

COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RETAIL SALES POLICY

PREAMBLE

This Policy is hereby adopted by the Columbia County Industrial Development Agency as its policy in connection with projects where facilities or property are primarily used in making retail sales to customers who personally visit such facilities. Former Section 862 of the General Municipal Law governing this matter expired on January 31, 2008. The New York State Legislature has been considering re-enacting this section and/or enacting other legislation dealing with this issue. In the meantime, and pending additional legislation on this issue, the Columbia County Industrial Development Agency wishes to adopt this policy regarding retail sales.

SECTION 1. - POLICY.

The Columbia County Industrial Development Agency shall follow the provisions of former Section 862 of the General Municipal Law, notwithstanding that these provisions expired on January 31, 2008. This Policy shall continue until such time as new provisions regarding retail sales are enacted into law.

In accordance with former Section 862 of the General Municipal Law, the following provisions shall apply:

1. Tourism Destination projects and projects operated by not-for-profit corporations or entities shall not be prohibited by this Policy.
2. The Board may but is not required to consider projects involving retail sales, notwithstanding the prohibition set forth in former Section 862 of the General Municipal Law, where (a) the project occupant would, but for the assistance provided by the Agency, locate the related jobs outside the State, or (b) the predominant purpose of the project would be to make available goods

or services which would not, but for the project, be reasonably accessible to residents of the City, Town, Village, or County within which the proposed project would be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services, or (c) the project is located in a highly distressed area. With respect to any such projects that the Agency elects to consider pursuant to the provisions of subparagraphs (a), (b) or (c) above, no project will be approved unless the Agency finds, after public hearing required by Section 859(a) of the General Municipal Law, that undertaking the project will serve the public purposes of this Article by preserving permanent, private sector jobs, or increasing the overall number of permanent, private sector jobs in the State. Where the Agency makes such a finding, prior to providing financial assistance to the project by the Agency, the Chief Executive Officer of the municipality for whose benefit the Agency was created shall confirm the proposed action of the Agency.

3. Also, pursuant to the provisions of former Section 862 of the General Municipal Law, no funds of the Agency shall be used for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given to any group or organization which is attempting to do so, nor shall such funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media.

4. Where applicable, all of the provisions of former Section 862 of the General Municipal Law are continued and incorporated herein with respect to this Agency's policy regarding retail sales. However, the Agency shall have full authority to make any determination it believes to be appropriate in connection with any such application involving retail sales, and any such determinations are solely within the discretion of the Agency and shall not be subject to review or challenge by any applicant or third party.