

**Town of Montgomery Industrial Development Agency
Fee Schedule**

Adopted: September 12, 2023

Effective Date: September 13, 2023

Revised: April 9, 2024

The Town of Montgomery Industrial Development Agency (“Agency”) hereby adopts the following Fee Schedule setting forth the applicable fees and project-related costs to be paid by a project applicant for all new applications received on or after September 13, 2023.

Explanation of Agency Fees

Should the Agency adopt the Final Resolution for your project, an administrative fee will be due at closing based on the type of financial assistance approved for the project (e.g., sales and use tax exemptions, real property tax exemptions, etc.). The administrative fee is a charge imposed by the Agency to an applicant or project occupant for the administration of a project. The associated administrative fee calculations are set forth below.

An applicant or project occupant is also responsible for paying a non-refundable application fee and all actual costs incurred in connection with the application and project, which may include, but are not limited to, legal fees and other Agency expenses, rent imposed for use of Agency property, other similar charges, as well as a labor policy monitoring fee as discussed below.

Application Fee & Escrow Fee for Application Review

The Agency has established a non-refundable application fee of \$1,000.00 that is payable upon submission of an Application for financial assistance. An applicant must complete the Application form and submit two signed and notarized hard copies to 110 Bracken Rd. Montgomery, NY, along with a check or money order payable to the Town of Montgomery Industrial Development Agency in the amount of \$1,000.00 for the application fee and a separate check or money order in the amount of \$5,000.00 for an initial escrow fee deposit (or \$10,000.00 for bond applications).

All applicants are responsible for payment of all application review fees and costs and expenses incurred by the Agency and its consultants (e.g., attorneys, accountants) in connection with its application or project, regardless of whether or not an approval is received and/or the transaction ultimately closes. Such application review fees include, but are not limited to, fees and costs of the Agency’s attorneys, accountants, and other consultants as well as publication costs, copying costs, SEQRA compliance, public hearing costs, stenographer costs, etc.

The Agency will create an escrow account for attorney and other consultant related fees for the review of project application and the administrative costs associated with the project. Any unused funds on deposit with the Agency will be returned to the company upon project completion. An initial escrow fee of \$5,000.00 (or \$10,000.00 for bond applications) is required to be remitted to the Agency, to be used for the Agency’s attorneys and other consultants’ work and advice to the Agency concerning the Application. All attorney and consultant fees and disbursements charged to this escrow will be supported by an invoice detailing the description of the work, the time spent, and disbursements made. Such invoices are subject to audit by the Agency. If the amount of this escrow falls below 50% of the initial escrow amount, the Applicant must replenish the escrow to the full \$5,000.00. If the escrow is not replenished when requested by the Agency, the Agency may suspend further action on the Application until replenishment has occurred. All escrowed monies unused at the end of the Application process shall be returned to the Applicant.

Agency Administrative Fees

1. Agency Closing Fee for PILOT Projects

The Administrative Fee for all projects involving a Payment in Lieu of Tax (PILOT) Agreement is calculated as follows:

- ¾ of 1% of the first \$2,000,000 of Total Project Costs (as defined in the Application); and
- ½ of 1% of the remaining Total Project Costs.

2. Agency Closing Fee for Only Sales and Use Tax and/or Mortgage Recording Tax Exemptions (No PILOT Agreement)

The Administrative Fee for all projects involving only sales and use tax and/or mortgage recording tax exemptions (no PILOT Agreement) is calculated as follows: 10% of the abatement value (based on total savings from sales and/or mortgage tax).

3. Agency Closing Fee for Bonds*

<u>Bond Amount</u>	<u>Applicable Fee</u>
\$5,000,000 or less	1.0% of bond amount
Greater than \$5,000,000	1.0% of the first \$5 million of bond amount 0.5% of bond amount above \$5 million

*Final bond counsel fees are payable by the Borrower at closing as part of cost of issuance. Additionally, an annual compliance fee is payable by the Applicant annually after closing every July 1 through the term of the bonds, in the following amounts:

<u>Bond Amount</u>	<u>Annual Compliance Fee</u>
Less than \$3,000,000	\$750
\$3,000,000 - \$10,000,000	\$1,000
Greater than \$10,000,000	\$1,250

4. Refinancing Fee for Mortgage Recording Tax

In the event a company with an active Agency project seeks to refinance a project and formally requests mortgage tax relief from the Agency, the Agency's Administrative Fee is 0.25% of the refinanced amount.

Fee for Local Labor Monitoring

The Agency uses a third-party firm(s) to monitor and audit compliance with its Local Labor Policy, the cost of which is made by the Applicant at closing in advance for future audits and held in a non-interest bearing escrow account by the Agency until all such audits are completed. Local Labor Compliance Monitoring pursuant to the Agency's Local Labor Policy begins on the date the Agency grants benefits and continues throughout construction. Any unused funds on deposit with the Agency will be returned to the company upon construction completion.

Please make all Checks payable to:

Town of Montgomery Industrial Development Agency