

THE AGENCY

BROOME COUNTY IDA / LDC

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

August 21, 2019 • 3:30 p.m. • The Agency Conference Room
FIVE South College Drive, Suite 201, 2nd Floor
Binghamton, New York 13905

REVISED AGENDA

1. Call to Order J. Bernardo
2. Approve Minutes – July 17, 2019 Board Meeting J. Bernardo
3. Public Comment J. Bernardo
4. Executive Director’s Report S. Duncan
 - Updates
 - Internal Financial Report – July 31, 2019
5. Loan Funds Availability as of July 31, 2019 T. Gray

New Business

6. 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, 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 a Sales Tax Exemption in an Amount not to Exceed \$1,467,980.00 S. Duncan
7. Resolution Accepting an Application from 1435-1439 Marchuska, LLC and Authorizing a Sales and Use Tax Exemption in an Amount not to Exceed \$64,000.00, Consistent with the Policies of The Agency, in Connection with the Renovation and Equipping of the Property and Building Located at 408 Commerce Road, Town of Vestal, Broome County, New York S. Duncan
8. Resolution Consenting to the Transfer of Premises Located in the Town of Conklin, County of Broome, New York, by Maple Lane Holdings, LLC (“Maple Lane”) to Darden Direct Distribution, Inc., Together with all the Right, Title and Interest in and to a Certain Payment in Lieu of Tax Agreement By and Between Maple Lane and The Broome County Industrial Development Agency (The “Agency”) Dated August 31, 2007, Covering Premises set forth in Exhibit “A” Attached Hereto, and all the Right, Title and Interest in and to a Certain Payment in Lieu of Tax Agreement By and Between Maple Lane and The Agency Dated December 23, 2011, Covering Premises set forth in Exhibit “B” Attached Hereto S. Duncan

9. Resolution Approving an Extension of the February 20, 2019 Sales and Use Tax Exemption Agreement with 250 Main LLC from August 20, 2019 Through, and Including, December 31, 2019, of which the Total Shall Not Exceed \$17,280.00 T. Gray
10. Resolution Approving an Extension of the January 15, 2019 Sales Tax Agreement with 265 Main St LLC, Erroneously Named 265 Main Street, LLC in the Sales Tax Agreement from July 15, 2019 Through, and Including, December 31, 2019, of which the Total Shall Not Exceed \$4,000.00 T. Gray
11. Resolution Approving The Agency's Policy for Sexual Harassment, a copy of which is Attached Hereto as Exhibit "A" T. Gray
12. Resolution Approving The Agency's Amended WhistleBlower Policy, a copy of which is Attached Hereto as Exhibit "A" T. Gray
13. Discussion on 265 Industrial Park Drive Regarding the Promissory Note and Mortgage S. Duncan
14. Executive Session: To Discuss Sale of Property S. Duncan
15. Adjournment J. Bernardo



Olive Garden ■ Long-Horn Steakhouse ■ Cheddar's Scratch Kitchen ■ Yard House ■ The Capital Grille ■ Seasons 52 ■ Bahama Breeze ■ Eddie V's

August 15, 2019

Mr. Joseph B. Meagher
Thomas Collison & Meagher
1201 Monroe Street
Endicott, NY 13760

Re: Transfer of Payment-in-Lieu-of-Tax-Agreement ("PILOT")

Dear Mr. Meagher:

Darden Direct Distribution, Inc. ("Darden") is a wholly owned subsidiary of Darden Restaurants, Inc.. Darden is finalizing a purchase agreement for the food distribution center building currently owned by Maple Lane Holdings, LLC ("Maple Lane"). Pursuant to the PILOT Agreements, dated as of August 31, 2007 and December 23, 2011, respectively, between Maple Lane and the Broome County Industrial Development Agency (the "IDA") (collectively, the "PILOT Agreements"), Darden is respectfully requesting to the Broome County Industrial Development Agency that the PILOT Agreements be transferred to Darden . In connection therewith, Darden also respectfully requests the IDA's consent to the assignment from Maple Lane to Darden of those certain Lease Agreements and Leaseback Agreements, dated August 31, 2007 and December 23, 2011, respectively, between Maple Lane and the IDA. Darden requests that the transfers and consents be heard at the August 21, 2019 Industrial Development Agency meeting in order to facilitate closing the transaction with Maple Lane Holdings, LLC by August 30, 2019.

Please note that we do not anticipate any substantive changes to the food distribution and warehouse operations of the property. If you have any questions, please feel free to contact me at wkelly@darden.com (407-245-5638) or Michael Falleroni with Ryan, LLC, Darden's representative with respect to this matter, at Michael.falleroni@ryan.com (412.535.4400)

Thank you for your consideration of this request.

Sincerely,

William Keith Kelly
Vice President
Darden Direct Distribution, Inc.

cc: Michael Falleroni - Ryan, LLC
Stacey Duncan – Broome County Industrial Development Agency

