



IDA Annual Compliance Report State Sales Tax Recapture

For IDA fiscal year ending 12 31 25
(mmdyy)

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

IDA information

Name of IDA NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY	
Street address 6311 Inducon Corporate Drive, Suite One	Telephone number (716) 278-8760
City Sanborn	State ZIP code NY 14132

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 Michael S. Dudley		Print title of person signing on behalf of the IDA Director of Finance and Real Estate	
Signature 	Date 03-31-2026	Telephone number (716) 278-8760	

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.

NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Policy for Termination and Recapture of Financial Assistance

I. Purpose

The purpose of this Policy is to establish a procedure, compliant with state law, to be utilized by the Niagara County Industrial Development Agency (the "Agency") to modify, suspend, and/or terminate Agency Benefits, as hereinafter defined, provided to an applicant and to establish a procedure to recapture Agency Benefits already provided to an applicant.

II. Termination and Recapture of Agency Benefits

A. Termination of Agency Benefits

The Agency, in its sole discretion and on a case-by-case basis, may determine (but shall not be required to do so), with respect to a particular applicant, that an applicant has failed to meet its intended goals and may require the applicant to agree to the termination and/or recapture by the Agency of the value of any or all exemptions from taxation granted with respect to the applicant by virtue of the Agency's involvement. For purposes of this policy, Agency Benefits include exemptions from New York State and local tax sales and use tax, an exemption from mortgage recording tax, and/or a partial abatement from real property tax provided by the Agency to an applicant in order to induce such applicant to undertake a project. Events, in the sole determination of the Agency, that trigger termination and/or the recapture of Agency Benefits may include, but are not limited to, the:

- a. Sale or closure of facility;
- b. Significant employment reduction or failure to reach permanent employment obligations;
- c. Significant deficiencies in achievement of economic benefits as described in the applicant's application and the failure of the applicant to provide an explanation satisfactory to the Agency for these deficiencies;
- d. Significant change in use in facility;
- e. Significant change in business activities or project applicant or operator;
- f. Failure to comply with any annual reporting requirement or to provide the Agency with request information;
- g. Sale or closure of a project within the time period the applicant receives Agency Benefits; or
- h. Material non-compliance with or breach of terms of the project agreement, Agency transaction documents or of zoning or land use laws or regulations or federal, state or local environmental laws or regulations.

In the event that the Agency determines that an event occurred that triggered termination of the Agency Benefits, the Agency may take any of the following enforcement actions, including the recapture of Agency Benefits:

- a. Requesting cure of the deficiency by a final notice letter;
- b. Forwarding an event of default notice as set forth in the project agreements and documents;
- c. Notifying the appropriate New York State Agencies of the applicant's failure to comply with any reporting requirements;
- d. Terminating any or all of the project agreements;
- e. Terminating any future Agency Benefits; and/or
- f. Requiring that the value of all of the Agency Benefits utilized to date be repaid in full or in part, with interest.

If the Agency determines to provide for the recapture with respect to a particular project, the Agency also shall, in its sole discretion and on a case-by-case basis, determine the timing and percentage of recapture. All recaptured Agency Benefits shall be redistributed to the appropriate affected tax jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.

B. Recapture of Agency Benefits

The Agency is required to recapture Agency Benefits in the event that it determines that: (i) an applicant has submitted an application, or documentation in support of an application, which contained a false or misleading statement as to any fact which is material to the applicant's application for benefits or which omitted any information which, if included, would have rendered any information in the application or supporting documentation false or misleading in any material respect, and (ii) that such false or misleading statement or omission was made knowingly and intentionally for the purpose of obtaining financial assistance, then the project beneficiary shall forfeit any future tax exemptions or abatements and shall be required to pay to the appropriate taxing authority the amount of any real property, mortgage or sales tax abatements or exemptions received. The applicant must forfeit any future tax exemptions or abatements and shall be required to pay to the appropriate taxing authority the amount of any real property, mortgage or sales tax abatements or exemptions received. The amount of the recaptured benefits shall be: (i) for real property taxes, the difference between the amount of payments in lieu of taxes paid and the amount that would have been paid in real estate taxes if the Agency did not have an interest in the project; (ii) for sales taxes, the value of the sales tax exemption received; and (iii) for the mortgage tax, the value of any mortgage recording tax for which an exemption was granted.

The Agency shall recapture Agency Benefits when it is determined that: (i) the applicant is not entitled to sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized by the Agency as part of the project; (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 exemption benefits are utilized when the applicant has failed comply with a material term or condition to use property or services in manner approved by the Agency.

All recaptured Agency Benefits shall be redistributed to the appropriate affected tax jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.