NEW YORK STATE

Department of Taxation and Finance

IDA Annual Compliance Report State Sales Tax Recapture

ST-62 (1/18)

For IDA fiscal year ending 12 31 24 (*mmddyy*)

Due within 90 days of the end of each fiscal year.

IDA information

Name of IDA Glen Cove Industrial Development Agency		
Street address 9 Glen Street City Hall	Telephone number (516) 676-1625	
City Glen Cove	State NY	ZIP code 11542

Terms and conditions for the recapture of state sales tax exemption benefits for projects established, amended, or extended on or after March 28, 2013

1 Did the IDA provide state sales tax exemption benefits to any project established, amended, or extended during the fiscal year entered above? .... **1** Yes ☐ No ☒

If *Yes,* continue below.
If *No,* skip to question 3.

2 When an IDA establishes a project, appoints an agent/project operator, or amends or extends a project established in a prior year, the IDA must include terms and conditions for the recapture of state sales tax exemption benefits in its resolutions and project documents. This applies to all projects established, amended, or extended on or after March 28, 2013 *(see instructions).*

Did the IDA **use the same terms and conditions** regarding the recapture of state sales tax exemption benefits in the project documents for each of its projects (as described above)? .... **2** Yes ☒ No ☐

If *Yes,* attach a copy of the terms and conditions used.

If *No,* attach a copy of each version used. Be sure to identify the projects to which each version of the terms and conditions relate.

If the IDA did **not** include terms and conditions for the recapture of state sales tax exemption benefits in the project documents, attach a list of these projects (*see instructions).*

Activities and efforts to recapture state sales tax exemption benefits for projects established, amended, or extended on or after March 28, 2013

3 Did the IDA make efforts to recapture any state sales and use tax exemption benefits from an agent, project operator, or other person or entity *(see instructions)*? .... **3** Yes ☐ No ☒

If *Yes,* continue below.
If *No,* skip question 4 and complete the *Certification* below.

4 Did the IDA file Form ST-65, *IDA Report of Recaptured Sales and Use Tax Benefits*, for each recapture, and remit the funds to the Tax Department? .... **4** Yes ☐ No ☐

If *Yes*, you must keep a copy of Form ST-65 and supporting documentation related to the recapture activities.
If *No*, attach an explanation of the IDA's recapture efforts *(see instructions).*

Certification

I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements with the knowledge that willfully providing false or fraudulent information with this document may constitute a felony or other crime under New York State Law, punishable by a substantial fine and possible jail sentence. I also understand that the Tax Department is authorized to investigate the validity of any information entered on this document.

Print name of person signing on behalf of the IDA Ann Fangmann	Print title of person signing on behalf of the IDA Executive Director	
Signature AW Fangmann	Date 03-25-2025	Telephone number (516) 676-1625

Mailing instructions

Mail completed form and attachments to:

NYS TAX DEPARTMENT
IDA UNIT
W A HARRIMAN CAMPUS
ALBANY NY 12227-0866

If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services.*

Instructions

Filing requirements

Every IDA must file this compliance report every year. The report must include:

- the terms and conditions for the recapture of state sales tax exemption benefits (as described in General Municipal Law (GML) section 875(3)) within all of the IDA's resolutions and project documents. This applies to:
  - projects established and agents or project operators appointed, and any financial assistance or agreement for payments in lieu of taxes provided, on or after March 28, 2013; and
  - any amendment or revision for additional funds or benefits made on or after March 28, 2013, to projects established, agents or project operators appointed, financial assistance provided, or payments in lieu of taxes provided, prior to March 28, 2013.
- information about efforts the IDA has made to recover, recapture, receive, or obtain any state sales tax exemption benefits and payments in lieu of state sales taxes from an agent/project operator, or other person or entity.

Every IDA must file Form ST-62 within 90 days of the end of each fiscal year.

The term *state sales tax* as used in this form includes both state sales tax and the state use tax.

For more information, see TSB-M-14(1.1)S, *Sales Tax Reporting and Recordkeeping Requirements for Industrial Development Agencies and Authorities.*

Any IDA that fails to file or substantially complete this report may lose its authority to provide state sales tax exemption benefits.

Terms and conditions for the recapture of state sales tax exemption benefits

Line 2 – If the IDA:

- **used the same** standard terms and conditions for the recapture of state sales tax exemption benefits in the project documents for all projects covered by this report, attach a copy of the terms and conditions used. You are **not** required to attach the entire document. Attach only the sections describing the state sales tax recapture requirements described in GML section 875(3).
- **used different** terms and conditions for the recapture of state sales tax exemption benefits in the project documents for the projects covered by this report, attach a copy of the terms and conditions used and identify the project(s) to which they relate. Be sure to include the project name and address, and the legal name and EIN of the agent or project operator for each project identified.
- provided state sales tax exemption benefits **but did not include** terms and conditions for the recapture of those benefits, attach a list of these projects. Include the project name and address, the legal name and EIN of the agent or project operator, and the reason why terms and conditions regarding recapture were not included.

Activities and efforts to recapture state sales tax exemption benefits

The GML requires that each IDA recapture state sales tax exemption benefits that were claimed by a project operator or agent, or other person or entity, whenever the benefits were:

- not entitled or authorized to be taken,
- in excess of the amounts authorized,
- for unauthorized property or services, or
- for property or services not used according to the terms of the agreement with the IDA.

See Form ST-65, *IDA Report of Recaptured Sales and Use Tax Benefits,* for more information.

IDAs must remit recaptured state sales tax benefit amounts to the Tax Department within 30 calendar days, using Form ST-65.

Line 4: If the IDA made efforts to recapture sales tax exemption benefits during the fiscal year covered by this report and **has not filed** Form ST-65, attach an explanation.

The attachment must include:

- name and address of the project and project number;
- legal name, EIN, and address of the agent/project operator, or other person or entity;
- project beginning and end dates;
- the basis for recapture, as described above;
- date of recapture efforts;
- amounts identified as required to be recaptured; and
- amount recaptured, if different.

When identifying recapture amounts, be sure to break down the total dollar amount into the categories below:

- state tax,
- local tax,
- MCTD tax (if applicable),
- penalties, and
- interest.

If the amount recaptured was not paid in full, also include copies of correspondence exchanged between the IDA and the agent/project operator, or other entity or person regarding the recapture efforts.

Need help?

Visit our website at ***www.tax.ny.gov.***

EXHIBIT D

Compliance Policy

GLEN COVE INDUSTRIAL DEVELOPMENT AGENCY

PROJECT MONITORING AND COMPLIANCE POLICY

POLICY PURPOSE: It is the policy of the Glen Cove Industrial Development Agency (the "Agency") to conduct its operations in compliance with the highest standards of conduct and ethical behavior and with best practices applicable to industrial development agencies and to operate in an accountable and transparent manner. The purpose of this Project Monitoring and Compliance Policy (this "Policy") is to update the Agency's procedures for the monitoring of Agency "projects."

AUTHORITY: Section 874 of the New York State General Municipal Law, as amended, requires the Agency to at least annually assess the progress of projects for which bonds or notes remain outstanding or for which straight-lease transactions have not terminated, or which continue to receive financial assistance or are otherwise active, toward achieving the investment, job retain or creation, or other objectives of the project set forth in the Agency's transaction documents with respect to such project.

SECTION 1. DEFINITIONS

A. "Company" shall mean the direct recipient of Financial Assistance from the Agency in connection with a Project, together with any other owner, occupant or user of a Project designated by the Agency.

B. "Financial Assistance" shall have the meaning set forth in Section 854 of the General Municipal Law, as amended.

B. "Project" shall have the meaning set forth in Section 854 of the General Municipal Law, as amended.

C. "Questionnaire" shall mean an annual project monitoring questionnaire issued by the Agency as set forth in this Policy.

D. "Transaction Documents" shall mean, with respect to each Project, collectively, the company lease, sublease, installment sale agreement, PILOT Agreement and the other documents, instruments and agreements executed by the Agency and/or the Company in connection therewith.

SECTION 2. MATERIAL REQUIREMENTS

For each Project seeking Financial Assistance, the Agency shall establish certain material performance requirements (collectively, the "Material Requirements"), which Material Requirements shall be explicit and measurable and shall be set forth in the Transaction Documents. Material Requirements for each Project shall be approved by the members of the Agency. Material Requirements may vary by type of Project and may include such requirements as capital investment, job retention, job creation and such other requirements as may be established by the members of the Agency.

Each Project shall have identified Material Requirements, which shall be measured and evaluated from time to time to determine whether a Project receiving Financial Assistance has met and/or continues to meet the required obligations as established by the members of the Agency at the time the Project is approved.

SECTION 3. ANNUAL PROJECT REPORTING & MONITORING

Within a reasonable period of time after the end of each of the Agency's fiscal years, the staff of the Agency shall issue a Questionnaire for each Project for which bonds or notes remained outstanding or for which a straight-lease transaction had not terminated, or which continued to receive financial assistance or was otherwise active, as of the last day of such fiscal year.

The form of the Questionnaire shall be determined by the Executive Director for each fiscal year and shall require each Company to submit such information, together with such supporting documentation, as the Agency shall deem necessary or desirable in connection with the Project, including, without limitation, such information and/or documentation, that may be required to allow the Agency to comply with applicable law and the Agency's policies and procedures. At a minimum, the Questionnaire for a Project shall address the Material Requirements imposed by the Agency with respect to such Project.

In addition, the staff of the Agency shall have the right and are hereby authorized, on behalf of the Agency, to conduct such further audits, inquiries, investigations and inspections (including, without limitation, on-site investigations) of each Project as shall necessary or desirable to ensure compliance with applicable law and the Agency's policies and procedures. All monitoring efforts should be documented in writing.

Monitoring and compliance reports shall be presented to the members of the Agency on an annual basis.

SECTION 4. NON-COMPLIANCE WITH REQUIREMENTS

The Executive Director of the Agency, with the assistance of the staff of the Agency and/or counsel to the Agency, shall be responsible for determining whether a Project is in compliance with the requirements of the Transaction Documents for such Project, including, without limitation, compliance with Material Requirements.

If the Executive Director of the Agency determines that a Company is not in compliance with the requirements of the Transaction Documents, the Agency shall:

1. Notify the Company (and other applicable parties to the Transaction Documents) of such non-compliance in accordance with the Transaction Documents;
2. Give the Company the opportunity, if applicable, to cure such non-compliance with the Transaction Documents;
3. To the extent applicable, seek additional information/explanation from the Company as to the reasons for such non-compliance, including, without limitation, an explanation of the economic or natural factors that led to such non-compliance;
4. If applicable, the Company should be provided the opportunity to present to the members of the Agency any information outlined in #3 above regarding such non-compliance; and
5. If required by applicable law, notify the appropriate New York State agencies of the Company's failure to comply with applicable reporting requirements.

With respect to Material Requirements that are numerical in nature (e.g., job retention, job creation, capital investment), the Executive Director is authorized to waive or otherwise address non-compliance by the Company without action by the members of the Agency if the Company is within ten percent (10%) of the goal of such Minimum Requirement. If non-compliance with a numerical Material Requirement is greater than ten percent (10%) of the goal of such Material Requirement, the consent of the members of the Agency shall be required to waive or otherwise address such non-compliance.

With respect to Material Requirements that are not numerical in nature, such Material Requirements shall be evaluated in accordance with the terms of the Transaction Documents approved by the members of the Agency for such Project.

SECTION 5. ACTION BY MEMBERS OF THE AGENCY

Except as otherwise set forth in Section 4 above with respect to actions authorized to be taken by the Executive Director, actions to waive or modify the default or remedy provisions of the Transaction Documents, including, without limitation, with respect to non-compliance with Material Requirements, shall be made by the members of the Agency.

The members of the Agency shall have the right, upon a review of the facts related to a Project's non-compliance with the Transaction Documents, to determine that there was a valid and acceptable reason for non-compliance with the provisions of the Transactions Documents and, if so, to (i) consider the matter closed without further action, (ii) set a specific time period for the Company to achieve compliance, and/or (iii) set additional reporting requirements.

If the members of the Agency determine, upon a review of the facts related to a Project's non-compliance with the Transaction Documents, that there is not a valid and acceptable reason for such non-compliance with the provisions of the Transaction Documents, the members of the Agency may (i) authorize staff of the Agency to proceed with enforcement of the Agency's rights and remedies (including, but not limited to, termination of the Transaction Documents, suspension of future Financial Assistance and/or recapture of previously granted Financial Assistance), or (ii) authorize the Agency to enter into an amendment of the Transaction Documents providing for a modification of the terms of the granting of the Financial Assistance (e.g., an increase in PILOT payments, reduction in authorized sales tax exemptions) based on the particular circumstances of the matter, including, without limitation, partial compliance with the Agency's requirements.

This Policy is subject to modification and amendment in the discretion of the members of the Agency, shall be filed annually with all local and state agencies as required under all applicable law and shall be posted on the Agency's website.

This Policy was adopted by the members of the Agency on January 10, 2017.