

THE AGENCY

BROOME COUNTY IDA / LDC

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

GOVERNANCE COMMITTEE MEETING

August 21, 2019 – 3:00 p.m.

The Agency Conference Room, 2nd Floor

FIVE South College Drive, Suite 201

Binghamton, NY 13901

AGENDA

1. Call to Order R. Bucci
2. Accept the July 17, 2019 Governance Committee Meeting Minutes R. Bucci
3. Public Comment R. Bucci
4. Review/Discussion/Recommendation of a Resolution Authorizing a Lease/Leaseback Transaction to Facilitate the Acquisition, Construction, Renovation and Equipping of Property Located at 380 Chenango Street in the City of Binghamton, Broome County, New York, Appointing to be Used as an Affordable Housing Apartment Project Appointing JE Properties, LLC, or an Entity to be Determined, (The "Company") Agent of The Agency for the Purpose of Acquiring, Constructing, Renovating, Equipping and Leasing the Project and Authorizing the Execution and Delivery of Certain Documents with Respect Thereto, Including a Payment In Lieu of Tax Agreement Deviating from The Agency's Uniform Tax Exemption Policy and Authorizing the Execution and Delivery of Certain Documents with Respect Thereto S. Duncan
5. Review/Discussion/Recommendation of a Resolution Accepting an Application from 1435-1439 Marchuska, LLC and Authorizing a Sales and Use Tax Exemption, Consistent with the Policies of The Agency, in Connection with the Renovation and Equipping of the Property and Building at 408 Commerce Road, Town of Vestal, Broome County, New York S. Duncan
6. Review/Discussion/Recommendation of a Resolution Authorizing a Lease/Leaseback Transaction to Facilitate the Acquisition and Equipping of a 70-Bed Adult Home, a 35-Bed Assisted Living Program, and a 150-Bed Residential Health Care Facility Located at 600 and 601 High Avenue in the Village of Endicott, Town of Union, Broome County, New York, and Appointing 600 High Avenue, LLC, and/or a Related Entity to be Later Named, (The "Company"), as Agent of The Agency for the Purpose of Acquiring and Equipping the Project and Authorizing the Execution and Delivery of Certain Documents with Respect Thereto, Including a Payment In Lieu of Tax Agreement Deviating from The Agency's Uniform Tax Exemption Policy S. Duncan
7. Review/Discussion/Recommendation of a Resolution Approving an Extension of the Sales and Use Tax Exemption Letter of 250 Main LLC from August 20, 2019 Through and Including December 31, 2019 T. Gray
8. Review/Discussion/Recommendation of a Resolution Approving an Extension of the Sales and Use Tax Exemption Letter of 265 Main LLC from July 15, 2019 Through and Including December 31, 2019

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| 9. Review/Discussion/Recommendation of a Resolution Approving The Agency's Policy for Sexual Harassment, a copy of which is Attached Hereto as Exhibit "A" | T. Gray |
| 10. Review/Discussion/Recommendation of a Resolution Approving The Agency's Amended WhistleBlower Policy, a copy of which is Attached Hereto as Exhibit "A" | T. Gray |
| 11. Adjournment | R. Bucci |

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
GOVERNANCE COMMITTEE
July 17, 2019 – 11:30 AM
The Agency Conference Room, 2nd Floor
FIVE South College Drive, Suite 201
Binghamton, NY 13905**

PRESENT: R. Bucci, C. Sacco, B. Rose, J. Bernardo, J. Stevens, D. Crocker and J. Mirabito

GUESTS: Jeff Platsky, Press & Sun-Bulletin
Justin Marchuska, Marchuska Brothers
Joe Moody, Town of Union
Cynthia Totalis, Endicott, NY
John Solak, Binghamton, NY
Mayor John Bertoni, Endicott, NY
Matthew Paulus, Paulus Development

ABSENT: J. Peduto

STAFF: S. Duncan, T. Gray, N. Abbadessa, C. Hornbeck, T. Ryan and K. Wu

PRESIDING: R. Bucci

AGENDA ITEM 1: Chairman Bucci called the meeting to order at 11:35 a.m.

AGENDA ITEM 2: Accept the June 19, 2019 Governance Committee meeting minutes: Chairman Bucci stated minutes were sent to the Governance Committee and Board; there were no additions, nor deletions to the minutes. Chairman Bucci continued seeing no revisions, the minutes stand, as written.

MOTION: No motion necessary.

AGENDA ITEM 3: Public Comment: Chairman Bucci asked if there were any public comments. Mr. Solak, Binghamton, NY, addressed the Board, regarding:

Character Component of Applicants

50 Front Street

Gorick – River Run

Newman Development

Labor Policy

Chairman Bucci asked if there were other public comments; hearing none, Chairman Bucci closed the Public Comment section of the meeting.

AGENDA ITEM 4: Review/Discussion/Recommendation of a Resolution Authorizing a Lease/Leaseback Transaction to Facilitate the Acquisition, Construction and Equipping of Two Buildings to be used as an Office, Commercial and Mixed Warehouse/Retail Project, Appointing 1435-1439 Marchuska, LLC (The "Company"), Agent of The Agency, for the Purpose of Acquiring, Constructing, Equipping and Leasing the Project and Authorizing the Execution and Delivery of Certain Documents with Respect Thereto, Including a Payment in Lieu of Tax Agreement Deviating from The Agency's Uniform Tax Exemption Policy, as well as a Sales and Use Tax Exemption in an Amount not to Exceed \$157,120.00, and Authorizing the Execution and Delivery of Certain Documents with Respect Thereto: Ms. Duncan stated the request before the Governance Committee is for a recommendation to take this item to the full Board for approval of benefits. Ms. Duncan continued that the reason for the revision on this resolution is a new requirement of the Authority Budget Office (ABO); The Agency must note the dollar amount in any PILOT application or Sales Tax Exemption request; it is nothing more than an administrative requirement relative to new compliance regulations. This project consists of the construction of two buildings at 1405 Main Street, in the Village of Endicott; one to be used as the offices of Marchuska Brothers Construction and the other to be used for Marchuska Brother's wholesale and commercial glass business. Marchuska, LLC is requesting a deviated PILOT. In May, the Board opted not to move the initial application forward. Upon further review by Mr. Bernardo, Ms. Duncan, the developer and members of the Village and Town assessing units, a revised PILOT schedule was brought before this Board in June, which was accepted. On July 9th, the revised PILOT schedule was approved by the Village Board by a vote of 3 to 2. It is The Agency's standard policy to consider a project, if it is the desire of a municipality to move a project forward. Ms. Duncan advised that Mr. Justin Marchuska is present, should the Board have any specific questions on the project. Ms. Sacco stated the Board received the transcripts of the public hearing, which she had an opportunity to review. Ms. Duncan continued the public hearing was held on July 15th. Chairman Bucci asked if there were any questions or discussion. A member of the public, Ms. Totalis, asked for permission to comment; Chairman Bucci replied that there would be an opportunity to comment on this or any other topics, during the Public Comment section at the regular Board meeting, following the Governance Committee meeting.

MOTION: Ms. Sacco moved the Motion to Recommend the Resolution to the Board for approval, seconded by Mr. Rose; the MOTION CARRIED.

AGENDA ITEM 5: Review/Discussion/Recommendation of a Resolution Authorizing The Agency to Declare its Intent to Act as Lead Agency in the Environmental Review for the Redevelopment Plan of the Former BAE Systems Site at 600 Main Street, Village of Johnson City, Town of Union, Broome County, New York: Ms. Duncan stated that this is a continuation of The Agency's efforts involving the redevelopment of 600 Main Street, the former BAE site. The Agency has been working with the Department of Defense on a grant to develop a redevelopment strategy; part of that strategy would be to enable The Agency to take Lead Agency status on the State Environmental Quality Review (SEQR). Ms. Duncan stated that the Department of Defense approved additional funds to The Agency to carry this project to fruition. Chairman Bucci asked if there were any questions; hearing none, requested a motion.

MOTION: Motion to move the Recommendation to the full Board for Approval. On a MOTION by Mr. Rose; seconded by Ms. Sacco, the MOTION CARRIED.

AGENDA ITEM 6: Review/Discussion/Recommendation of a Resolution Approving an Extension of the Sales and Use Tax Exemption Letter of Freewheelin Ansco, LLC from June 15, 2019 Through and Including December 31, 2019: Ms. Duncan stated this is an extension only of the length of the term, not the dollar amount requested. Ms. Duncan stated that Mr. Matthew Paulus reached out to The Agency and requested a six-month extension of time. Ms. Duncan continued that Mr. Paulus is well within the parameters of expenditures requested; this time extension will enable Mr. Paulus to complete the project. Ms. Sacco asked if the dollar amount changed; Ms. Duncan stated the dollar amount will not change from what was authorized initially. Chairman Bucci asked for a motion.

MOTION: Motion to Move the Recommendation to the full Board for Approval. On a MOTION by Ms. Sacco; seconded by Mr. Rose, the MOTION CARRIED.

AGENDA ITEM 7: Review/Discussion/Recommendation of a Resolution Authorizing The Executive Director, on Behalf of The Agency, to Enter into an Economic Development Services Agreement with the Village of Johnson City (The "Village") to Assist the Village with Economic Development Opportunities and Services as set forth on Exhibit "A" Attached Hereto for a Period

of One Year Running From July 1, 2019 to June 30, 2020 for the sum of \$25,000.00 per Year, Payable in Quarterly Installments of \$6,250.00: Ms. Duncan stated as discussed with the Board last month, this is an administrative partnership agreement with the Village for a term of one year. The Village lost significant staff that handled a number of grants, in-process and on-going. This agreement would enable The Agency to assist their staff in this endeavor, as well as offer a new opportunity to work at the municipal level with the Village. Ms. Duncan stated it is her understanding that the Village will be taking up this matter at their August meeting. Ms. Sacco advised the committee that she must abstain on this matter, due to her relationship with the Village of Johnson City. Chairman Bucci stated the matter will be presented to the full Board.

MOTION: The Governance Committee did not Motion to Move the Recommendation, since there is no quorum.

AGENDA ITEM 8: Review/Discussion/Recommendation of a Revised Resolution Authorizing a Sales and Use Tax Exemption in an Amount not to Exceed \$418,000.00 to Facilitate the Construction and Equipping of the Property and Building Located at 1 North Page Avenue in the Town of Union, Broome County, New York Appointing National Pipe & Plastics, Inc. Agent of The Agency for the Purpose of Constructing and Equipping the Project and Authorizing the Execution and Delivery of a Sales Tax Agreement with Respect Thereto: Ms. Duncan stated this is nothing more than an administrative procedure to comply with ABO requirements. The resolution should note the specific dollar amount requested. Chairman Bucci asked if there were any questions or comments; hearing none, stated he would entertain a motion.

MOTION: Motion to Move the Recommendation to the full Board for Approval. On a MOTION by Ms. Sacco; seconded by Mr. Rose, the MOTION CARRIED.

AGENDA ITEM 9: Executive Session to Discuss the Sale of Land: Ms. Sacco advised the Governance Committee that she must abstain to Agenda Item 10; as such, there is no quorum. Chairman Bucci noted that the item would be taken up in Executive Session at the regular Board meeting.

MOTION: The Governance Committee did not convene to Executive Session, since there is no quorum.

AGENDA ITEM 10: Review/Discussion/Recommendation of a Resolution Authorizing the Executive Director, on Behalf of The Agency, to Enter into an Amendment to the Payment-In-Lieu-Of-Tax Agreement by and Between The Agency and 265 Industrial Park Drive, LLC, as Attached Hereto as Exhibit "A:" Chairman Bucci stated the matter would be presented to the full Board.

MOTION: The Governance Committee did not Motion to Move the Recommendation, since there is no quorum.

AGENDA ITEM 11: Adjournment: Mr. Bucci requested a motion for adjournment.

MOTION: On a MOTION by Ms. Sacco; seconded by Mr. Rose, the MOTION CARRIED. Chairman Bucci adjourned the meeting at 11:47 a.m.

The next meeting of The Agency Governance Committee is to be determined.

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT REVIEW FORM

<u>Company:</u> JE Properties, LLC or an Entity to be determined		<u>IDA Meeting Date:</u> 6/19/19	
<u>Representative:</u> Joseph Eddy		<u>IDA Public Hearing Date:</u> TBD	
<u>Type of Business:</u> Affordable Housing <u>Project Start Date:</u> 07/2019 <u>Project End Date:</u> 07/2022		<u>Company Address:</u> 150 Mount Vernon St. Boston, MA 02125	
<u>Employment:</u> <small>Full-Time Equivalent</small> Existing <u>8.5</u> 1st year <u>0</u> 2nd year <u>0</u> 3rd year <u>0</u>	<u>Total Yearly Payroll</u> 1st Year _____ 2nd Year _____ 3rd Year _____ Total: \$ 0.00	<u>Own / Lease:</u> Owner / Landlord	<u>SF / Acreage:</u> 202,400 sqft/ 7.7 acres
<u>Construction Jobs:</u> 130		<u>Proposed Project Location:</u> 380 Chenango St. Binghamton, NY 13901	
<u>Company Contact For Bid Documents & Employment Opportunities:</u> Dimarco Constructors, LLC (585) 272.7760 tsoprano@dimarcogroup.com		<u>Description:</u> *See Attached	
PROJECT BUDGET		ASSESSMENT	
Land Related Costs	\$ 864,740.00	Current Assessment	\$ 3,156,000.00
Building Related Costs	\$ 26,132,408.00	Asmt. At Completion (Est.)	\$ 3,566,500.00
M & E Costs		EXEMPTION (Est.)	
F F & E Costs	\$ 150,000.00	Sales Tax @ 8%	\$ 1,467,980.00
Professional Services/Development Cost	\$ 5,234,602.00	Mortgage Tax	\$ 24,000.00
Total Other Costs	\$ 3,802,934.00	Property Tax Payments	10,555,666.48
Working Capital Costs	\$ 1,660,134.00		
Closing Costs			
Agency Fee	\$ 378,448.00	TOT. PROP. TAX.SVGS:	\$ 2,203,335.46
TOTAL:	\$ 38,223,266.00	TOTAL EXEMPTIONS:	\$ 3,695,315.46
<u>Project Type</u> <u>(Check all that apply)</u> <input type="checkbox"/> Manufacturing, Warehousing, Distribution <input type="checkbox"/> Agricultural, Food Processing <input type="checkbox"/> Adaptive Reuse, Community Development <input checked="" type="checkbox"/> Housing Development <input type="checkbox"/> Retail* <input type="checkbox"/> Back Office, Data, Call Centers <small>*Uniform Tax Policy does not typically provide tax exemptions for Retail Projects</small>		<u>Project Criteria Met</u> <u>(Check all that apply)</u> <input checked="" type="checkbox"/> Project will create and /or retain permanent jobs <input checked="" type="checkbox"/> Project will be completed in a timely fashion <input type="checkbox"/> Project will create new revenue to local taxing jurisdictions <input checked="" type="checkbox"/> Project benefits outweigh costs <input checked="" type="checkbox"/> Other public benefits <small>*New York State Required Criteria</small>	
<u>Pilot Type</u> <input type="checkbox"/> Standard _____ year <input type="checkbox"/> <input checked="" type="checkbox"/> Deviated <u>32</u> year			
<u>Staff Comments:</u> <div style="height: 40px;"></div>			

PROJECT DESCRIPTION

The project scope is to preserve the current affordability at Town & Country Apartments, add additional affordable housing units, complete a full rehabilitation of the property, create common area space while creating a mixed income project.

Very limited capital has been invested into the project since it was built. The proposed project will be a full rehab which will include: new kitchen appliances & fixtures, new countertops, new cabinets, new flooring, fully painted units, new unit lighting, new medicine cabinets, new bathroom fixtures, replace tub walls as needed, new doors and trim as needed, replace unit trim as needed, existing exterior masonry washed, new windows & window treatments, new AC sleeves, new attic insulation, new roofs, repaired drainage, new boilers, replace fintube as needed, new fire alarm, newly created American Disability Act (ADA) compliant units (there are currently no ADA units), modified stair railings to comply with current code, new signage, new postal boxes, new dumpster enclosures, update laundry rooms, new fire escapes as needed, landscaping, new and updated exterior lighting, a new fence and gate, and newly created community space (management office, workout room & community room – there is currently just a management office and laundry rooms for community space).

The project, due to its HAP contract, will need to be built using Davis-Bacon wages.

**Broome County Industrial Development Agency
Cost Benefit Incentive Analysis**

Date:	6.17.19
Project Name/Address:	JE Properties or an Entity to be determined
Project Start Date:	2019
Project End Date:	TBD
Project Description:	The project scope is to preserve the current affordability at Town & Country Apartments, add additional affordable housing units, complete a full rehabilitation of the property, create common area space while creating a mixed income project. Very limited capital has been invested into the project since it was built. The proposed project will be a full rehab which will include: new kitchen appliances & fixtures, new countertops, new cabinets, new flooring, fully painted units, new unit lighting, new medicine cabinets, new bathroom fixtures, replace tub walls as needed, new doors and trim as needed, replace unit trim as needed, existing exterior masonry washed, new windows & window treatments, new AC sleeves, new attic insulation, new roofs, repaired drainage, new boilers, replace fin tube as needed, new fire alarm, newly created American Disability Act (ADA) compliant units (there are currently no ADA units), modified stair railings to comply with current code, new signage, new postal boxes, new dumpster enclosures, update laundry rooms, new fire escapes as needed, landscaping, new and updated exterior lighting, a new fence and gate, and newly created community space (management office, workout room & community room – there is currently just a management office and laundry rooms for community space). The project, due to its HAP contract, will need to be built using Davis-Bacon wages.

BENEFIT

Investment: Public/Private/Equity

Land Related Costs	\$	864,740.00	
Building Related Costs	\$	26,132,408.00	
FF&E	\$	150,000.00	
Professional Fees/ Development	\$	5,234,602.00	
Working Capital Costs	\$	1,660,134.00	
Other Costs		\$3,802,934.00	
TOTAL INVESTMENT		\$37,844,818.00	<u>\$37,844,818.00</u>

New Mortgages	\$2,410,000.00
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Jobs

New	0
Retained	<u>8.5</u>

TOTAL JOBS	8.5
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Term # Years	years
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TOTAL PAYROLL		\$ -
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PILOT PAYMENTS	\$ 10,555,666.48	(see Pilot Schedule)	<u>\$ 10,555,666.48</u>
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TOTAL BENEFIT	\$48,400,484.48	<u>\$48,400,484.48</u>
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Cost

Property Tax Estimate

Fair Market Value	\$ 37,571,142.00	upon completion
Equalization Rate	84.00%	
Assessment	\$ 3,156,000.00	

Tax Rates

Town/City/County	50.32	Annual tax	\$	159,534.00
School	41.09	Annual tax	\$	128,954.00

ANNUAL TAX 91.41 \$ 288,488.00

Pilot Schedule

Terms/Years	Tax	% Abatement	*Pilot Payment	Abatement
SEE PILOT SCHEDULE			\$ -	
Total				

* Assume a 2% Tax Increase Per Year

PROPERTY TAX ABATEMENT	\$ 2,203,335.46	
SALES TAX ABATEMENT	\$ 1,467,980.00	
MORTGAGE RECORDING TAX	\$ 24,000.00	
AGENCY FEE	\$ 378,448.00	
TOTAL COST	\$ 4,073,763.46	\$ 4,073,763.46

NET BENEFIT/COST \$ 44,326,721.02

Benefit/Cost Ratio 11.88 to 1

Comments/Additional Revenue:

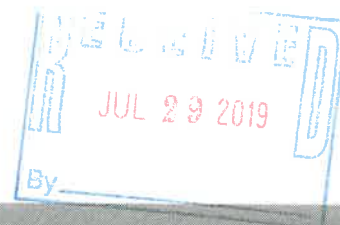
Any Additional Public Benefits:

Town and Country	30 years with 2 year build in Beginning	CURRENT TOTAL TAX RATE 91.409627	Annual assessment	Total PILOT Payments with annual half of a percent increase	City annual Pilot Payment	School annual Pilot Payment	County annual Pilot Payment	TOTAL WITH NO PILOT at 2% per year
2020	\$3,156,000.00	\$288,488.78	\$3,156,000.00	\$288,488.78	\$131,839.37	\$128,954.49	\$27,694.92	\$288,488.78
2021	\$3,156,000.00	\$288,488.78	\$3,156,000.00	\$289,931.23	\$132,498.57	\$129,599.26	\$27,833.40	294,258.56
2022	\$3,156,000.00	\$288,488.78	\$3,156,000.00	\$291,380.88	\$133,161.06	\$130,247.25	\$27,972.56	300,143.73
2023	\$3,156,000.00	\$288,488.78	\$3,156,000.00	\$292,837.79	\$133,826.87	\$130,898.49	\$28,112.43	306,146.60
2024	\$3,156,000.00	\$288,488.78	\$3,156,000.00	\$294,301.98	\$134,496.00	\$131,552.98	\$28,252.99	312,269.54
2025	\$3,225,000.00	\$294,796.05	\$3,225,000.00	\$294,796.05	\$134,721.79	\$131,773.83	\$28,300.42	318,514.93
2026	\$3,294,000.00	\$301,103.31	\$3,294,000.00	\$301,103.31	\$137,604.21	\$134,593.18	\$28,905.92	324,885.23
2027	\$3,363,000.00	\$307,410.58	\$3,363,000.00	\$307,410.58	\$140,486.63	\$137,412.53	\$29,511.42	331,382.93
2028	\$3,432,000.00	\$313,717.84	\$3,432,000.00	\$313,717.84	\$143,369.05	\$140,231.87	\$30,116.91	338,010.59
2029	\$3,501,000.00	\$320,025.10	\$3,501,000.00	\$320,025.10	\$146,251.47	\$143,051.22	\$30,722.41	344,770.80
2030	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$326,012.43	\$148,987.68	\$145,727.56	\$31,297.19	351,666.22
2031	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$327,642.50	\$149,732.62	\$146,456.20	\$31,453.68	358,699.54
2032	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$329,280.71	\$150,481.28	\$147,188.48	\$31,610.95	365,873.53
2033	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$330,927.11	\$151,233.69	\$147,924.42	\$31,769.00	373,191.00
2034	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$332,581.75	\$151,989.86	\$148,664.04	\$31,927.85	380,654.82
2035	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$334,244.66	\$152,749.81	\$149,407.36	\$32,087.49	388,267.92
2036	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$335,915.88	\$153,513.56	\$150,154.40	\$32,247.92	396,033.28
2037	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$337,595.46	\$154,281.13	\$150,905.17	\$32,409.16	403,953.94
2038	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$339,283.44	\$155,052.53	\$151,659.70	\$32,571.21	412,033.02
2039	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$340,979.85	\$155,827.79	\$152,417.99	\$32,734.07	420,273.68
2040	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$342,684.75	\$156,606.93	\$153,180.08	\$32,897.74	428,679.16
2041	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$344,398.18	\$157,389.97	\$153,945.99	\$33,062.23	437,252.74
2042	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$346,120.17	\$158,176.92	\$154,715.72	\$33,227.54	445,997.79
2043	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$347,850.77	\$158,967.80	\$155,489.29	\$33,393.67	454,917.75
2044	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$349,590.02	\$159,762.64	\$156,266.74	\$33,560.64	464,016.10
2045	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$351,337.97	\$160,561.45	\$157,048.07	\$33,728.45	473,296.43
2046	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$353,094.66	\$161,364.26	\$157,833.31	\$33,897.09	482,762.35
2047	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$354,860.14	\$162,171.08	\$158,622.48	\$34,066.57	492,417.60
2048	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$356,634.44	\$162,981.94	\$159,415.59	\$34,236.91	502,265.95
2049	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$358,417.61	\$163,796.85	\$160,212.67	\$34,408.09	512,311.27
2050	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$360,209.70	\$164,615.83	\$161,013.73	\$34,580.13	522,557.50
2051	\$3,566,500.00	\$326,012.43	\$3,566,500.00	\$362,010.75	\$165,438.91	\$161,818.80	\$34,753.03	533,008.65
	\$10,151,770.36			\$10,555,666.48	\$4,229,546.89	\$4,136,996.63	\$888,482.50	12,759,001.94

difference E and I
2,203,335.46

THE AGENCY

BROOME COUNTY IDA / LDC



SMALL BUSINESS INCENTIVE PROGRAM APPLICATION

The Small Business Incentive Program can provide eligible applicants any of the following: an eight percent (8%) NYS sales tax and one percent (1%) mortgage recording tax exemption (if applicable).

Applicants seeking assistance must complete this application and provide additional documentation if required. A **non-refundable** application fee of \$150.00 must be included with this application. Make check payable to The Agency Broome County IDA.

The Applicant requesting a sales tax exemption from the Agency/IDA must include in the application a realistic estimate of the value of the savings anticipated to be received. As per NYS 2013 Budget Law and the regulations expected to be enacted thereunder are expected to require that the Agency/IDA recapture any benefit that exceeds the amount listed in the application.

Please answer all questions. Use "None" or "Not Applicable" where necessary.

APPLICANT

Name 1435-1439 Marchuska, LLC
Address 23 Jackson Ave.
City/State/Zip Endicott, NY 13760
Tax ID No. 20-0675641
Contact Name Justin A. Marchuska II
Title Member
Telephone (607) 786-3762
E-Mail justin.marchuska@marchuskabrothers.com

Owners of 20% or more of Applicant Company

Name	%	Corporate Title
<u>Bernard J. Marchuska</u>	<u>50</u>	<u>Member</u>
<u>Justin A. Marchuska II</u>	<u>50</u>	<u>Member</u>

Benefits Requested (Check all that apply)

- ☒ Sales Tax Exemption
☐ Mortgage Recording Tax Exemption

Description of project (check all that apply)

- ☐ New Construction
☒ Existing Facility
 ☐ Acquisition
 ☐ Expansion
 ☒ Renovation/Modernization
☐ Acquisition of machinery/equipment
☐ Other (specify) _____

GENERAL DESCRIPTION OF THE PROJECT

(Attached additional sheets as necessary)

Renovation of 408 Commerce Rd., Vestal, NY 13850 for tenant occupied building.
No tenants in the building.

PROJECT TIMELINE

9/1/2019

Start Date

8/31/2020

End Date

Marchuska Brothers Construction, LLC

Contractor(s) *please refer to required Local Labor Policy

State Environmental Quality Review (SEQR) Act Compliance

The Agency, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR). This is applicable to projects that require the state or local municipality to issue a discretionary permit, license or other type of Approval for that project.

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

☐ YES – Include a copy of any SEQR or other documents related to this project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration.

☒ NO

LOCAL LABOR POLICY

It is the goal of the The Agency to maximize the use of local labor for each project that receives benefits from The Agency. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency's Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the APPLICANT.

Building Construction or Renovation

- a. MATERIALS a. \$ 700,000.00
b. LABOR b. \$ 100,000.00

Site Work

- c. MATERIALS c. \$ 100,000.00
d. LABOR d. \$ 100,000.00
e. Non-Manufacturing Equipment e. \$ 0.00
f. Furniture and Fixtures f. \$ 0.00
g. LAND and/or BUILDING Purchase g. \$ 400,000.00
h. Soft Costs (Legal, Architect, Engineering) h. \$ 20,000.00
Other (specify) i. _____ i. \$ _____
j. _____ j. \$ _____
k. _____ k. \$ _____

TOTAL PROJECT COSTS \$ 1,420,000.00

- B. Sources of Funds for Project Costs:

- a. Bank Financing a. \$ 1,000,000.00
b. Public Sources b. \$ 0.00

Identify each state and federal grant/credit

\$ _____

\$ _____

\$ _____

\$ _____

- c. Equity c. \$ 420,000.00

TOTAL SOURCES \$ 1,420,000.00

- C. Has the applicant made any arrangements for the financing of this project?

☒ Yes ☐ No

If so, please specify bank, underwriter, etc.

People's Security Bank & Trust

VALUE OF INCENTIVES

A. Sales Tax Exemption Benefit

Estimated value of goods that will be exempt from New York State and local sales tax (materials, non-manufacturing equipment, furniture and fixtures - **line a,c,e,f from Project Costs**) \$ 800,000.00

Estimated value of New York State and local sales tax exemption (8% of value of eligible goods) \$ 64,000.00

Estimated duration of sales tax exemption 12 months
(The sales tax letter shall be valid for a period of twelve (12) months.)

B. Mortgage Recording Tax Exemption Benefit

Estimated value of Mortgage Recording Tax Exemption (1% of value of mortgage) \$

TOTAL SALES AND MORTGAGE RECORDING TAX EXEMPTION BENEFIT \$ 64,000.00

PROJECTED EMPLOYMENT

Will this investment result in the creation of new jobs? If so, how many? 0.00

Current number of full time employees: 0.00

Estimated annual salary range of jobs to be created:

Annual Salary range from: to

Estimated annual salary range of current jobs:

Annual Salary range from: to

****Upon approval of this application, the business agrees to provide FTE and all construction job information, along with its NYS 45 in all years that a sales and/or mortgage recording tax benefit is claimed.***

APPLICATION & ADMINISTRATIVE FEES

A. Application Fee:

A non-refundable application fee of one hundred fifty dollars shall be charged to each applicant and accompany the completed application. \$ 150.00

B. Administrative Fee:

A non-refundable fee of $\frac{1}{2}\%$ of the **total tax exemption benefit** is due and payable \$ 320.00 prior to the issuance of a Sales Tax Letter or a Mortgage Tax Exemption Form if the benefit is **under \$100,000**. A non-refundable fee of **1% of the total project cost** is due and payable prior to the issuance of a Sales Tax Letter or a Mortgage Tax Exemption Form if the benefit is **over \$100,000**.

TOTAL TAX EXEMPTION BENEFIT LESS FEES \$ 63,530.00

This Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.

The Agency reserves the right to terminate, modify, or recapture Agency benefits if :

- (i) *an applicant or its sub-agency (if any) authorized to make purchases for the benefit of the project is not entitled to the sales and use tax exemption benefits;*
- (ii) *sales and use tax exemption benefits are in excess of the amounts authorized by the Agency to be taken by the applicant or its sub-agents;*
- (iii) *sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the project;*
- (iv) *the applicant has made material, false, or misleading statements in its application for financial assistance;*
- (v) *the applicant has committed a material violation of the terms and conditions of a Project Agreement.*
- (vi) *As of the date of the Application this project is in substantial compliance with all provisions of GML Article 18-A, including but not limited to, the provisions of GML Section 859-a and GML Section 862(1) (the anti-raid provision) and if the project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.*

APPLICANT COMPANY

1435-1439 WASHINGTON, LLC
[Signature] MEMSO 7/24/19
Signature, Title Date

Sworn to before me this

24th day of July, 20 19.

[Signature]

(Notary Public)
KELLIE MOSHER

NOTARY PUBLIC-STATE OF NEW YORK

No. 01MO6378940

Qualified in Broome County

My Commission Expires 08-06-2022

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT REVIEW FORM**

Company: Ideal Senior Living Center		IDA Meeting Date: 11/28/18	
Representative: Ken Kamlet		IDA Public Hearing Date: TBD	
Type of Business: Health Care Facility		Company Address: 600 and 601 High St Endicott, NY 13760	
Project Start Date: 2019			
Project End Date: TBD			
Employment: <small>Full-Time Equivalent</small> Existing <u>286</u> 1st year <u>2</u> 2nd year <u>2</u> 3rd year <u>2</u>		Total Yearly Payroll 1st Year \$ 6,475,088.00 2nd Year \$ 6,543,880.00 3rd Year \$ 6,609,319.00 Total: \$ 19,628,287.00	
		Own / Lease: Purchase	SF / Acreage:
Construction Jobs: 0		Proposed Project Location: 600 and 601 High St., Endicott, NY 13760	
Company Contact For Bid Documents & Employment Opportunities: Walter Reidy, SVP, Century Health Capital, Inc. 18 Division Street, Saratoga Springs, NY 12886 (518) 583-1667		Description: *See Attached	
PROJECT BUDGET		ASSESSMENT	
Land Related Costs	\$ 300,000.00	Current Assessment	\$ 48,000,000.00
Building Related Costs	\$ 9,550,000.00	Asmt. At Completion (Est.)	\$ 14,000,000.00
M & E Costs	\$ 450,000.00	EXEMPTION (Est.)	
F F & E Costs	\$ 300,000.00	Sales Tax @ 8%	\$ 60,000.00
Professional Services/Development Cost	\$ 162,978.00	Mortgage Tax	\$ 104,000.00
Total Other Costs	\$ 2,400,000.00	Property Tax Payments	*See Attached
Working Capital Costs			
Closing Costs			
Agency Fee	\$ 131,630.00	TOT. PROP. TAX.SVGS:	\$ 16,837,291.25
TOTAL:	\$ 13,294,608.00	TOTAL EXEMPTIONS:	\$ 17,001,291.25
Project Type (Check all that apply) <input type="checkbox"/> Manufacturing, Warehousing, Distribution <input type="checkbox"/> Agricultural, Food Processing <input type="checkbox"/> Adaptive Reuse, Community Development <input checked="" type="checkbox"/> Housing Development <input type="checkbox"/> Retail* <input type="checkbox"/> Back Office, Data, Call Centers		Project Criteria Met (Check all that apply) <input checked="" type="checkbox"/> Project will create and /or retain permanent jobs <input checked="" type="checkbox"/> Project will be completed in a timely fashion <input checked="" type="checkbox"/> Project will create new revenue to local taxing jurisdictions <input checked="" type="checkbox"/> Project benefits outweigh costs <input checked="" type="checkbox"/> Other public benefits	
<small>*Uniform Tax Policy does not typically provide tax exemptions for Retail Projects</small>		<small>*New York State Required Criteria</small>	
Pilot Type <input type="checkbox"/> Standard year <input type="checkbox"/> <input checked="" type="checkbox"/> Deviated <u>20</u> year		The Town has reviewed and provided a pilot schedule according to these terms.	
Staff Comments: This project includes the purchase of the Ideal Senior Living Center from a non-profit to a for-profit entity. The Village will receive property tax revenue as a result of this purchase. In addition, 286 jobs will be retained and 6 new jobs will be created. This property will continue to provide quality and affordable care for those in need of assisted-living and will continue to provide jobs in the health care industry.			

Narrative Description of Project

Pursuant to an Asset Purchase Agreement dated Sept. 5, 2017 (APA), ISLACF, LLC, doing business as The Pavilion at Ideal Commons, agreed to purchase the following Adult Home (AH), Assisted Living Program (ALP), and licensed home health care (LHCSA) assets, and to take over operations, from Ideal Senior Living Center and Ideal Senior Living Center Housing Corporation, located at 600 and 601 High Avenue, Endicott, New York:

- 70-bed AH
- 35-bed ALP
- 150-bed Residential Health Care Facility (RHCF)—d/b/a Ideal Senior Living Center, Inc.

600 High Avenue, LLC will lease the RHCF for 40 years to ISLRNC and the ACF and independent living apartments to ISLACF, LLC. ISLRNC and ISLACF are related entities having common ownership. The lease payment is \$48,324 per month (\$579,888 annually).

For purposes of this IDA PILOT application, ISLACF, LLC and ISLRNC, LLC will be the new Operators of The Pavilion and the Senior Living Center. And High Avenue Realty, LLC and 600 High Avenue, LLC will be the new Owners of the real property. Collectively, these four entities may be deemed "The Applicant."

ISLACF, LLC has submitted to DOH an ACF Common Application for approval to become the new operator of Ideal Senior Living Center, and an Application for Home Care Licensure for Public Health and Health Planning Council approval to become the new operator of Ideal Senior Living Center Housing Corporation. A Certificate of Need (C.O.N.) application has been separately submitted to DOH by ISLRNC, LLC, seeking approval to become the new operator of Ideal Senior Living Center.

The three owners (members) of ISLACF, LLC and ISLRNC, LLC are Uri Koenig (60%), Efraim Steif (39.9%), and David Camerota (0.1%), with Messrs. Koenig and Steif as the initial managing members of these entities as well as of the LHCSA.

No construction is proposed as part of this Application, and no renovations are required to change the operator.

The Pavilion at Ideal Commons will continue to serve elderly residents of Broome County (as well as Chenango and Tioga Counties) in need of assistance.

**Broome County Industrial Development Agency
Incentive Analysis**

Project Name/Address: Ideal Senior Living Center
Project Start Date: 2018
Project End Date: 2019

Project Description: This project includes the purchase of the Ideal Senior Living Center from a non-profit to a for-profit entity. The Village will receive property tax revenue as a result of this purchase. This property will continue to provide quality and affordable care for those in need of assisted-living and will continue to provide jobs in the health care industry.

BENEFIT

Investment: Public/Private/Equity

Land Related Costs	\$	300,000.00	
Building Related Costs		\$9,550,000.00	
Professional Fees/ Development	\$	3,312,978.00	
Other Costs			
TOTAL INVESTMENT		\$13,162,978.00	<u>\$13,162,978.00</u>
 New Mortgages		 \$0.00	
Jobs			
New		6	
Retained		<u>286</u>	
TOTAL JOBS		292	
Annual Payroll		(estimated with benefits)	
Term # Years		3 years	
TOTAL PAYROLL			\$ -
PILOT PAYMENTS	\$	1,715,550.00 (see Pilot Schedule)	<u>\$1,715,550.00</u>
TOTAL BENEFIT	\$		<u>14,878,528</u>

Cost

Property Tax Estimate

Fair Market Value	\$	19,444,444
Equalization Rate		72%
Assessment	\$	14,000,000

Tax Rates

Town/City/County	48.09	Annual tax	67,326.00
School	51.91	Annual tax	72,674.00

ANNUAL TAX	100	140,000.00
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Pilot Schedule

Terms/Years	Tax	% Abatement	*Pilot Payment	Abatement
			\$ -	
SEE PILOT SCHEDULE				
Total				

* Assume a 2% Tax Increase Per Year

TOTAL ABATEMENT	\$ 1,715,550.00	
SALES TAX ABATEMENT	\$ 60,000.00	
MORTGAGE RECORDING TAX	\$ 104,000.00	
AGENCY FEE	\$ 131,630.00	
TOTAL COST	\$ 1,747,920.00	\$ 1,747,920.00

NET BENEFIT/COST \$ 13,130,608.00

Benefit/Cost Ratio 8.51 to 1

Comments/Additional Revenue:

This project includes the purchase of the Ideal Senior Living Center from a non-profit to a for-profit entity. The Village will receive property tax revenue as a result of this purchase. In addition, 286 jobs will be retained and 6 new jobs will be created. This property will continue to provide quality and affordable care for those in need of assisted-living and will continue to provide jobs in the health care industry.

Any Additional Public Benefits:

Ideal Senior Living Center
 PILOT Schedule

Year	Tax Without PILOT	With 2% Annual	PILOT Payment	Village 31.57%	Town 2.34%	County 14.18%	School 51.91%
1	\$ 763,572.00	\$ 763,572.00	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
2	\$ 763,572.00	\$ 778,843.44	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
3	\$ 763,572.00	\$ 794,420.31	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
4	\$ 763,572.00	\$ 810,308.71	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
5	\$ 763,572.00	\$ 826,514.89	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
6	\$ 763,572.00	\$ 843,045.19	\$ 65,000.00	\$ 20,520.50	\$ 1,521.00	\$ 9,217.00	\$ 33,741.50
7	\$ 763,572.00	\$ 859,906.09	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
8	\$ 763,572.00	\$ 877,104.21	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
9	\$ 763,572.00	\$ 894,646.30	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
10	\$ 763,572.00	\$ 912,539.22	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
11	\$ 763,572.00	\$ 930,790.01	\$ 78,000.00	\$ 24,624.60	\$ 1,825.20	\$ 11,060.40	\$ 40,489.80
12	\$ 763,572.00	\$ 949,405.81	\$ 93,600.00	\$ 29,549.52	\$ 2,190.24	\$ 13,272.48	\$ 48,587.76
13	\$ 763,572.00	\$ 968,393.92	\$ 93,600.00	\$ 29,549.52	\$ 2,190.24	\$ 13,272.48	\$ 48,587.76
14	\$ 763,572.00	\$ 987,761.80	\$ 93,600.00	\$ 29,549.52	\$ 2,190.24	\$ 13,272.48	\$ 48,587.76
15	\$ 763,572.00	\$ 1,007,517.04	\$ 93,600.00	\$ 29,549.52	\$ 2,190.24	\$ 13,272.48	\$ 48,587.76
16	\$ 763,572.00	\$ 1,027,667.38	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
17	\$ 763,572.00	\$ 1,048,220.73	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
18	\$ 763,572.00	\$ 1,069,185.14	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
19	\$ 763,572.00	\$ 1,090,568.84	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
20	\$ 763,572.00	\$ 1,112,380.22	\$ 112,230.00	\$ 35,431.01	\$ 2,626.18	\$ 15,914.21	\$ 58,258.59
	\$15,271,440.00	\$18,552,791.25	\$ 1,715,550.00	\$ 541,599.14	\$ 40,143.87	\$ 243,264.99	\$ 890,542.01

VILLAGE OF ENDICOTT
OFFICE OF THE VILLAGE MANAGER
1009 E MAIN ST
ENDICOTT, NY 13760
607.757.5337

November 1, 2018

The Agency
Broome County IDA/LDC
5 South College Dr.
Binghamton, NY 13905

To whom this may concern:

Please find enclosed the paperwork for the proposed PILOT for the Village of Endicott property and lots located at 600-601 High Ave; parcel ID's 157.13-7-36; 157.13-7-38 and 157.13-7-42.

Please let me know if you need anything else regarding this proposed PILOT.

Thank You.



Anthony J. Bates
Village Manager

**VILLAGE OF ENDICOTT
1009 E. MAIN ST
ENDICOTT, NY 13760**

**IDEAL NURSING FACILITY PILOT
R#18-32**

WHEREAS, the Village of Endicott Board of Trustees approves the proposed PILOT and PILOT schedule as attached for the property located at 600-601 High Ave (tax map ID# 157.13-7-38; 157.13-7-36 and 157.13-7-42;

WHEREAS, the applicants information is;

- a. 600 High Ave, LLC (real estate);
- b. ISLRNC, LLC (operator)
- c. ICLACF, LLC (operator)

IT IS HEREBY RESOLVED, that this resolution take effect immediately

A motion was made by Trustee Konecny and seconded by Trustee Chapman to approve R#18-32

Ayes – 5 Nays – 0 Absent – 0

Roll Call

Mayor Bertoni- Aye Baker –Aye Konecny- Aye
Chapman – Aye Coppola - Aye

This Resolution R#18-32 was adopted at the Regular Meeting of the Village of Endicott Board of Trustees held on October 30, 2018

Anthony J Bates
Village Manager

PILOT Schedule
Ideal Senior Living Center
600 and 601 High Ave

<u>Year</u>	<u>PILOT Payment</u>	<u>Village</u> 31.57%	<u>Town</u> 2.34%	<u>County</u> 14.18%	<u>School</u> 51.91%
1	\$65,000.00	\$20,520.50	\$1,521.00	\$9,217.00	\$33,741.50
2	\$65,000.00	\$20,520.50	\$1,521.00	\$9,217.00	\$33,741.50
3	\$65,000.00	\$20,520.50	\$1,521.00	\$9,217.00	\$33,741.50
4	\$65,000.00	\$20,520.50	\$1,521.00	\$9,217.00	\$33,741.50
5	\$65,000.00	\$20,520.50	\$1,521.00	\$9,217.00	\$33,741.50
6	\$65,000.00	\$20,520.50	\$1,521.00	\$9,217.00	\$33,741.50
7	\$78,000.00	\$24,624.60	\$1,825.20	\$11,060.40	\$40,489.80
8	\$78,000.00	\$24,624.60	\$1,825.20	\$11,060.40	\$40,489.80
9	\$78,000.00	\$24,624.60	\$1,825.20	\$11,060.40	\$40,489.80
10	\$78,000.00	\$24,624.60	\$1,825.20	\$11,060.40	\$40,489.80
11	\$78,000.00	\$24,624.60	\$1,825.20	\$11,060.40	\$40,489.80
12	\$93,600.00	\$29,549.52	\$2,190.24	\$13,272.48	\$48,587.76
13	\$93,600.00	\$29,549.52	\$2,190.24	\$13,272.48	\$48,587.76
14	\$93,600.00	\$29,549.52	\$2,190.24	\$13,272.48	\$48,587.76
15	\$93,600.00	\$29,549.52	\$2,190.24	\$13,272.48	\$48,587.76
16	\$112,230.00	\$35,431.01	\$2,626.18	\$15,914.21	\$58,258.59
17	\$112,230.00	\$35,431.01	\$2,626.18	\$15,914.21	\$58,258.59
18	\$112,230.00	\$35,431.01	\$2,626.18	\$15,914.21	\$58,258.59
19	\$112,230.00	\$35,431.01	\$2,626.18	\$15,914.21	\$58,258.59
20	\$112,230.00	\$35,431.01	\$2,626.18	\$15,914.21	\$58,258.59
		\$541,599.14	\$40,143.87	\$243,264.99	\$890,542.01

SUBMISSION TO VILLAGE OF ENDICOTT

APPLICATION FOR BENEFITS/IDA

AMENDMENT TO APPLICATION TO IDA DATED AUGUST 30, 2018 (8/30/2018)


Tax Map # 157.013-7-36; 157.013-7-38; 157.013-7-42
Property: 600 and 601 High Avenue, Endicott, NY
Applicant (a) 600 High Avenue, LLC (real estate); (b) ISLRNC, LLC (operator);
(c) ISLACF, LLC (operator)
Attorney: Kenneth S. Kamlet, Harvey D. Mervis
Hinman, Howard & Kattell, LLP


I Amendment to Application for Benefits/IDA

Amended paragraph G (page 7)

- G. An affordable and sustainable deviated PILOT would have the following suggested components:
- I) Term 20 Years
 - II) Years 1 – 6: Taxes frozen at \$65,000/yr
 - III) Years 7 – 11: Taxes frozen at \$78,000/yr
 - IV) Years 12 – 15: Taxes frozen at \$93,600/yr
 - V) Years 16 – 20: Taxes frozen at \$112,230/yr
 - VI) Year 21 and Beyond – Assessed value as agreed or determined

Dated: October 25, 2018


Kenneth S. Kamlet, Esq.


Harvey D. Mervis, Esq.
Hinman, Howard & Kattell, LLP
Attorneys for: 600 High Avenue Realty,
LLC and High Avenue, LLC

250 MAIN LLC.

138 Albany Ave. Johnson City, NY 13790 | 607-644-3959 | tsheredy47@gmail.com

7/23/19

The Agency
Thomas Gray
FIVE South College Drive
Binghamton, NY 13905

Dear Mr.Gray:

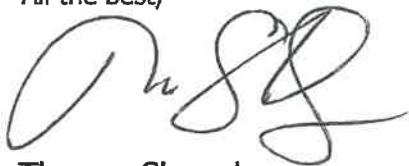
On behalf of 250 Main LLC. We are grateful for The Agency's support throughout our project.

Several months back you granted us a "Tax Exempt" status on our project. For that we are grateful, it has been a great savings to our overall budget.

We are writing you today to request an extension until 12/31/19 on the "Tax Exempt" status, due to the delay in closing on the financing of our loan with The Agency & the REDC.

We appreciate your time in addressing this matter.

All the best,

A handwritten signature in black ink, appearing to read 'T. Sheredy', written in a cursive style.

Thomas Sheredy

Cc: Kathryn Sheredy

Carrie Hornbeck

From: Tom Gray
Sent: Monday, July 29, 2019 3:36 PM
To: Carrie Hornbeck
Subject: FW: Sales Tax Exemption

Please see the email below.

Thomas M. Gray
Senior Deputy Director of Operations
THE AGENCY
Broome County IDA/LDC
FIVE South College Drive
Binghamton, NY 13905
607.584.9000

On 7/29/19, 3:25 PM, "david whalen" <davidwhalen8@gmail.com> wrote:

Hi Tom,

Hope this finds you well. I'd like to request an extension Of our sales tax exemption through the end of the year if possible.

There have been some construction delays as we're awaiting approval of our main st grant application from the Village of JC.

The woman administering the grant program quit recently and it delayed the awarding by several months. I spoke with the woman that replaced her last Friday and she assured me they were making headway and we should still be on schedule for this construction season.

I'm happy to attend the next board meeting to explain this and answer any questions if necessary. Let me know!

Best Regards,

David
607-427-6645
Binghamtonhots.com

Introduction

The Agency Broome County IDA/LDC (“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 discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with The Agency. Employees can also file a complaint with a government agency or in court under federal, state or local anti-discrimination laws.

Policy:

1. The Agency's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with The Agency. In the remainder of this document, the term “employees” refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. **Retaliation Prohibition:** No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Agency will not tolerate such retaliation against 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, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Executive Director. All employees, paid or unpaid interns or non-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.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject The Agency to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who

¹ 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 and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services 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.

engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. 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 internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Agency will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Executive Director.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is "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 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.

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 discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, 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 “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

The following describes some of the 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.
- 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.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying 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 such displays while in the workplace.
- 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.

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, paid or unpaid 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.

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).

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." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment 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.

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, paid or unpaid 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 the Executive Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Executive Director.

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.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

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 the Executive Director.

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.

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 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. The investigation will be kept confidential to the extent 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 should be done in accordance with the following steps:

- Upon receipt of complaint, the Executive Director will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo 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).
- Keep 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 of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by The Agency but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at The Agency, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

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, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with 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 DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

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

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, 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.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination 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 from the harassment. 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, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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.

Approved and Adopted this ____ day of ____, 2019.

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHISTLEBLOWER POLICY

Every member of the Board of Directors (the "Board") of the Broome County Industrial Development Agency (The Agency) and all officers and employees thereof, in the performance of their duties shall conduct themselves with honesty and integrity and observe the highest standard of business and personal ethics set forth in the Code of Ethics of The Agency (the "Code.")

Each member, officer or employee is responsible to report any violations of the Code (whether suspected or known) to The Agency's Executive Director. Reports of violations will be kept confidential to the extent possible. No individual, regardless of their position with The Agency, will be subject to any retaliation against someone who has reported a violation, shall be subject to disciplinary action which may include termination of employment. Regardless, any claim of retaliation will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate offense.

The Executive Director is responsible for immediately forwarding any claim to The Agency's counsel who shall investigate and handle the claim in a timely manner.

In accordance with Public Authorities Law Section 2857, no state or local authority shall fire, discharge, demote, suspend, threaten, harass or discriminate against an employee because of the employee's role as a whistleblower, insofar as the actions taken by the employee are legal.

Approved and Adopted this ____ day of August, 2019