion or action on the contract.

Notification of Potential Conflict due to a Financial Interest: Every member, director, officer or employee shall immediately notify the Agency’s Ethics Officer of any potential conflict of interest due to a direct or indirect financial interest in any matter coming before the Agency where such member, director, officer or employee has the power or duty to negotiate, prepare, authorize or approve the matter before the Agency. The Ethics Officer shall review the potential financial conflict of interest pursuant to the provisions of Article 18 of the GML in consultation with Agency counsel.

## **ARTICLE VI**

### **Penalties**

Any employee that fails to comply with this Policy may be subject to termination. In addition, any member, director, officer or employee that fails to comply with this Policy may be penalized in a manner provided for in law.

## **ARTICLE VII**

### **Ethics Officer**

The Agency’s Board shall designate an officer, member, director or employee of the Agency to serve as the Ethics Officer of the Agency. In the event of a vacancy, the Agency Board Chair shall serve as the Ethics Officer until such time as the Agency Board appoints a successor.

The Ethics Officer shall report to the Board. The Ethics Officer shall have the powers and duties set forth below, and such other powers and duties as may be prescribed by the Board:

1. Advise in confidence each member, director, officer or employee of the Agency who seeks guidance regarding ethical behavior and conflicts of interest.
2. Review matters concerning ethics and conflicts of interest and advise the Agency accordingly.
3. Receive and record disclosures of conflicts of interest.
4. Receive and investigate complaints about possible violations of this Code of Ethics. Dismiss complaints found to be without substance.
5. Report to the governance committee.
6. Prepare investigative reports when deemed appropriate of his or her findings to be submitted for action by the President/CEO or the Board.
7. Seek consultation and guidance from counsel to the Agency, the Agency's governance committee, or any appropriate New York State agency.

#### **ARTICLE VIII Implementation; Annual Review**

This Code of Ethics shall be provided to all members, directors, officers and employees of the Agency upon commencement of employment or appointment and shall be reviewed annually by the Agency's Governance Committee.

~~Amended and~~ Restated and Readopted this ~~26<sup>th</sup>~~25<sup>th</sup> day of ~~September~~March, ~~2023~~2025  
by the respective Boards of each corporation referenced above.

**County of Chautauqua Industrial Development Agency (“CCIDA”),  
Chautauqua Region Economic Development Corporation (“CREDC”) and  
Chautauqua County Capital Resource Corporation (“CRC”)**

**FREEDOM OF INFORMATION LAW (“FOIL”) POLICY**

**Section 1      Applicability**

(a) This FOIL Policy (“Policy”) shall apply to the County of Chautauqua Industrial Development Agency (“CCIDA”) and its affiliated corporations: Chautauqua Region Economic Development Corporation (“CREDC”) and the Chautauqua County Capital Resource Corporation (“CRC”) and collectively with the CCIDA and the CREDC, the “Agency”).

**Section 2      Purpose**

(a) This policy provides information concerning the procedures by which members of the public may access records of the Agency in accordance with the New York State Freedom of Information Law (“FOIL”).

(b) The Agency will furnish to the public the information and records required to be disclosed by the New York State FOIL (Article 6, Sections 84-90, of the Public Officers Law), and other applicable regulations. The FOIL gives members of the public the right to access government records, with certain exceptions. The full text of the FOIL law, guidance issued by the New York State Committee on Open Government, and other information about the law can be found on the Committee’s website, <http://www.dos.ny.gov/coog/index.html>

**Section 3      Designation of Records Access Officer.**

(a) The Agency shall designate, from time to time, a person from whom such Agency records may be obtained (the “Records Access Officer”).

(b) The Records Access Officer is responsible for insuring appropriate Agency response to public requests for access to records.

The Records Access Officer shall insure that Agency personnel:

(1) Maintain an up-to-date subject matter list reasonably detailing all records in the possession of the Agency, whether or not available under FOIL.

(2) Maintain a record setting forth the name, public office address, title, and salary of every officer or employee of the Agency.

**Section 4      Hours for Public Inspection and Location**

(a) The Agency shall accept requests for public access to records and produce records during regular business hours.

(b) The Record Access Officer shall designate the locations where records shall be available for public inspection and copying.

**Section 5      Requests for Public Access to Records.**

(a) All requests for Agency records shall be made in writing to the Record Access Officer through:

(1) direct mail or electronic mail or facsimile, at the Agency's post office address, email address or fax number, or

(2) the online FOIL request form on the Agency's website at <https://ccida.com/>

(b) All requests for access to records shall:

(1) contain the name and contact information of the requestor, including, if possible, a telephone number and mailing address, and

(2) include a detailed description of the records that are being sought including, but not limited to, dates, titles, file designations, or any other information that will assist the Agency in locating the requested records.

(c) The Agency shall respond within five business days of receipt of a request by:

(1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) granting or denying access to records in whole or in part;

(3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

(4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

(d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Agency, [the Agency's indexing and retrieval system](#), and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

**Section 6 Denial of Access to Records.**

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requestor of the right to appeal to the individual established to determine appeals, who shall be identified by name, title, business address and business phone number.

(b) The Agency shall designate, from time to time, a person to whom appeals shall be submitted.

(c) Any person denied access to records may appeal within thirty days of a denial.

(d) The time for deciding an appeal by the individual to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access.

(e) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(f) The person designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government  
Department of State  
One Commerce Plaza, 99 Washington Ave, Suite 650  
Albany, NY 12231

(g) The person designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision (f) of this section.

**Section 7 Fees.**

(a) There shall be no fee charged for:

- (1) inspection of records;
- (2) search for records; or
- (3) any certification of records.

(b) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches;

(2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction.

(c) The actual cost of production that may be charged by the Agency for producing records may include only the following:

(1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record if more than two hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices provided to the person making the request in complying with such request; or

(3) the actual cost to the Agency of engaging an outside professional service to prepare a copy of a record, but only when Agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(d) The Agency has the authority to redact portions of a paper record and may do so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(e) The Agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an Agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(f) The Agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(g) In the sole discretion of the Chief Executive Officer/President of the Agency, a determination to waive a fee for copying or reproducing a record may be granted in the instance where Agency staff has spent more than two hours of employee time to prepare a copy of the record requested, excluding search time.

## **Section 8 Employee Notification of Release of Disciplinary Records**

(a) For the purposes of this Section 8, the term "Disciplinary Record" shall mean and refer to those records set forth by Section 86(6) of the Public Officers Law, including any record created in furtherance of a law enforcement disciplinary proceeding, including, but not limited to:

(1) the complaints, allegations, and charges against an Employee;

(2) the name of the Employee complained of or charged;

(3) the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;

(4) the disposition of any disciplinary proceeding; and

(5) the final written opinion or memorandum supporting the disposition and discipline imposed including the Agency’s complete factual findings and its analysis of the conduct and appropriate discipline of the covered Employee.

(b) Pursuant to and in accordance with the requirements of Section 87(6) of FOIL, in the event the Agency is responding to a request for the Disciplinary Record of a current or former employee of the Agency (in each instance, an “Employee”) pursuant to this Policy and/or FOIL, the Agency shall provide written notification of said response to such Employee (the “Employee Notice”) at the same time the response is released to the submitter of such request.

~~Amended~~Restated and ~~Adopted~~Readopted this ~~26<sup>th</sup>~~25<sup>th</sup> day of ~~September, 2023~~March, 2025.  
by the respective Boards of each corporation referenced above.

**County of Chautauqua Industrial Development Agency (“CCIDA”),  
Chautauqua Region Economic Development Corporation (“CREDC”) and  
Chautauqua County Capital Resource Corporation (“CRC”)**

**PROCUREMENT POLICY**

**A. Introduction**

1. Applicability – This Procurement Policy (“Policy”) shall apply to the County of Chautauqua Industrial Development Agency (CCIDA) and its affiliates: Chautauqua Region Economic Development Corporation (CREDC), Chautauqua County Capital Resource Corporation (CRC) and any other affiliated entities that may hereafter be established (hereinafter collectively referred to as the “Agency”).
2. Scope - In accordance with Article 18-A of the General Municipal Law (the “GML”), Section 104-b of the GML, and the Public Authorities Accountability Act of 2005, the Agency is required to adopt procurement policies which will apply to the procurement of goods and services paid for by the Agency for its own use and account.
3. Purpose – Pursuant to Section 104-b of the GML, 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 the County of Chautauqua, 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.

**B. Procedures**

1. Solicitation Procedures for the Purchase of Commodities, Equipment, Goods or Services.
  - a. Up to \$5,000 per instance – The discretion of the Chairperson or chief executive officer of the Agency or authorized designee.
  - b. Greater than \$5,000 to \$20,000 per instance – Documented verbal quotations or written/fax/email quotations from at least three vendors.
  - c. Greater than \$20,000 per instance – Written Request for Proposal.
2. Exceptions. Alternative proposals or quotations shall not be required for procurements made through or with respect to:
  - a. New York State or County of Chautauqua Contracts – when the Agency is able to procure commodities, equipment, goods or services through New York State or County of Chautauqua contracts, it is unnecessary to obtain quotations or bids;



- b. State Finance Law Section 175-b (from agencies for the blind or severely handicapped);
- c. Correction Law Section 186 (articles manufactured in correctional institutions);
- d. Emergency Procurements – an emergency exists if the delay caused by soliciting quotes would endanger health, welfare, property or an economic development opportunity. Approval of the Chief Executive Officer is necessary, which shall be documented and shall also include a description of the facts giving rise to the emergency.
- e. Sole Source Procurements – A “sole source” means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to the Agency is reasonable.
- f. Utilities and Affiliate Transactions – The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements.
- g. Unavailability of three (3) vendors who are able or willing to provide a quote.

3. Basis for the Award of Contracts.

Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the Agency determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the Agency shall consider relevant factors including, without limitation:

- a. Delivery requirements
- b. Quality requirements
- c. Quantity requirements
- d. Past vendor performance and/or experience
- e. The unavailability of three or more vendors who are able or willing to quote on a procurement.
- f. 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.

- g. Any procurement excepted from the alternative proposal/quotation requirements as set forth in subdivision 2 of this Section B, and the procurement of professional services in Section E of this Policy.

4. Documentation

- a. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.
- b. For each procurement by the Agency the chief executive officer of the Agency or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.
- c. Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.
- d. 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.

**C. Reporting Procurement Transactions**

The Agency shall submit an annual report to the Authority Budget Office listing all procurement contracts for the year, as defined by Public Authorities Law Section 2879.

**D. ~~C.~~ County of Chautauqua Businesses and Minority & Women Owned Enterprises.**

It is the preference of the Agency to provide opportunities for the purchase of goods and services from (i) business enterprises located in the County of Chautauqua County and (ii) certified minority and/or women-owned business enterprises.

**E. ~~D.~~ Preferred Source Procurement**

In accordance with Section 162(4) of State Finance Law, the Agency seeks to purchase goods and services from veterans, not-for-profit organizations that serve and employ people who are blind and severely handicapped, and from correctional industry programs if they meet the Agency's needs.

**F. ~~E.~~ Effect on Other Procurement Requirements.**

Where the procurement of a specific good or service is to be accomplished using funds other than the funds of the Agency and such funding sources specify different or more restrictive procurement requirements than are provided for in this Policy, the procurement requirements of the funding source will supersede the requirements of this Policy. Toward this end, the Agency will follow the procurement standards as set forth in 2 CFR Part 200 for any procurements utilizing federal funds unless otherwise superseded by the specific federal award agreement.

**G. ~~F.~~ Professional Services.**

Contracts for professional services involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Examples are: lawyers, doctors, accountants, and engineers. Furthermore, professional service contracts often involve a relationship of personal trust and confidence. Procurement of professional services is not subject to the solicitation procedures contained in Section B(1) of this Policy.

**H. ~~G.~~ Procurement of Insurance.**

Procurement of Insurance Brokerage services is subject to this Policy as a professional service. Notwithstanding the foregoing actual insurance policies procured are not subject to requirements of this Policy.

**I. ~~H.~~ Procurement Lobbying Law.**

In accordance with Chapter 1 of the Laws of 2005, generally referred to as the “Procurement Lobbying Law”, the Agency shall implement the provision of such Procurement Lobbying Law for any contract or other agreement for an article of procurement involving an estimated annualized expenditure in excess of \$15,000.

**J. ~~I.~~ Unintentional Failure to Comply.**

The unintentional failure to comply with the provisions of Section 104-b of the GML shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

~~Amended and~~ Restated and Readopted this ~~26<sup>th</sup>~~ 25<sup>th</sup> day of ~~September~~ March, ~~2023~~ 2025  
by the respective Boards of each corporation referenced above.

# County of Chautauqua Industrial Development Agency (“CCIDA”)

## PROJECT RECAPTURE, TERMINATION AND MODIFICATION POLICY

Pursuant to and in accordance with Sections 874 (10)-(12) and 875 of the General Municipal Law (“GML”), the County of Chautauqua Industrial Development Agency (the “Agency”) hereby establishes a Project Recapture and Termination Policy for the suspension, discontinuance and/or recapture of Financial Assistance (as defined herein), or for the modification of any Payment in lieu of Tax Agreement (“PILOT Agreement”) to require increased payments under circumstances as specified herein, which may include but shall not be limited to events of material violation of the terms and conditions of any ~~Project Agreement~~ of the Agency Documents (as defined herein).

The Agency, in its discretion, reserves the right pursuant to this policy and any applicable ~~Project Agreement~~ Agency Documents to suspend, discontinue, modify and/or recapture any financial assistance granted for a project that may include: (i) sales and use tax exemptions; (ii) mortgage recording tax exemptions; and (iii) real property tax abatements governed by a PILOT Agreement (collectively, “Financial Assistance”). The Agency’s provision of Financial Assistance shall be administered and governed pursuant to ~~one or more Project Agreements, which shall include any or all of the following:~~ (i) an Agent and Project Agreement, (ii) Lease/Leaseback Agreement, ~~and/or~~ (iii) a PILOT Agreement, along with (iv) an Application for Financial Assistance; (v) any resolution relating to the Project, and/ or any related documents ~~and herein, each a “Project Agreement”;~~ (collectively, the “Agency Documents.”

### **I. Sales and Use Tax Benefits – Mandatory Recapture**

In accordance with GML Section 875(3), if the Agency grants any sales and use tax exemptions to any applicant (hereinafter, the “Company”) and it is determined that: (i) the Company is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits utilized by the Company are in excess of the amounts authorized by the Agency to be taken by the Company; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; or (iv) the sales and use tax exemption benefits are taken in cases where the Company fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; then the Agency shall recapture the unauthorized sales and use tax benefits from the Company, and the Agency, in its sole discretion, may terminate any or all applicable ~~Project Agreements.~~ Agency Documents.

The ~~Agency’s Project Agreements~~ Agency Documents shall include provisions whereby the Company will: (i) cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands in connection therewith. The Agency shall cooperate with the New York State Tax Commissioner in connection with any efforts by the State of New York to assess and determine New York State and local sales and use taxes due from the Company, ~~together~~ along

with any ~~relevant~~ penalties and interest due on such amounts. Upon receipt, ~~the~~ Agency shall remit any recaptured sales and use tax benefits to applicable affected tax jurisdiction(s).

## II. Termination of ~~Project Agreements~~ Agency Documents

The Agency reserves the right to terminate any ~~Project Agreement in the event that a Company incurs any uncured event of default thereunder. In such an event, all~~ Agency Documents if a Company violates any material term contained within any and all Agency Documents and fails to cure such default within the timeframe provided. All prospective Financial Assistance will be terminated by the Agency for ~~a~~ violation of any material term contained within an Application for Financial Assistance and/or any ~~Project Agreement. Any such~~ or all Agency Documents. ~~Prior to termination, the Agency shall be undertaken upon~~ deliver prior ~~written~~ notice delivered to the Company in accordance with the provisions ~~hereof and of this policy and~~ the applicable Project Agreement(s). ~~In addition, the~~ Agency Documents. The Agency further reserves the right to terminate any ~~Project Agreement upon submission by~~ Agency Documents in the event a Company ~~of~~ provides any knowingly false or knowingly misleading information within any Application for Financial Assistance or within any ~~Project Agreement~~ Agency Documents. Upon termination of ~~Project Agreements~~ any Agency Documents, all prospective Financial Assistance shall cease as of the date of such termination ~~and the.~~ The Agency reserves the right to may undertake recapture of ~~prior~~ Financial Assistance conferred prior to such termination in accordance with this policy and the provisions of the ~~Project Agreements.~~ Agency Documents.

## III. Recapture and Cessation of Financial Assistance; Due Process

Recapture of Financial Assistance: Except for the mandatory recapture of the sales and use tax benefit pursuant to GML §875(3) ~~stated above,~~ the Agency reserves the right to undertake and enforce the recapture of Financial Assistance previously conferred to a Company where it is determined through the process specified below, that:

i. Any Financial Assistance ~~was~~ obtained as a result of a knowing, misstatement of a material fact where such misstatement occurred in: (a) the Application for Financial Assistance, (b) in any written submission, ~~or~~ to the Agency or Agency staff; or (c) in any on the record verbal statement made to the Agency or Agency staff; or

ii. An applicant failed to achieve the goals identified as Material Factors by the Agency at the time that the Financial Assistance was approved. Such recapture of Financial Assistance, to the extent provided by law, may consider extenuating and mitigating circumstances and may consider the extent to which the Applicant failed to achieve and maintain the Material Factors.

For purposes of this Policy, “*Material Factors*” are factors, and any related reporting requirements established to verify such factors, determined by the Agency as being so significant that without such factors at the level specified, it is unlikely that the Agency would have agreed to grant the Financial Assistance. Such factors generally include, but are not limited to, the number of net new permanent jobs, the dollar value of net new investment, a significant change

in the business or facility use, and in some circumstances the number of construction jobs. The quantity of such Material Factors (said Material Factors typically determined at the time a Project is granted Financial Assistance) and the threshold for the termination of Financial Assistance and for the recapture thereof shall be determined by the Agency and Agency staff, as appropriate (and as further identified, below), on a case by case basis.

Project Monitoring: In accordance with GML § 874 the Agency shall continue to annually assess the progress of each Project receiving Financial Assistance. In doing so, the agency shall continue, in its sole discretion, to ensure appropriate procedures are followed, required submissions are made, and develop new processes as may be required from time to time to verify the Company is meeting the Material Factors and Project goals as set forth within the Agency Documents.

Cessation of Financial Assistance: The Agency further reserves the right to undertake the cessation of Financial Assistance to be conferred by the Agency to any Company without undertaking termination of ~~a Project Agreement~~the Agency Documents (including, but not limited to any PILOT Agreement), where any Material Factor is identified by the Agency as having been violated and/or not satisfied by a Company within any particular reporting period. Specifically, the Agency reserves the right and shall require within all ~~Project Agreements~~Agency Documents that the Company acknowledge and agree that the Agency may in its unilateral discretion cease and curtail all or portions of Financial Assistance to be conferred where a Company fails to achieve or maintain job creation and retention goals as set forth within a Company's Application for Financial Assistance.

For the purposes of this Policy and any ~~Project Agreement~~Agency Documents, "Full-Time Employee" shall mean, with respect to any specific date or period, a person directly employed on such date or during such period by the Company (inclusive of its Affiliates, and in the case of a multi-tenanted facility, all tenants of such facility), and who shall on such date or for such period have carried out the terms of such employment on a "full-time basis" at the Project. "Full-time basis" shall mean a person working at least 35-40 hours per week. The term Company Employee shall also include a part-time employee ("Part-Time Employee"), which 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 the number of full months worked in a year (an employee hired to work only for three months in a year will count as .25).

#### **IV. Due Process for Recapture of Prior Financial Assistance**

Knowledge of Potential Termination of Benefits or Recapture Issue: When Agency staff become aware of a potential issue with respect to a Material Factor(s) related to the provision of Financial Assistance to an Applicant and is unable to otherwise remedy the issue, staff shall notify the Agency members. It is understood that this due process policy shall not apply to termination of Financial Assistance related to the typical/standard events of default (not otherwise involving a Material Factor) as so identified within ~~Project Agreements~~the Agency Documents.



a) Agency Decision to Commence a Proceeding: The Chair of the Agency shall cause a proceeding to be commenced to determine if Financial Assistance should be recaptured.

b) Notice to the Applicant: If a decision is made to commence a proceeding to recapture Financial Assistance, then the Applicant shall be provided written notice (“Notice”) of: (i) the alleged Material Factor(s) violation, (ii) the potential for recapture of Financial Assistance as may be considered with respect to the commencement of such a proceeding, (iii) their rights to be heard and to appeal any such determination, and (iv) the date and time where a meeting will take place to consider the matter.

c) Due Process Provisions.

- (i) Sufficient Time to Prepare a Response: An Applicant shall be given ten (10) business days from the date said Notice is received or deemed received to prepare and submit a written response to any alleged Material Factor(s) violation.
- (ii) Opportunity to be Heard: An Applicant will be provided an opportunity to make a written or written and oral presentation to the Agency following the ten (10) day Notice period.
- (iii) Representation: An Applicant shall have the right to be represented by counsel, or to appear without counsel.
- (iv) Creation of Written Record: The Agency shall create a full written or electronic record that includes a statement of the alleged Material Factor(s) violation, the response, all evidence that has been submitted and a transcript or summary of any oral presentations that have been made. The record shall also include the vote, if any, taken by the Agency.
- (v) Executive Session: To the extent allowed by the New York State Open Meetings Law, at the request of an Applicant, the Agency may go into executive session to receive certain confidential information that pertains to the considerations being made by the Agency.
- (vi) Agency Recommendation: The Agency shall vote on a resolution recommending a recapture of Financial Assistance.

If a determination is made to recapture New York State and local sales and use tax exemptions and mortgage recording tax exemptions, in accordance with GML and Agency policies, the amount the Agency may recapture up to 100% of the amount of New York State and local sales and use tax exemption and/or mortgage recording tax exemption benefit so obtained and utilized.

All determinations by the Agency with respect to recapture shall be final. The Agency reserves all rights and remedies pursuant to applicable law, including the right to enforce

payment of all recaptured sums through applicable provisions of any or all of the Project Agreement(s) Agency Documents) and to institute legal actions to recover any recaptured sums.



V. **Flexible Application of Termination of Agency Benefits and Recapture of Agency Benefits.**

To the extent permitted by law and Agency policies, Agency members and Agency staff shall have broad discretion in recommending how to implement the termination of ~~Project Agreements~~the Agency Documents, Cessation of Financial Assistance and recapture of Financial Assistance. Such recommendation related thereto shall be based upon the circumstances that trigger such action. The Agency members shall consider the extent of the violation of a Material Factor, the duration of such violation, the cause of such violation and the extent to which there was a creation of net new jobs, new investment, the use of local labor and such other Material Factors as may have been considered at the time of the inducement.

~~Reviewed~~Restated and ~~adopted~~Readopted this ~~26<sup>th</sup>~~25<sup>th</sup> day of ~~September~~March, ~~2023~~2025.

**County of Chautauqua Industrial Development Agency (“CCIDA”),  
Chautauqua Region Economic Development Corporation (“CREDC”) and  
Chautauqua County Capital Resource Corporation (“CRC”)**

**Sexual Harassment Prevention Policy**

**I.     ~~I.~~     Introduction**

The County of Chautauqua Industrial Development Agency (CCIDA), Chautauqua Region Economic Corporation (CREDC), and Chautauqua County Capital Resource Corporation (CRC), (hereinafter collectively referred to as the “Agency”) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of the Agency’s commitment to a harassment-free and discrimination-free work environment.

Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment. Employees are urged to report sexual harassment by filing a complaint internally with the CCIDA, with a government agency, or in court under federal, state or local antidiscrimination laws.

**II.     ~~II.~~     Policy**

This sexual harassment policy has several components:

- **~~●~~-Application.** This policy applies to all employees, applicants for employment, interns, non-employees<sup>2</sup> and persons conducting business, regardless of immigration status, with the Agency. In the remainder of this policy, the term “employees” refers to this collective group.
- **~~●~~-Sexual Harassment Prohibited.** Sexual harassment is prohibited. Sexual harassment is a form of employee misconduct and will not be tolerated. Any employee or other individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action up to and including termination of their employment.
- **~~●~~-Retaliation Prohibited.** The Agency will not take an adverse employment action against any person covered by this policy who reports an incident of sexual harassment, provides information about an incident of sexual harassment, or otherwise assists in an investigation of a sexual harassment complaint. The Agency will not tolerate such retaliation against

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics, and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services to the Agency in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Agency who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees who believe they have been subject to such retaliation should inform a supervisor or manager, Human Resources, or Mark Geise, CEO. Further, all employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

- **Individual Liability for Sexual Harassment.** Sexual harassment is offensive, is a violation of Agency policy, is unlawful, and may subject the Agency to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
- **Investigation.** The Agency will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment or otherwise knows of possible sexual harassment occurring. The Agency will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any investigation of sexual harassment.
- **Reporting for Bystanders.** All employees, as well as any other individuals covered by this policy, are encouraged to report any behavior or conduct that violates this policy. The Agency will provide all employees a complaint form to report harassment and file complaints.
- **Reporting for Managers and Supervisors.** Managers and supervisors are **required** to report any sexual harassment complaint that they receive or any sexual harassment that they observe or become aware of to ~~Rieh Dixon~~, [the](#) CFO/Human Resources Officer.

### III. Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

There are, generally, two types of sexual harassment:

A sexually **harassing hostile work environment** includes, but is not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually-charged remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called in legal terms "**quid pro quo**" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment:**

Although it is not possible to identify every act that constitutes sexual harassment, the following describes some types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments;
  - subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks, or jokes, or comments about a person’s sexuality or sexual experience which create a hostile work environment. This includes remarks made in “remote” work arrangements, such as comments and jokes made on video conferences or shared via email or other messaging platforms.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee’s gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying emails, pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic (this includes such sexual displays on workplace computers or cell phones and sharing these displays while in the workplace).
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one’s home during a virtual meeting.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
  - Sabotaging an individual’s work;
  - Bullying, yelling, name-calling;
  - Intentional misuse of an individual’s preferred pronouns;
  - Setting different expectations for individuals based on their genders and identities.

**Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered

individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

#### **IV. Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Examples of retaliation include, but are not limited to:

- Demotion, termination, reduced hours, or assignment to less desirable shifts;
- Reducing work responsibilities;
- Transfer to a less desirable work location;
- Passing-over qualified employees for a promotion.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity,” which occurs when an individual has:

- made a complaint of sexual harassment or discrimination either internally with the Agency or externally with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment or discrimination by making a verbal or informal complaint to management or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

#### **V. ~~V.~~ Reporting Sexual Harassment**

Preventing sexual harassment is everyone’s responsibility. The Agency cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, or human resources. In addition, anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or human resources.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

## VI. ~~VI.~~ **Supervisory Responsibilities**

Supervisors and managers bear responsibility in preventing sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to human resources.

Supervisors and managers who knowingly allow sexual harassment to occur and fail to report the sexual harassment to human resources will be subject to disciplinary action up to and including termination of their employment.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation. Supervisors and managers should also monitor subordinates who have reported harassment, to ensure that their subordinates do not experience retaliation.

## **VII. Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it.

## **VIII. Complaint and Investigation of Sexual Harassment**



*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be kept confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Agency will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.



While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

- Upon receipt of a complaint, the Agency will conduct an immediate review of the allegation(s) and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant) as appropriate. If the complaint is verbal, the Agency will encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, the Agency will prepare a Complaint Form based on the verbal reporting.
- Obtain and preserve documents relevant to the allegation(s).
- Request and review all documents relevant to the allegation(s) including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create a written document of the investigation (such as a letter, memorandum or email) which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Retain the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported the right to file a complaint or charge externally as discussed in the next section of this policy.

## IX. Legal Protections and External Remedies

Sexual harassment is not only prohibited by the **County of Chautauqua Industrial Development Agency (CCIDA)** but also by federal, state, and, where applicable, local law. In addition to the Agency’s internal process, employees may choose to pursue legal remedies with the following governmental agencies While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

### A. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal ~~anti-~~antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days of the harassment. Complaining internally with the Agency does not extend your time to file with the EEOC. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that

discrimination has occurred. If the complaint cannot be resolved in the EEOC, such as by voluntary settlement, a hearing, or otherwise, the EEOC may issue a Notice of Right to Sue that permits complaining parties to file a lawsuit in Federal court. If an individual files an administrative complaint with the New York State Division of Human Rights (discussed below), the Division will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

If an employee believes that they have been discriminated against at work, they can file a “charge of discrimination” with the EEOC. The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by phone (1-800-669-4000) or email (~~info@eoc.gov~~[info@eoc.gov](mailto:info@eoc.gov)). The EEOC’s website is ~~www.eoc.gov~~–[www.eoc.gov](http://www.eoc.gov).

## **B. New York State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, interns, and non-employees, regardless of immigration status. A complaint alleging violation of the HRL may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment with the DHR may be filed any time **within three years** of the harassment. If an individual did not file at the DHR, they can sue directly in state court under the HRL **within three years** of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Agency does not extend your time to file with the DHR or in court. The three years is counted from the date of the most recent sexual harassment incident.

You do not need an attorney to file a complaint with the DHR and there is no cost to file with the DHR.

The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney’s fees and civil fines.

The DHR’s main office is at One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You can also contact the DHR by phone (1-888-392-3644) or email (~~info@dhr.ny.gov~~[info@dhr.ny.gov](mailto:info@dhr.ny.gov)). The DHR website is ~~dhr.ny.gov/complaint~~–[dhr.ny.gov/complaint](http://dhr.ny.gov/complaint). The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for the DHR’s regional offices. You may also contact the DHR sexual harassment hotline at 1(800) HARASS3 for more information.

### **C. Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **D. Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

~~Reviewed and Adopted this 26<sup>th</sup> day of September, 2023.~~

Restated and Readopted this 25 day of  
March, 2025 by the respective Boards of  
each corporation referenced above.

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County of Chautauqua Industrial Development Agency (CCIDA), Chautauqua Region  
Economic Corporation (CREDC), and Chautauqua County Capital Resource Corporation  
(CRC)

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[COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT](#)  
[COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT](#)

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Mark Geise, CEO via email or paper. You may also submit it to Human Resources. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the Agency will fill out the form for you.

For additional resources, visit: ~~[ny.gov/programs/combating-sexual-harassment-workplace](#)~~  
[ny.gov/programs/combating-sexual-harassment-workplace](#)

**Complainant Information**

Name:  
Home Address:  
Work Address:  
Home Phone:  
Work Phone:  
Job Title:  
Email:  
Select Preferred Communication Method:

**Supervisor Information**

Immediate Supervisor's Name:  
Title:  
Work Phone:  
Work Address:

**COMPLAINT INFORMATION**

~~1.~~1. Your complaint of Sexual Harassment is made about:

Name:  
Title:  
Work Address:  
Work Phone:  
Relationship to you: [[Supervisor; Subordinate; Co-Worker; Other]]

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? [[Yes/No]]

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

*\* The last question is optional, but may help the investigation. \**

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

*I request that the Agency investigate this complaint of sexual harassment in a timely and confidential manner as outlined below and advise me of the results of the investigation.*

*Signature:*

*Date:* \_\_\_\_\_

**I have received the Agency’s Sexual Harassment Prevention Policy and Complaint Form.**

Employee Name (Printed) \_\_\_\_\_

Employee Name (Signature) \_\_\_\_\_

Date: \_\_\_\_\_

*[Link-to-previous setting changed from off in original to on in modified.]*

# County of Chautauqua Industrial Development Agency (“CCIDA”)

## UNIFORM PROJECT EVALUATION POLICY

Pursuant to and in accordance with Section 859-a(5) of the General Municipal Law (“GML”), the County of Chautauqua Industrial Development Agency (the “Agency”) hereby establishes a Uniform Project Evaluation Policy for the evaluation and selection of all qualifying categories of projects for which the Agency may provide Financial Assistance (as defined herein) in accordance with its Uniform Tax Exemption Policy (“UTEP”).

For each Application for Financial Assistance received by the Agency, the following must occur prior to authorizing the project and provision of Financial Assistance:

- 1) The Agency shall undertake an assessment of all 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 Financial Assistance for the Project, including, but not limited to qualification of the proposed project under the GML (including any retail analysis, as applicable), including the factors specifically set forth by GML § 874, conducting a full application review, review of applicant financial history and project pro-formas, and consideration of all local development priorities;
- 2) A written cost-benefit analysis shall be utilized by the Agency that identifies the extent to which a project will create or retain permanent, private sector jobs, the estimated value of any tax exemptions to be provided; 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; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that might occur as a result of the project, the effect of the proposed project upon the environment and surrounding property, and the extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located;
- 3) The Agency’s Application for Financial Assistance shall include a statement by the applicant that the project, as of the date of the application, is in substantial compliance with all provisions of GML Article 18-A, including, but not limited to, the provisions of GML Section 859-a(5) and 862(1); and
- 4) If the proposed project involves the removal or abandonment of a facility or plant within the State of New York, the Agency shall notify the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.

~~Reviewed~~Restated and ~~Adopted~~Readopted this ~~26<sup>th</sup>~~25th day of ~~September~~March,  
~~2023~~2025.



**County of Chautauqua Industrial Development Agency (“CCIDA”),  
Chautauqua Region Economic Development Corporation (“CREDC”) and  
Chautauqua County Capital Resource Corporation (“CRC”)**

**INVESTMENT AND DEPOSIT POLICY**

**ARTICLE I**

**Scope**

Section 2925 of the Public Authorities Law requires the County of Chautauqua Industrial Development Agency (the “Agency”) and its affiliates to adopt by resolution comprehensive investment guidelines which detail its operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the Agency.

In addition to the requirements set forth in Section 2925 of the Public Authorities Law, the Agency is subject to the deposit and investment restrictions contained in Sections 10 and 11 of the General Municipal Law, which govern the deposit and investment of funds for the Agency’s own use and account.

This investment and deposit policy (“Investment Policy”) is adopted by the Agency pursuant to the foregoing provisions of the Public Authorities Law and General Municipal Law and shall apply to all moneys and other financial resources available for investment on the Agency’s own behalf or, where applicable, on behalf of any other entity or individual.

This Investment Policy shall be applicable to the County of Chautauqua Industrial Development Agency and all of its affiliates, including: Chautauqua Region Economic Development Corporation (“CREDC”); Chautauqua County Capital Resource Corporation (“CRC”) and such other affiliates as may hereafter be established and which are determined to be subject to the requirements of Section 2925 of the Public Authorities Law (a “CCIDA Affiliate”) (hereinafter collectively referred to as the “Agency”) upon approval by the respective Boards of each corporation. Unless otherwise indicated, all references to the “Agency” herein shall also include the CCIDA Affiliates.

This Investment Policy is not intended to restrict the normal business activities of the Agency, which include the making of loans to, equity investments in, and/or project expenditures in private companies in furtherance of the corporate purposes of the forgoing entities.

**ARTICLE II**

**Governing Principles**

A. Investment Objectives.

The primary objectives of the Agency’s investment policy are, in order of priority, as follows: (i) to conform with all applicable federal, state and local laws and legal requirements; (ii) to adequately safeguard principal; (iii) to provide sufficient liquidity to meet all operating requirements of the Agency; and (iv) to obtain a reasonable rate of return.

B. Diversification.

As the Agency is subject to the deposit and investment restrictions set forth in Sections 10 and 11 of the General Municipal Law, the opportunity to diversify among types of investments is limited. Subject to these legal restraints, however, the policy of the Agency is to diversify by investment instrument, by maturity and where practicable by financial institution.

C. Internal Controls.

1. All funds received by an officer or employee of the Agency shall be promptly deposited with the depositories designated by the Agency (pursuant to Article III.A of this Investment Policy) for the receipt of such funds.

2. Pursuant to Section 11(7) of the General Municipal Law, the Treasurer or Chief Financial Officer of the Agency shall maintain or cause to be maintained a proper record of all books, notes, securities or other evidence of indebtedness held by the Agency for investment and deposit purposes. Such record shall identify the security, the fund for which it is held, the place where kept, the date of sale or other disposition, and the amount received from such sale or other disposition.

3. 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.

D. 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 that may be outstanding with each financial institution or dealer. All financial institutions with which the Agency conducts business must be creditworthy as determined by criteria established by the Treasurer or Chief Financial Officer of the Agency. All banks with which the Agency does business 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.

E. Purchase of Investments.

The Agency may contract for the purchase of investments directly, including through a repurchase agreement, from an authorized trading partner. All purchased obligations, unless registered or inscribed in the name of the Agency, 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 Article IV.C.2 of this Policy.

F. Repurchase Agreements.

The Agency may enter into repurchase agreements subject to the following restrictions:

1. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
2. Trading partners are limited to commercial banks or trust companies authorized to do business in New York State and primary reporting dealers.
3. Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
4. No substitution of securities will be allowed.
5. Obligations purchased pursuant to a repurchase agreement shall be held by a custodian other than the trading partner, pursuant to a written custodial agreement that complies the terms of Article IV.C.2 of this Policy.

**ARTICLE III**  
**Investments**

A. General Policy.

It is the general policy of the Agency that funds not required for immediate expenditure shall be invested as described in Article III.B below. Investments 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, net of fees, to be derived.

B. Permitted Investments.

The Treasurer or Chief Financial Officer are authorized to invest funds not required for immediate expenditure in the following investments permitted under Section 11 of the General Municipal Law:

1. Special time deposit accounts in, or certificates of deposit issued by any commercial bank or trust company that is located in and authorized to do business in New York State, provided that such deposit account or certificate of deposit is secured in the same manner

as provided in Article IV.B of this Investment Policy and is payable within such time as the proceeds shall be needed to meet expenditures for which the funds were obtained;

2. Obligations of the United States of America;
3. Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
4. Obligations of the State of New York; and
5. Such other obligations as may be permitted under Section 11 of the General Municipal Law.

All investments as provided in Sections B(2) through B(5) of this Article 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 bonds or notes, shall be payable or redeemable at the option of the Agency within two years of the date of purchase, and comply with such other requirements as set forth in Section 11 of the General Municipal Law.

#### **ARTICLE IV** **Deposits**

A. Designation of Depositories.

The Agency shall, by resolution, designate one or more commercial banks or trust companies for the deposit of Agency funds received by the Agency. Such resolution shall specify the maximum amount that may be kept on deposit at any time with each bank or trust company. Such designations and amounts may be changed at any time by further resolution of the Agency.

B. Collateralization of Deposits.

In accordance with Section 10 of the General Municipal Law, 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 as follows:

1. By a pledge of “eligible securities” with an aggregate “market value” as defined by Section 10 of the General Municipal Law, at least equal to the aggregate amount of deposits. A list of eligible securities is attached hereto as Schedule A.
2. By an irrevocable letter of credit issued by a qualified bank (other than the bank with which the money is being deposited or invested) in favor of the Agency for a term not to exceed ninety (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 one nationally recognized statistical rating organization or by a bank that is in compliance with applicable minimum risk-based capital requirements.

3. By an eligible surety bond payable to the Agency 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 bond shall be subject to Agency Board approval.

4. By a pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the amount of deposits from all such officers within the State at such bank or trust company, together with a security agreement from the bank or trust company.

5. By an irrevocable letter of credit issued in favor of the Agency by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100% of the aggregate amount of the deposits and the agreed upon interest, if any.

#### C. Safekeeping and Collateralization.

Eligible securities used for collateralizing deposits shall be held by the depository and/or third party bank or trust company subject to security and custodial agreements as described below.

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

2. Custodial Agreement Requirements. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Agency, 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 custodial agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The custodial agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such

agreement shall include all provisions necessary to provide the Agency a perfected interest in the securities and may include such other terms as the Agency Board deems necessary.

**ARTICLE V**  
**Monitoring and Reporting Obligations**

The following monitoring and reporting procedures shall be applicable in connection with the deposit and investment of funds subject to this Investment Policy:

A. Monthly Monitoring.

Each cash and investment account statement will be reviewed and reconciled on a monthly basis. The Treasurer or Chief Financial Officer will review each account reconciliation for accuracy and will investigate any unusual items noted.

B. Monitoring and Reporting.

Pursuant to Section 2925(5) of the Public Authorities Law, the Treasurer, or Chief Financial Officer of the Agency shall present a report at each meeting of the Agency Board of Directors which will include the following information: (i) the cash and investment balances of the Agency; (ii) identification of any new investments since the last report; (iii) information concerning the selection of investment bankers, brokers, agents dealers or auditors since the last report; and (iv) the names of the financial institutions holding Agency deposits;.

C. Annual Monitoring and Reporting.

1. On an annual basis, the Agency will obtain an independent audit of its financial statements, which shall include an audit of its cash and investments and the Agency's compliance with this Investment Policy. The results of the independent audit shall be made available to the Agency Board at the time of its annual review of this Investment Policy.

2. Pursuant to Section 2925(6) of the Public Authorities Law, Agency staff shall, on an annual basis, prepare and submit for Agency Board approval an investment report which shall include this Investment Policy, amendments to the Investment Policy since the last investment report, an explanation of the Investment Policy and any amendments, the results of the annual independent audit, the investment income record of the Agency and a list of the total fees, commissions or other charges paid to each investment banker, broker, agent, dealer and advisor rendering investment associated services to the Agency since the last investment report. The investment report will be distributed to those individuals identified in Section 2925(7)(b) of the Public Authorities Law. The Agency shall make available to the public copies of its investment report upon reasonable request therefor.

**ARTICLE VI**  
**Annual Review**

This Investment Policy shall be reviewed and approved by the Agency Board of Directors on an annual basis.

**ARTICLE VIII**  
**Savings Clause**

Nothing contained in Section 2925 of the Public Authorities Law shall be deemed to alter, affect the validity of, modify the terms of or impair any contract, agreement or investment of funds made or entered into by the Agency in violation of, or without compliance with the provisions of Section 2925 of the Public Authorities Law.

Reviewed and Readopted this 25<sup>th</sup> day of March, 2025  
by the respective Boards of each corporation referenced above.

## **SCHEDULE A**

### **ELIGIBLE SECURITIES**

Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.

Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.

Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.

Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation or such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.

Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest categories by at least one nationally recognized statistical rating organization.

Obligations of domestic corporations rated one of the two highest rating categories by at least one nationally recognized statistical rating organization.

Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.

Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested), rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.

Zero Coupon obligations of the United States government marketed as "Treasury STRIPS".



**County of Chautauqua Industrial Development Agency (“CCIDA”)  
Chautauqua Region Economic Development Corporation (“CREDC”) and  
Chautauqua County Capital Resources Corporation (“CRC”)**

**REAL PROPERTY DISPOSITION POLICY**

Section 2824(1)(e) of the Public Authorities Law requires local authorities to adopt a written policy governing the disposition of real property. The following policy ("Policy") is hereby adopted upon approval by the respective Boards of Directors of each corporation pursuant to such requirements and shall be applicable with respect to the disposition of real property and any interests therein ("Real Property") by the County of Chautauqua Industrial Development Agency (“CCIDA”) and Chautauqua Region Economic Development Corporation (“CREDC”) and the Chautauqua County Capital Resources Corporation (“CRC”) and such other affiliates as may hereafter be established and which are determined to be subject to the requirements of Section 2824(1)(e) of the Public Authorities Law (an "Affiliate" and with the CCIDA and the CCCRC, hereinafter collectively referred to as the “Agency”).

**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 County of Chautauqua 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 of pursuant to which 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.*

Reviewed and Readopted this 25<sup>th</sup> day of March, 2025  
by the respective Boards of each corporation referenced above.

**County of Chautauqua Industrial Development Agency (“CCIDA”), Chautauqua Region  
Economic Development Corporation (“CREDC”) and Chautauqua County Capital  
Resource Corporation (“CRC”)**

**RECORD RETENTION POLICY**

This Record Retention Policy (“Policy”) is adopted in accordance with Article 57-A of the New York State Arts and Cultural Affairs Law and Part 185 of 8-CRR-NY Records of Public Corporations. This Policy shall apply to the County of Chautauqua Industrial Development Agency (CCIDA) and its affiliates: Chautauqua Region Economic Development Corporation (CREDC), Chautauqua County Capital Resource Corporation (CRC) and any other affiliated entities that may hereafter be established (hereinafter collectively referred to as the “Agency”).

The Agency will adhere to the Records Retention and Disposition Schedule for New York Local Government Records (LGS-1), as may be amended from time to time. In accordance with LGS-1, no records will be disposed of and/or destroyed, until and unless they have met the minimum retention periods set forth therein. Records that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond the applicable minimum retention period shall be disposed of. Agency records are the property of the Agency, and no individual Agency member, officer or employee has, by virtue of his or her position, any personal or property rights to such records.

The Agency shall designate a Records Management Officer (“RMO”), who will be responsible for the administration and management of the Agency’s records. Appointment of the RMO shall be made by the Agency’s Board of Directors.

Adopted this 25th day of March, 2025, by the  
respective Boards of each corporation  
referenced above.

**County of Chautauqua Industrial Development Agency (“CCIDA”),  
Chautauqua Region Economic Development Corporation (“CREDC”) and  
Chautauqua County Capital Resource Corporation (“CRC”)**

**CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY  
INVOLVING A COMMUNICABLE DISEASE**

**Purpose**

This Continuity of Operations Policy (“Policy”) shall apply to the County of Chautauqua Industrial Development Agency (CCIDA) and its affiliates: Chautauqua Region Economic Development Corporation (CREDC), Chautauqua County Capital Resource Corporation (CRC) and any other affiliated entities that may hereafter be established (hereinafter collectively referred to as the “Agency”).

Pursuant to Chapter 168 of the Laws of 2020, and to ensure the continuation of services provided by the State of New York and the health and safety of the public sector workforce, the Agency must prepare a plan for the continuation of operations in the event that the Governor declares a state disaster emergency involving a communicable disease.

This plan must be posted in (1) a clear and conspicuous location (e.g., bulletin boards or other similar location where employees normally view information posted by the employer), (2) in the Agency’s employee handbook if it has one, and (3) on either their intranet or internet website.

**Individual(s) Responsible for Maintaining this Plan:  
Jeanette Lo Bello, Office Manager  
The Agency**

**A. Essential Personnel**

Essential shall refer to a designation made that a public employee is or may be required to be physically present at a worksite to perform his or her job. Such designation may be changed at any time at the sole discretion of the employer. The Agency’s CEO is designated as essential.

**B. Telecommuting**

All employees will receive guidance from their supervisors on if/when they must transition to a telecommute status. The CEO will develop and implement remote work schedules as needed.

**C. Work Shifts/Schedules**

The CEO will ensure that essential employees can continue to fulfill their work responsibilities within the confines of what is advisable by the Center for Disease Control (CDC) and/or required by New York State (NYS) or its Department of Health (DOH). In a future communicable disease event, current procedures and guidelines for workplace safety protocols will be adjusted to fit the specific threat and be distributed to all involved employees.

## Personal Protective Equipment

The Agency follows Infection Control Procedures in accordance with the Center for Disease Control and the New York State Department of Health in the development of all internal protocols and guidance relative to responding to communicable disease. During a response to a communicable disease outbreak, procuring, distributing and inventory control of PPE will be centralized and prioritized. Protocols for the cleaning, disposal, training and signage related to PPE will follow the guidance established by the CDC and NYS Health Department.

### D. Exposure Protocol

**Minimal Controls During an Outbreak:** During an airborne infectious disease outbreak, the following minimum controls will be used:

1. **General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees will:

- Maintain physical distancing
- Exercise coughing/sneezing etiquette
- Wear face coverings and utilize PPE as appropriate
- Individuals limit what they touch
- Stop social etiquette behaviors such as hugging and hand shaking, and
- Wash hands properly and often

2. **“Stay at Home Policy”:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform their supervisor of their health status and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.

3. **Health Screening:** Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should leave the workplace immediately and should contact a healthcare professional for instructions. The health screening elements will follow NYSDOH and CDC guidance, if available.

4. **Face Coverings:** Consistent with New York State Department of Health and the Centers for Disease Control and Prevention applicable guidance, appropriate face coverings may be required.

5. **Physical Distancing:** Consistent with New York State Department of Health and the Centers for Disease Control and Prevention applicable guidance, physical distancing may be required. In situations where prolonged close contact with other individuals is likely, the Agency will use the following control methods as applicable:



- restricting or limiting customer or visitor entry to any building
- limiting occupancy within the building
- allowing only one person at a time inside small, enclosed spaces
- reconfiguring workspaces
- physical barriers
- signage in public areas to inform employees and visitors
- floor markings
- recommend telecommuting and remote meetings
- preventing gatherings of employees
- restricting travel
- creating new work shifts and/or staggering work hours
- adjusting break times and lunch periods
- delivering services remotely for Agency board members and clients

6. **Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:

- Touching your eyes, nose, or mouth
- Touching your mask
- Entering and leaving a public place including the Agency's facility
- Touching an item or surface that may be frequently touched by other people

7. **Cleaning and Disinfection:** Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, water faucet handles, computers, phones, or handrails will be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection.

8. **Events/Meetings:** Agency leadership will review scheduled events and meetings which may be temporarily suspended or cancelled or otherwise held remotely. A log of every person, including employees and visitors, who may have close contact with other individuals at the worksite or area, excluding deliveries that are performed with appropriate PPE or through contactless means, shall be maintained.

9. **Contact Tracing:** The Agency will deploy contact tracers who interview any person who may have had a suspected exposure. They will determine if there were other individuals that may have been exposed and what areas may have been contaminated. Identified exposed individuals will also be interviewed. Working within the New York State Department of Health guidelines, determinations will be made regarding isolation, quarantine, or other notifications. Maintenance will be notified of areas that require disinfection and cleaning.

**F. Other**

The Agency will comply with all executive orders and emergency regulations related to the state disaster emergency.

Adopted this 25th day of March, 2025, by the respective Boards of each corporation referenced above.

**Silver Creek Apartments, LLC -  
Supplemental Resolution**

A regular meeting of the County of Chautauqua Industrial Development Agency (the “Agency”) was convened in public session on March 25, 2025, at 10:30 A.M., local time, at the Center for Innovation and Economic Development, 214 Central Avenue, Dunkirk, County of Chautauqua, New York (the “IDA Office”).

The meeting was called to order by the \_\_\_\_\_ and, upon roll being called, the following members of the Agency were:

PRESENT:

Gary Henry	Chairperson
Dan Heitzenrater	Vice Chairperson
Amy Harding	Secretary
Sagan Sheffield-Smith	Treasurer
Daniel DeMarte	Member
Tom Harmon	Member
Kevin Muldowney	Member
John Healy	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Mark Geise	Administrative Director/CEO
Richard E. Dixon	Chief Financial Officer
Milan K. Tyler, Esq.	Counsel

The attached resolution no. 03-25-25-03 was offered by \_\_\_\_\_, seconded by \_\_\_\_\_:

Resolution No. 03-25-25-03

RESOLUTION TAKING SUPPLEMENTAL ACTION  
TOWARD A CERTAIN PROJECT FOR  
SILVER CREEK APARTMENTS, LLC AND/OR ITS AFFILIATES

WHEREAS, the County of Chautauqua Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-h of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, SILVER CREEK APARTMENTS, LLC, a limited liability company duly organized and existing under the laws of the State of New York (the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 2.3 acre parcel of land located at 58-62 Main Street (a/k/a 60 Main Street), Village of Silver Creek, Town of Hanover, County of Chautauqua, New York (the “Land”), (2) the demolition of the existing buildings and structures on the Land, (3) the construction of an approximately 50,574 square foot building on the Land, together with related improvements to the Land, including, without limitation, a patio and storage shed (collectively, the “Building”), and (4) the acquisition of certain furniture, fixtures, machinery, equipment and building materials necessary for the completion thereof (collectively, the “Equipment” and together with the Land and the Building, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as an affordable multifamily residential rental facility consisting of approximately 51 1-bedroom units and 3 2-bedroom units; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing in the form of potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the “Financial Assistance”); and (C) the lease (with an

obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Agency approved the Project and the Financial Assistance on February 27, 2024 (the “Authorizing Resolution”); and

WHEREAS, the Chautauqua County Attorney’s Office has previously initiated certain legal actions related to foreclosure of the unpaid tax liens on the Land (the “Foreclosure Action”); and

WHEREAS, as a condition to insuring the conveyance of fee title, the Applicant’s title insurance company has required the Agency’s support and assistance, including by providing an indemnity related to the County’s Foreclosure Action (the “Documents”); and

WHEREAS, it is in the best interest of the residents of Chautauqua County that the Project proceed; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency hereby approves and authorizes the Documents in connection with the conveyance of title to the Land to the Applicant, including any amendments, modifications or supplements thereto.

Section 2. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Administrative Director/CEO, the Chief Financial Officer and the staff of the Agency with respect to the Application, the Analysis and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the law firm of Phillips Lytle LLP as Counsel to the Agency with respect to all matters in connection with the Project.

Section 3. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project.

Section 4. The Agency hereby ratifies and reaffirms the February 27, 2024 Authorizing Resolution regarding the Project.

Section 5. The form and substance of the Documents, in the forms presented to the members of the Agency, together with such changes as the Chairman, Vice Chairman, Administrative Director/CEO or Chief Financial Officer may hereafter deem necessary or appropriate, are hereby approved. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer are hereby authorized, on behalf of the Agency, acting together or

individually, to execute and deliver the Documents to which the Agency is a party and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same. The execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 6. The Chairman, Vice Chairman, Administrative Director/CEO and Chief Financial Officer of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Agency Lease described in the Authorizing Resolution) of the Agency.

Section 7. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Documents, to execute and deliver all such additional certificates, instruments, agreements and documents, to pay all such fees, charges and expenses, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Documents to which the Agency is a party or which are binding on the Agency.

Section 8. The Chairman, the Vice Chairman, the Administrative Director/CEO and the Chief Financial Officer of the Agency are hereby authorized and directed to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 9. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Gary Henry	VOTING
Dan Heitzenrater	VOTING
Amy Harding	VOTING
Sagan Sheffield-Smith	VOTING
Daniel DeMarte	VOTING
Tom Harmon	VOTING
Kevin Muldowney	VOTING
John Healy	VOTING

The foregoing resolution was thereupon declared duly \_\_\_\_\_.

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

WE, the undersigned officers of the County of Chautauqua Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 25, 2025 with the original thereof on file in our offices, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public at both locations at which members of the Agency were present, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our hand this 25<sup>th</sup>, day of March, 2025.

\_\_\_\_\_  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairperson