

THE AGENCY

B R O O M E C O U N T Y I D A / L D C

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

November 13, 2019 • 12:00 p.m. • The Agency Conference Room
FIVE South College Drive, Suite 201, 2nd Floor
Binghamton, New York 13905

AGENDA

- | | | |
|----|--|-------------|
| 1. | Call to Order | J. Bernardo |
| 2. | Approve Minutes – October 16, 2019 Board Meeting | J. Bernardo |
| 3. | Public Comment | J. Bernardo |
| 4. | Executive Director's Report | S. Duncan |
| | • Updates | |
| | • Internal Financial Report – October 31, 2019 | |
| 5. | Loan Activity Reports as of October 31, 2019 | T. Gray |

New Business

- | | | |
|-----|---|-------------|
| 6. | Resolution Authorizing a \$320,000 Loan Request From Davidge Holdings, LLC From the Steed and BDF Loan Programs to Assist it in the Acquisition of the Property and Building Located at 31 Front Street in the City of Binghamton, County of Broome and State of New York | T. Gray |
| 7. | Resolution Approving an Extension of the Sales and Use Tax Exemption Letter of SaveAround Parkway, LLC, Dated December 11, 2018 Through, and Including, November 20, 2020 | S. Duncan |
| 8. | Resolution Accepting an Application from Sam A. Lupo & Sons, Inc. and SSE3, LLC, for a Sale/Leaseback or a Lease/Leaseback Transaction to Facilitate the Financing of the Acquisition, Construction, Renovation and Equipping of 625 Dickson Street, Endicott, Town of Union, Broome County, New York and Authorizing The Agency to Set and Conduct a Public Hearing with Respect Thereto | S. Duncan |
| 9. | Resolution Accepting Final Scoping Document for the Draft Generic Environmental Impact Statement | S. Duncan |
| 10. | Resolution approving The Agency's Second Amended Uniform Tax Exemption Policy, a copy of which is Attached Hereto as Exhibit "A" | S. Duncan |
| 11. | Adjournment | J. Bernardo |

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BOARD MEETING**

**FIVE South College Drive; Suite 201, 2nd Floor
Binghamton, New York 13905
Wednesday, October 16, 2019, 12:00 pm**

SYNOPSIS OF MEETING

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

ABSENT: None

GUESTS: David Camerota, Upstate Services Group (USG)
Ken Kamlet, HH&K
Andria Adigwe, HH&K
John M. Carrigg, UHS
Joe Skinner, M&T
William Hoffman, M&T
John Solak, Binghamton, NY
Brian Haynes, Haynes, NY
Ted Warner, Endicott, NY
Jeff Platsky, Press & Sun Bulletin
Joseph Bertoni, Broome County Legislature
Aaron Martin, Broome County Legislature
Cheryl Chapman, Endicott Trustee

STAFF: S. Duncan, T. Gray, N. Abbadessa, C. Hornbeck, T. Ryan, B. O'Bryan and A. Williamson

COUNSEL: J. Meagher

PRESIDING: J. Bernardo

The meeting was called to order at 12:03 p.m.

ITEM #1. APPROVE MINUTES FOR THE SEPTEMBER 18, 2019 BOARD MEETING: Chairman Bernardo asked for comments and/or a motion relative to the minutes of September 18, 2019.

MOTION: Mr. Stevens motioned to approve, seconded by Mr. Crocker.

ITEM #2. PUBLIC COMMENT:

Chairman Bernardo stated if anyone is wishing to speak concerning the Industrial Development Agency, please state your name and address for the record:

Mr. John Solak, Binghamton, addressed the Board, regarding:

Public Hearing Minutes – Questioned how transmitted to Board Members

Spark Broome, LLC – Employment Numbers

Ms. Cheryl Chapman, Endicott Trustee, addressed the Board regarding the Ideal Project.

Chairman Bernardo asked if anyone else would like to comment; hearing none, closed the comment period.

ITEM #3. EXECUTIVE DIRECTOR’S REPORT:

Ms. Duncan provided updates on the following:

STATE OF THE WORKFORCE EVENT

Ms. Duncan advised that a State of the Workforce Event in partnership with the Greater Binghamton Chamber of Commerce was held on October 4th; one hundred people attended from the area’s six targeted industries. The area’s largest employment sectors are Health Care, Manufacturing and Education. An update of the on-going efforts of the Broome Talent Task Force will be presented.

NYATEP/NYSEDC

On October 28th and 29th Ms. Abbadessa and Ms. Duncan will be attending NYATEP (New York State Training of Educational Professionals) and NYSEDC – our state association, for an economic development and workforce conference. This is the second time the two have joined forces; a demonstration of how closely aligned the workforce and economic development worlds are.

CHMURA

Ms. Abbadessa will be attending a conference in November in partnership with Chmura Analytics, to

utilize the software The Agency has been using, which has been tremendously helpful with demographic economic information for a number of site selector inquiries, and with our continued workforce collaboration.

SAVEAROUND CLOSING

Ms. Duncan expects SaveAround will close this week. This is a transfer of parcels The Agency has owned adjacent to The Emerson Building, which was purchased by SaveAround. Those two parcels will be transferred over effectively by Thursday, October 17, 2019.

GIVING TREE

In collaboration with The Agency's building partners, we have decided to give back to the community. Beginning November 2nd, when entering through the main lobby, you will see a Giving Tree. Building tenants will be partnering with Family Enrichment Network, as well as a Chow.

Chairman Bernardo asked if there were questions of Ms. Duncan; hearing none, thanked Ms. Duncan.

ITEM #4. LOAN FUNDS AVAILABILITY AS OF AUGUST 31, 2019: The Loan Funds Availability Reports for August were presented to the Board. The balances available to lend are \$566,229.86 (STEED), \$344,763.75 (BDF) and \$101,219.48 (BR + E). Chairman Bernardo asked if the Board had an opportunity to review the Internal Financial Reports. Chairman Bernardo stated The Agency has a new format comparison to budget, which was distributed this morning. Chairman Bernardo asked if there were any questions related to the new format or to Mr. Gray. Regarding outstanding loans, Mr. Gray stated he didn't have anything to add, except for a couple potential loan applications. Chairman Bernardo thanked Mr. Gray.

MOTION: No motion necessary.

ITEM #5. RESOLUTION AUTHORIZING A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE REDEVELOPMENT, RENOVATION, SUBDIVISION, REPURPOSING AND EQUIPPING OF THE 150,000 +/- SQUARE FOOT, TWO-STORY FORMER SEARS BUILDING LOCATED WITHIN THE OAKDALE MALL, SITUATE AT 501 REYNOLDS ROAD, VILLAGE OF JOHNSON CITY, TOWN OF UNION, BROOME COUNTY, NEW YORK, AND APPOINTING SPARK BROOME, LLC (THE "COMPANY"), AS AGENT OF THE AGENCY FOR THE

PURPOSE OF THE REDEVELOPMENT, RENOVATION, SUBDIVISION, REPURPOSING AND EQUIPPING OF 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 \$200,000.00: Chairman Bernardo stated The Agency held a Governance Committee meeting with members of Spark Broome, LLC in attendance. Ms. Duncan stated that as The Agency does with all proposed projects, staff has deliberated and reviewed all documentation and strongly supports this application and approval of benefits for the following reasons: The facility will be at full occupancy upon completion of the transfer and will retain much needed revenue to the Village of Johnson City and the Johnson City School District and includes approximately \$12,000,000.00 of new private investment, not including Lourdes investment, which was outlined by President and CEO Kathy Connerton. The Lourdes project includes the creation of an innovative health and wellness facility, as well as child care center to be operated by Lourdes Hospital, one of our area's largest employers, and fastest growing employment sector. The facility will have a medically-designated, on-site team to serve individuals based on their specific health needs. One hundred and forty-five jobs will be retained; two hundred new jobs will be created at the facility. Beer Tree Brew Works, Inc. will occupy about 20,000 square feet of the facility to expand their locally-grown operation at the north side and create fifty new jobs. This project has received priority project status by the Empire State Development for their expansion, though their consolidated funding application. The Broome County Office of Employment and Training will occupy 35,000 square feet, creating new and modern offices, classroom and training space, with a retention of jobs. This new site will provide a central location, with public transportation for clients, serving both Broome and Tioga counties. The Agency believes this project will serve as a catalyst for redevelopment of the Oakdale Mall and the neighboring businesses. The applicant has pursued a deviated PILOT, which was approved by the Village of Johnson City. A copy of the resolution has been provided. The project has garnered support from the Johnson City School District. Ms. Duncan stated for those reasons, The Agency believes the project should move forward. Ms. Duncan asked if there are any questions. Chairman Bernardo asked if this was forwarded for recommendation from the Governance Committee. Mr. Bucci responded that retention of jobs was considered by the Governance Committee and developers were asked to outline their ability to meet those projections and that the project was recommended to the full Board for approval.

MOTION: To Authorize a Lease/Leaseback Transaction to Facilitate the Redevelopment, Renovation, Subdivision, Repurposing and Equipping of the 150,000 +/- Square Foot, Two-Story Former Sears Building Located within the Oakdale Mall, Situate at 501 Reynolds Road, Village of Johnson City, Town of Union, Broome County, New York, and Appointing Spark Broome, LLC (The "Company"), as Agent of The Agency

for the Purpose of the Redevelopment, Renovation, Subdivision, Repurposing 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 and a Sales Tax Exemption in an Amount not to Exceed \$200,000.00. On a MOTION by Mr. Bucci; seconded by Mr. Mirabito, the MOTION CARRIED (8 to 1 – Ms. Sacco abstained).

ITEM #6. RESOLUTION APPROVING THE EXTENSION OF THE SALES AND USE TAX EXEMPTION AGREEMENT FOR THE BROOME CULINARY REALTY, LLC LEASE/LEASEBACK PROJECT FROM DECEMBER 29, 2017 THROUGH, AND INCLUDING JUNE 30, 2020, OF WHICH THE TOTAL SHALL NOT EXCEED \$754,000.00: Ms. Duncan stated that Mr. Michael Sullivan, SUNY Broome's CFO addressed the Governance Committee on Monday, October 14, 2019. This is a request for a length of term, not the amount, which was addressed at last month's Board meeting. The extension would carry Broome Culinary Realty, LLC's exemption through June 30, 2020. Mr. Bucci stated that the project was recommended to the full Board for approval.

MOTION: To Approve the Extension of the Sales and Use Tax Exemption Agreement for the Broome Culinary Realty, LLC Lease/Leaseback Project from December 29, 2017 Through, and Including June 30, 2020, of which the Total Shall not Exceed \$754,000.00. On a MOTION by Mr. Bucci; seconded by Ms. Sacco, the MOTION CARRIED UNANIMOUSLY.

ITEM #7: RESOLUTION AUTHORIZING A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE ACQUISITION, RENOVATION 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 AND A SALES TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$123,400.00: Ms. Duncan thanked Mr. John Carrigg, President and CEO of UHS (United Health Services) and Mr. David Camerota, Director of Operations for USG (Upstate Services Group), representatives from HH&K, for attending today's Board meeting. Ms. Duncan advised the Board that all were present at the Governance Committee meeting and presented on the project. Ms. Duncan further advised that she attended the meeting that Trustee Chapman referenced on September 26th with the Village of Endicott,

which cleared up misconceptions or misinformation on some of the details of the project. For consideration today is an application by USG for the purchase and improvements to the Ideal Living Center in the Village of Endicott. USG will purchase the facility directly from UHS and will make an investment of roughly \$1.2-1.5 million in improvements and upgrades to the facility. Ideal will retain quality service for their independent units, as well as their full-service senior care. This has been an on-going process for four years now, with required approvals from the Department of Health. The Agency staff strongly support the project for the following reasons: The Village of Endicott has twice affirmed their support for The Agency's Uniform Tax Exemption Policy, most recently, at their meeting on October 8th, where they voted to keep existing PILOT schedule in place. UHS is the largest employer in Broome County and efforts to step out of an area where the applicant has a proven track record, with working with the NYS Department of Health, and has secured all necessary approval, with more than fifteen licenses to own and operate facilities in New York State. Most importantly, these existing jobs will be retained at the facility; some will be transitioned to a different employer, contracting with the buyers, but all jobs will be retained. This facility is not currently, nor has been subject to tax payments previously; the sale will provide new net revenue to the village. Likelihood of a closure has been outlined should this project not move forward. Ms. Duncan stated for these reasons she encourages the Board to approve the application. Chairman Bernardo asked if there were any questions of Ms. Duncan. Mr. Bucci stated when the Governance Committee met, many factors were taken into consideration, a number of which Ms. Duncan just outline. Among them is the jobs. Mr. Bucci then asked Mr. Camerota to recap the job scenario for the Board. Mr. Camerota stated USG will be bringing everybody over, short of the UHS positions such as linen and therapy, which will remain. USG looks for job growth and career advancement. USG has a health care career path that they plan to institute at Ideal at entry level for CNA's (clinical nursing assistants) and USG will help with tuition assistance for licensed practical nurses and registered nurses. A brief discussion followed.

MOTION: To Authorize a Lease/Leaseback Transaction to Facilitate the Acquisition, Renovation 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 and a Sales Tax Exemption in an amount not to Exceed \$123,400.00. On a MOTION by Mr. Stevens; seconded by Mr. Rose, the MOTION CARRIED (7 to 2 – Chairman Bernardo opposed; Ms. Sacco abstained).

ITEM #8 RESOLUTION TO AUTHORIZE AND DIRECT THE PREPARATION OF A DOCUMENT ENTITLED “POSITIVE DECLARATION, NOTICE OF INTENT TO PREPARE A DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT (DGEIS), DETERMINATION OF SIGNIFICANCE”: Ms. Duncan stated the resolution before the Board relates to The Agency’s on-going process for redevelopment of 600 Main Street, which includes an acknowledgement by the Board that as part of the determination of significance, there could be positive declaration, which in this case means that there could be an adverse environmental impact on the redevelopment site. To continue the scoping and complete SEQR (State Quality Environmental Review), this measure is the next step in the process. Our last step was to declare Lead Agency status. Ms. Duncan stated if there are any questions, she or Mr. O’Bryan would respond. Hearing no questions, Chairman Bernardo asked for a motion.

MOTION: To Authorize and Direct the Preparation of a Document Entitled “Positive Declaration, Notice of Intent to Prepare a Draft Generic Environmental Impact Statement (DGEIS), Determination of Significance.” On a MOTION by Mr. Bucci, seconded by Ms. Sacco, the MOTION CARRIED (8 to 1 – Mr. Peduto abstained).

ITEM #9 REVIEW OF INVESTMENT PORTFOLIO: Mr. Stevens advised the Board that Mr. Brad Eaton, our Account Manager from NBT, discussed the Investment Portfolio for The Agency at length, during the IDA Audit & Finance Committee meeting. Mr. Stevens stated Mr. Eaton does not see a recession happening in 2020. A brief explanation by Mr. Stevens followed. Chairman Bernardo asked if there were any questions for Mr. Stevens.

MOTION: No motion necessary.

ITEM #10. 2020 IDA BUDGET: Ms. Duncan stated the Board should have received a copy of The Agency’s proposed budget. Ms. Duncan continued this is being set for approval, so The Agency can send to our auditors at the end of this month. This is a relatively static budget; Ms. Duncan asked if there are any specific questions on any line items? Ms. Duncan continued that the IDA Audit & Finance Committee met on October 9th. Mr. Stevens stated the Audit & Finance Committee went through the proposed budget line by line and recommend approval. Chairman Bernardo asked if there were any questions. Mr. Bucci questioned separating contractors with different fields, whether the Board would look at this separately, or if they will be included. Ms. Duncan stated The Agency may consider a change regarding bookkeeping; The Agency has maintained the same line item, as before. A short interaction followed. Chairman Bernardo asked if there were any other questions; hearing none, asked for a motion.

MOTION: Approval of the 2020 IDA Budget. On a MOTION by Mr. Howard, seconded by Mr. Crocker, the MOTION CARRIED UNANIMOUSLY.

ITEM #11: RESOLUTION APPROVING THE AGENCY'S SEXUAL HARASSMENT PROCEDURE POLICY FORM, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A": Ms. Duncan stated the Board recently approved a Sexual Harassment Policy, which requires a Policy Notice be posted inside the organization's facility. Chairman Bernardo asked for questions.

MOTION: To Approve The Agency's Sexual Harassment Procedure Policy Form, a copy of which is Attached Hereto as Exhibit "A." On a MOTION by Mr. Stevens; seconded by Ms. Sacco, the MOTION CARRIED UNANIMOUSLY

ITEM #12: EXECUTIVE SESSION: DISCUSSION ON EXECUTIVE SERVICES SHARING AGREEMENT:

MOTION: To Convene to Executive Session at 12:35 p.m. On a MOTION by Mr. Bucci, seconded by Mr. Mirabito, the MOTION CARRIED UNANIMOUSLY.

ITEM #13: RECONVENE FROM EXECUTIVE SESSION.

MOTION: To Reconvene back to Public Session at 12:55 p.m. On a MOTION by Mr. Stevens, seconded by Mr. Peduto, the MOTION CARRIED UNANIMOUSLY.

ITEM #14: RESOLUTION APPROVING AN EXECUTIVE SERVICES SHARING AGREEMENT: Mr. Howard stated the Personnel Committee met and recommended the Executive Services Sharing Agreement to the full Board for its approval.

MOTION: To Approve an Executive Services Sharing Agreement. On a MOTION by Mr. Howard, seconded by Mr. Stevens, the MOTION CARRIED UNANIMOUSLY.

ITEM #15: ADJOURNMENT: Chairman Bernardo requested a motion to adjourn.

MOTION: On a MOTION by Mr. Stevens, seconded by Mr. Peduto, the MOTION CARRIED UNANIMOUSLY, and the meeting was adjourned at 12:56 p.m.

The next meeting of The Agency Board of Directors is scheduled for Wednesday, November 20, 2019 at 12:00 p.m. at FIVE South College Drive, Suite 201, Binghamton, NY 13905.

Broome County IDA
Internal Financial Status Reports
October 31, 2019

Broome County IDA Financial Statements vs. Budget Month Ended 10/31/19				
	Month # ->		10	
	2019 Approved Budget	Actual YTD thru 10/31/19	Budgeted YTD thru 10/31/19	Variance
INCOME:				
A) Land/Building Income:				
265 Industrial Park Drive	\$ 218,000	\$ 36,889	\$ 181,667	\$ (144,777)
ADEC Mortgage	58,838	49,031	49,031	-
Airport Corporate Loan Hangar Lease	50,000	43,317	41,667	1,650
FIVE South College Drive Tentant Leases	87,600	73,117	73,000	117
Miscellaneous Income	10,000	23,784	8,333	15,450
Solar City	5,000	5,000	4,167	833
Subtotal	429,438	231,138	357,865	(126,727)
B) BCIDA Fees:				
IRB/Sale Leasback Fees	615,000	254,210	512,500	(258,290)
Loan Fund Administration	35,000	39,706	29,167	10,539
Subtotal	650,000	293,916	541,667	(247,751)
C) Other Income:				
Bank Interest	65,000	128,562	54,167	74,396
TOTAL INCOME	\$ 1,144,438	\$ 653,616	\$ 953,698	\$ (300,082)
EXPENSES:				
A) Administration:				
Salaries	\$ 492,000	\$ 410,033	\$ 410,000	\$ (33)
Benefits	192,000	138,428	160,000	21,572
Professional Service Contracts	40,000	31,600	33,333	1,733
Payroll Administration	2,000	1,370	1,667	297
Investment Management	12,000	18,018	10,000	(8,018)
Subtotal	738,000	599,449	615,000	15,551
B) Office Expense:				
Postage	2,000	1,770	1,667	(104)
Telephone/Internet Service	6,000	1,474	5,000	3,526
Equipment & Service/Repair Contracts	8,000	10,122	6,667	(3,455)
Supplies	7,000	5,795	5,833	38
Travel/Transportation	16,000	12,762	13,333	571
Meetings	16,000	14,596	13,333	(1,263)
Training/Professional Development	7,000	6,101	5,833	(268)
Membership/Dues/Subscriptions	6,000	6,585	5,000	(1,585)
Audit	15,000	7,000	12,500	5,500
Legal	64,000	54,382	53,333	(1,049)
Insurance (Agency, Director & Officers)	10,000	15,826	8,333	(7,492)
Contingency	5,000	10,940	4,167	(6,774)
Subtotal	162,000	147,354	135,000	(12,354)
C) Business Development:				
Advertising	40,000	29,623	33,333	3,711
Printing & Publishing	15,000	17,460	12,500	(4,960)
Public Relations Contract	40,000	24,321	33,333	9,012
Subtotal	95,000	71,403	79,167	7,763

Broome County IDA				
Financial Statements vs. Budget				
Month Ended 10/31/19				
	Month # ->	10		
	2019	Actual	Budgeted	
	Approved	YTD thru	YTD thru	
	Budget	10/31/19	10/31/19	Variance
D) FIVE South College Drive Expenses	87,600	77,444	73,000	(4,444)
E) Building/Property Maintenance:				
Broome Corporate Park				
Maintenance - Mowing/Snowplowing	4,000	6,156	3,333	(2,823)
Charles Street Business Park				
Maintenance - Mowing/Snowplowing	20,000	2,888	16,667	13,778
Frederick Street Property				
Insurance - Property	2,500	2,100	2,083	(17)
Maintenance - Mowing/Snowplowing	1,000	-	833	833
Utilities	250	176	208	32
600 Main Street				
Maintenance - Mowing/Snowplowing	20,000	13,650	16,667	3,017
Subtotal	47,750	24,970	39,792	14,821
TOTAL EXPENSES	\$ 1,130,350	\$ 920,621	\$ 941,958	\$ 21,338
OPERATING INCOME	\$ 14,088	\$ (267,005)	\$ 11,740	\$ (321,420)

Broome County IDA
Summary of Bank Deposits and Investments

	Account	Month End Balance	Statement Date	Rate
Cash & Bank Deposits				
	Petty Cash	100.00	10/31/2019	
	NBT BCIDA Checking	39,092.03	10/31/2019	0.00%
	NBT BCIDA Money Market	297,564.93	10/31/2019	0.00%
	Total Cash & Bank Deposits	<u>336,756.96</u>		
Portfolio Investment Accounts				
	Cash & Equivalents	-	10/31/2019	
	NBT Transition Account	251,164.02	10/31/2019	0.00%
	CDs & Time Deposits	-	10/31/2019	
	US Treasury Bonds & Notes	<u>7,055,229.65</u>	10/31/2019	2.06%
	Total Portfolio Value	<u>7,306,393.67</u>		
Total Cash, Bank Deposit Accounts & Investments		<u><u>7,643,150.63</u></u>		
Loan Funds				
STEED				
	Petty Cash	100.00	10/31/2019	
	NBT STEED Checking	51,694.88	10/31/2019	0.00%
	NBT STEED Money Market	557,570.60	10/31/2019	0.17%
	Total STEED	<u>609,365.48</u>		
BDF				
	NBT BDF Checking	567.96	10/31/2019	0.00%
	NBT BDF Money Market	350,392.54	10/31/2019	0.17%
	Total BDF	<u>350,960.50</u>		
Total Loan Funds		<u><u>960,325.98</u></u>		
Total Combined Funds		8,603,476.61		

Broome County IDA
Account Receivables

BCIDA Notes Receivable	Beginning Balance	Interest Rate	Total Principal Payments as of 10/31/2019	Total Interest Payments 10/31/2019	Outstanding Balance as of 10/31/2019	Status	Comments
265 Industrial Park Drive 3/29/2017	3,325,776.00	3.0%	175,701.62	137,857.77	3,150,074.38	210 Days	Building Sale Monthly Payment
ADEC 8/5/2015	710,000.00	3.0%	166,381.10	78,775.40	543,618.90	Current	Mortgage Agreement Monthly Payment \$4,903.13
Broome County - Airport Hangar 9/1/2016	241,067.88	3.0%	37,712.34	5,604.36	203,355.54	Current	Mortgage Agreement - Refinanced 1/1/19 Monthly Payment \$4,331.67
Broome County - Solar City 8/15/2016	100,000.00	0.0%	10,000.00	-	90,000.00	Current	Land Lease Annual Payment \$5,000
Precium Holdings - Charles St. 5/23/2017	80,000.00	3.0%	7,058.40	5,364.64	72,941.60	Current	Land Sale Monthly Payment \$443.68

Steed Loan Status

BORROWER	Opening Balance 1/1/2019	Current Balance 10/31/2019	Maturity Date	Status 10/31/2019
17 Kentucky Ave., LLC	218,712.87	208,179.34	1/1/2033	Current
20 Delaware Ave, LLC	127,556.03	111,206.76	1/1/2025	Current
AMT, Inc.	4,299.04	-	2/1/2019	Current
AMT, Inc. #2	20,960.00	12,353.80	12/1/2020	Current
Better Offer Properties, LLC	45,118.56	38,479.47	3/1/2024	Current
Concept Systems	80,830.05	64,103.54	10/1/2022	Current
Custom Machining Technology, Inc.	15,758.54	2,653.96	12/1/2019	Current
DNB Holdings, LLC (Silver Dollar Optical)	110,441.29	-	7/1/2021	Current
F.A. Guernsey, Co., Inc.	118,610.34	118,273.72	6/1/2024	Bankruptcy
Matco Group (formerly VMR Corp)	19,970.38	9,558.28	7/1/2020	Current
Mountain Fresh Dairy	94,816.36	92,416.06	12/1/2021	Litigation
MS Machining	22,682.90	17,587.47	7/1/2022	Current
Prepared Power	59,663.01	57,946.19	10/1/2033	Current
Roberts Stone	69,116.94	54,312.00	7/1/2022	60 Days
Sirgany Eyecare	119,315.84	90,503.08	4/1/2022	Current
SpecOp Tactical Center	70,453.61	70,453.61	5/1/2024	Litigation
T-Squared Custom Millwork, Inc.	35,836.04	30,576.88	4/1/2024	Current
Triple Cities Metal Finishing	39,792.47	9,278.60	1/1/2020	Current
TOTAL	1,273,934.27	987,882.76		

Business Development Fund Status

BORROWER	Opening Balance 1/1/2019	Current Balance 10/31/2019	Maturity Date	Status 10/31/2019
17 Kentucky Ave., LLC	99,117.74	94,639.74	10/1/2033	Current
20 Delaware Ave., LLC	124,367.43	108,426.95	1/1/2025	Current
265 Main St, LLC	148,734.32	144,428.75	9/1/2033	Current
ADEC Solutions USA, Inc.	138,799.74	122,686.93	9/1/2025	Current
Matco Group (formerly VMR Corp)	6,656.67	3,185.93	7/1/2020	Current
Mechanical Specialties Co.	18,146.38	14,070.06	7/1/2022	Current
Roberts Stone	45,149.16	35,478.24	7/1/2022	60 Days
SpecOp Tactical Center	74,856.90	74,856.90	5/1/2024	Litigation
250 Main Street, LLC	-	49,863.68	10/1/2029	Current
Total	655,828.34	647,637.18		

BR+E Loan Status

BORROWER	Opening Balance 1/1/2019	Current Balance 10/31/2019	Maturity Date	Status 10/31/2019
265 Main St, LLC	49,578.11	48,142.96	9/1/2033	Current
Grow Hemp, LLC	49,483.23	44,219.80	11/1/2025	Current
Prepared Power	49,719.18	48,288.50	10/1/2033	Current
250 Main Street, LLC		49,863.68	10/1/2029	Current
Total	148,780.52	190,514.94		

Loan Delinquency Status

STEED

F. A. Guernsey
Mountain Fresh Dairy
Roberts Stone
SpecOp Tactical

Bankruptcy
Litigation
60 Days
Litigation

BDF

Roberts Stone
SpecOp Tactical

60 Days
Litigation

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
LOAN FUNDS ACTIVITY AS OF
October 31, 2019**

STEED ACCOUNT BALANCE: \$ 609,265.48

Amount held at ARC in Washington, DC \$ 177,719.60

LOAN COMMITMENTS		Commitment Date	Expiration Date
Fuller Holding Company, LLC (SCT, Inc.)	\$200,000.00	7/17/2019	1/14/2020

Total STEED Loans Commitments \$200,000.00

Available to Lend \$ 586,985.08

BDF ACCOUNT BALANCE: \$ 350,960.50

LOAN COMMITMENTS		Commitment Date	Expiration Date
-------------------------	--	------------------------	------------------------

Total BDF Loan Commitments \$ -

Available to Lend \$ 350,960.50

BR+E \$ 101,219.48

LOAN COMMITMENTS		Commitment Date	Expiration Date
-------------------------	--	------------------------	------------------------

Total BRE Loan Commitments \$ -

Available to Lend \$ 101,219.48



SaveAround Corporate Office
30 Charles Street
Binghamton, NY 13905

October 21, 2019

Stacey Duncan - Executive Director
The Agency - Broome County IDA
Five South College Drive
Binghamton NY 13905

Dear Stacey,

SaveAround, Inc is requesting an extension of the Sales Tax Exemption that is currently set to expire, on our project, November 20, 2019. The reason for our request is due to vital equipment purchases, that we will be making over the next 12 months, that are critical to our strategic business growth and success.

Again, thank you and your team for your continued support and please let me know if you have questions on any aspects of our request.

Regards,

Kerry O'Brien
SaveAround, Inc.
607-343-3510

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT REVIEW FORM

Company: Sam A. Lupo & Sons, Inc./SSE3, LLC		IDA Meeting Date: 11/13/19	
Representative: Sam Lupo		IDA Public Hearing Date: TBD	
Type of Business: Manufacturing/Industrial Project Start Date: 2019 Project End Date: TBD		Company Address: 1221 Campville Rd Endicott, NY 13760	
Employment: <small>Full-Time Equivalent</small> Existing <u>42</u> 1st year <u>2</u> 2nd year <u>4</u> 3rd year <u>4</u> Total = 10	Total Yearly Payroll 1st Year \$ 51,689.96 2nd Year \$ 105,447.52 3rd Year \$ 107,556.48 Total: \$ 264,693.96	Own / Lease: Own	SF / Acreage: 10,500 sqft
Construction Jobs: 17		Proposed Project Location: 625 Dickson St. Endicott, NY 13760	
Company Contact For Bid Documents & Employment Opportunities: Todd Murcko, Peter A. Rotella Corporation 607.748.500, rotellacorp@aol.com		Description: *See Attached	
PROJECT BUDGET		ASSESSMENT	
Land Related Costs		Current Assessment	\$ 15,330.00
Building Related Costs	\$ 1,688,500.00	Asmt. At Completion (Est.)	\$ 72,250.00
M & E Costs	\$ 300,000.00	EXEMPTION (Est.)	
F F & E Costs	\$ 60,000.00	Sales Tax @ 8%	\$ 65,600.00
Professional Services/Development Cost	\$ 65,000.00	Mortgage Tax	
Total Other Costs	\$ 55,000.00	Property Tax Exemption	\$ 661,024.04
Working Capital Costs			
Closing Costs			
Agency Fee	\$ 21,685.00	TOTAL EXEMPTIONS:	\$ 726,624.04
TOTAL:	\$ 2,190,185.00	TOTAL PILOT PAYMENTS:	\$ 583,295.06
Project Type (Check all that apply) <div style="margin-top: 5px;"> <input checked="" type="checkbox"/> Manufacturing, Warehousing, Distribution <input checked="" type="checkbox"/> Agricultural, Food Processing <input type="checkbox"/> Adaptive Reuse, Community Development <input type="checkbox"/> Housing Development <input type="checkbox"/> Retail* <input type="checkbox"/> Back Office, Data, Call Centers <input type="checkbox"/> Commercial/Office </div>		Project Criteria Met (Check all that apply) <div style="margin-top: 5px;"> <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 </div>	
<small>*Uniform Tax Policy does not typically provide tax exemptions for Retail Projects</small>		<small>*New York State Required Criteria</small>	
Pilot Type <input checked="" type="checkbox"/> Standard <u>15</u> year <input type="checkbox"/> <input type="checkbox"/> Deviated _____ year			
Staff Comments:			

Sam A. Lupo & Sons, Inc Project Description

The purpose of the project is to enable Lupo's to maintain current business in a safe and sanitary environment, along with the ability to look for new business. The main building has been purchased. Lupo's will add a 9,000 square foot addition to be used for refrigerated production and coolers to USDA requirements. The existing building will be used for storage, employee areas and administration. There will be two loading docks and enough parking for all employees and four refrigerated trucks. The building will be remodeled along with the addition to also enable the company to be third party audited for food safety and quality. It is anticipated that the remodeling will also increase efficiency.

SAM A. LUPO & SONS, INC, SSE3,LLC PILOT SCHEDULE

<u>YEAR</u>	<u>FULL TAXES</u>	<u>% INCREASE</u>	<u>PILOT PAYMENT</u>	<u>BENEFIT</u>
2020	\$71,953.34	0%	\$15,267.05	\$56,686.29
2021	\$73,392.41	0%	\$15,267.05	\$58,125.36
2022	\$74,860.25	0%	\$15,267.05	\$59,593.20
2023	\$76,357.46	0%	\$15,267.05	\$61,090.41
2024	\$77,884.61	0%	\$15,267.05	\$62,617.56
2025	\$79,442.30	50%	\$43,610.20	\$35,832.11
2026	\$81,031.15	50%	\$43,610.20	\$37,420.95
2027	\$82,651.77	50%	\$43,610.20	\$39,041.58
2028	\$84,304.81	50%	\$43,610.20	\$40,694.61
2029	\$85,990.90	50%	\$43,610.20	\$42,380.71
2030	\$87,710.72	25%	\$57,781.77	\$29,928.95
2031	\$89,464.93	25%	\$57,781.77	\$31,683.17
2032	\$91,254.23	25%	\$57,781.77	\$33,472.47
2033	\$93,079.32	25%	\$57,781.77	\$35,297.55
2034	\$94,940.90	25%	\$57,781.77	\$37,159.14
	\$1,244,319.11		\$583,295.06	\$661,024.04

Based on an assumed 2% property tax increase per year
 Current Assessment \$15,330
 Final Assessment: \$72,250

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

Date: 11.5.19
 Project Name/Address: Sam A. Lupo & Sons, Inc./SSE3,LLC
 Project Start Date: 2019
 Project Description: The purpose of the project is to enable Lupo's to maintain current business in a safe and sanitary environment, along with the ability to look for new business. The main building has been purchased. Lupo's will add a 9,000 square foot addition to be used for refrigerated production and coolers to USDA requirements. The existing building will be used for storage, employee areas and administration. There will be two loading docks and enough parking for all employees and four refrigerated trucks. The building will be remodeled along with the addition to also enable the company to be third party audited for food safety and quality. It is anticipated that the remodeling will also increase efficiency.

BENEFIT

Investment: Public/Private/Equity

Building Related Costs	\$	1,688,500.00	
M&E Costs	\$	300,000.00	
FF&E Costs	\$	60,000.00	
Professional Fees/ Development	\$	65,000.00	
Other Costs		\$55,000.00	
TOTAL INVESTMENT		\$2,168,500.00	<u>\$2,168,500.00</u>

New Mortgages

Jobs	0
New	10
Retained	<u>42.0</u>
TOTAL JOBS	52.0

Term # Years 15 years

TOTAL PAYROLL	\$	264,693.96		\$	264,693.96
PILOT PAYMENTS	\$	583,295.06	(see Pilot Schedule)	\$	583,295.06
TOTAL BENEFIT	\$	3,016,489.02		\$	3,016,489.02

Cost

Property Tax Estimate

Fair Market Value	\$	1,700,000.00	upon completion
Equalization Rate		4.25%	
Taxable Assessment	\$	72,250.00	

Tax Rates

County & Town	336.91	Annual tax	\$	24,341.75	
School	658.983943	Annual tax	\$	47,611.59	
ANNUAL TAX	995.893943		\$	71,953.34	number based on 1st year

Pilot Schedule

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

* Assume a 2% Tax Increase Per Year

PROPERTY TAX ABATEMENT \$ 661,024.04

SALES TAX ABATEMENT \$ 65,600.00

MORTGAGE RECORDING TAX

AGENCY FEE \$ 21,685.00

TOTAL COST \$ 748,309.04

NET BENEFIT/COST \$ 2,268,179.98

Benefit/Cost Ratio 4.03 to 1

Comments/Additional Revenue:

Any Additional Public Benefits:

Rec - 11/4/19

THE AGENCY

BROOME COUNTY IDA / LDC

If you are using Google Chrome and would like to digitally fill out the form, please download and open in your desktop

APPLICATION FOR BENEFITS / IDA

INSTRUCTIONS

1. The Agency/**IDA** will not consider any application unless, in the judgment of the Agency/**IDA**, said application contains sufficient information upon which to base a decision whether to approve or tentatively approve an action.
2. Fill in all blanks, using "none" or "not applicable" or "N/A" where the question is not appropriate to the project which is the subject of this application (the Project).
3. If an estimate is given as the answer to a question, put "est." after the figure or answer, which is estimated.
4. If more space is needed to answer any specific question, attach a separate sheet.
5. When completed, return one (1) hard copy of this application and one (1) electronic copy to the Agency/**IDA** at the address indicated on the application.
6. The Agency/**IDA** will not give final approval to the application until the it receives a completed environmental assessment form concerning the Project which is the subject of this application.
7. Please note that Article 6 of the Public Officers Law declares that all records in the possession of the Agency/**IDA** (with certain limited exceptions) are open to public inspection and copying. If the applicant feels that there are certain elements of the Project which are in the nature of trade secrets of information, the nature of which is such that if disclosed to the public or otherwise widely disseminated would cause substantial injury to the applicant's competitive position, the applicant may identify such elements in writing and request such elements be kept confidential in accordance with Article 6 of the Public Officers Law.
8. The Agency/**IDA** has established a non-refundable application fee of One Thousand (\$1,000) Dollars to cover the anticipated costs of processing this application. A check or money order payable to the Agency/**IDA** must accompany each application. **THIS APPLICATION WILL NOT BE ACCEPTED BY THE AGENCY/IDA UNLESS ACCOMPANIED BY THE APPLICATION FEE.**
9. The Agency/**IDA** has established a project fee for each project in which the Agency/**IDA** participates. **THIS PROJECT FEE of 1% of the total Project cost IS REQUIRED TO BE PAID BY THE APPLICANT AT OR PRIOR TO THE GRANTING OF ANY FINANCIAL ASSISTANCE BY THE AGENCY/IDA.** The applicant will also be expected to pay to the Agency/**IDA** all actual costs incurred in connection with the application including all costs incurred by general counsel and bond counsel.
10. The Agency/**IDA** will charge annually an administrative fee of \$1,500 to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.
11. Chapter 59 of the Laws of 2013 (Part J), effective March 28, 2013 (the "2013 Budget Law"), established new record keeping, reporting, and recapture requirements for industrial development agencies that receive sales tax exemptions. The new law requires the following: 1) to keep records of the amount of sales tax benefits provided to each Project and make those records available to the State upon request; 2) that within 30 days after providing financial assistance to a Project, the Agency/**IDA** must report the amount of sales tax benefits intended to be provided to a Project; and 3) a requirement that the Agency/**IDA** post on the internet and make available without charge copies of its resolutions and Project agreements.
12. The 2013 Budget Law also requires that the Agency/**IDA** recapture State sales tax benefits where: 1) the Project is not entitled to receive those benefits; 2) the exemptions exceed the amount authorized or claimed for unauthorized property or services; or 3) the Project operator failed to use property or services in a manner required by its agreement with the Agency/**IDA**.
13. 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 by the applicant. **EACH APPLICANT IS HEREBY ADVISED TO PROVIDE REALISTIC SALES TAX ESTIMATES IN THE APPLICATION**, as the 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.
14. Project Applicants as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage tax exemption, real property tax abatement, and/or bond proceeds) from the Agency/**IDA** will be required to utilize qualified local labor and/or contractors as defined in the Appendix A of the application, for all projects involving the construction, expansion, equipping, demolition and or/ remediation of new, existing, expanded or renovated facilities (collectively, the "Project Site").

APPLICATION FOR FINANCIAL ASSISTANCE

APPLICANT

NAME: Sam A. Lupo & Sons, Inc, SSE3, LLC

APPLICANT'S STREET ADDRESS: 1221 Campville Rd

CITY: Endicott

STATE: NY

ZIP: 13760

PHONE: 607-748-1141

NAME OF PERSON(S) AUTHORIZED TO SPEAK FOR APPLICANT WITH RESPECT TO THIS APPLICATION:

Sam Lupo

PHONE: 604-748-1141

TITLE: President

EMAIL: sam@spiedies.com

APPLICANT'S COUNSEL

NAME: Brady Begeal

FIRM: Coughlin & Gerhart, LLP

EMAIL: bbegeal@cglawoffices.com

ADDRESS: 99 Corporate Dr

CITY: Binghamton

STATE: NY

ZIP: 13902

PHONE: 607-723-9511

APPLICANT'S ACCOUNTANT

NAME: John Burtis

FIRM: Vieira & Associates, PC

EMAIL: jburtis@vapc.us

ADDRESS: 111 Grant Ave., Suite 106

CITY: Endicott

STATE: NY

ZIP: 13760

PHONE: 607-723-1272 ext 106

PLEASE OUTLINE ON A SEPARATE SHEET OF PAPER ANY OTHER PROFESSIONALS INVOLVED IN THE PROJECT (I.E., DESIGN PROFESSIONAL, GENERAL CONTRACTOR).

Peter A. Rotella Corporation

Todd Murcko

314 Chaumont Dr

Endwell, NY 13760

Rotellacorp@aol.com

Root 2 Architecture

George Haus

1432 Elmira Street

Endicott, NY 13760

GWHaus@hotmail.com

PROJECT SUMMARY

A: TYPE OF PROJECT: Select Project Type for all end users at project site (you may check more than one):

<input checked="" type="checkbox"/> Industrial	<input type="checkbox"/> Housing	<input type="checkbox"/> Multi-Tenant	<input type="checkbox"/> Back Office	<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Civic Facility (not for profit)
<input type="checkbox"/> Acquisition of Existing Facility	<input type="checkbox"/> Equipment Purchase	<input type="checkbox"/> Commercial	<input type="checkbox"/> Retail	<input type="checkbox"/> Facility for Aging	<input type="checkbox"/> Other _____

B: EMPLOYMENT IMPACT (BROOME COUNTY):

EXISTING JOBS: 42

NEW JOBS
WITHIN THREE YEARS: 10

C: PROJECT COST: \$ 2,168,500

D: TYPE OF FINANCING: ☒ TAX-EXEMPT ☐ TAXABLE ☐ STRAIGHT LEASE

E: AMOUNT OF BONDS REQUESTED: \$ N/A

F: AMOUNT OF NEW MORTGAGE(S) REQUIRED FOR PROJECT: \$ N/A

G: PROJECT-RELATED COSTS SUBJECT TO SALES TAX: \$ 820,000

H: ESTIMATED VALUE OF TAX EXEMPTIONS:

NYS SALES AND COMPENSATING USE TAX \$ 65,600

MORTGAGE RECORDING TAXES \$ N/A

REAL PROPERTY TAX EXEMPTIONS \$ 661,024.04

REQUESTED TERM OF PILOT: 15 years

OTHER (PLEASE SPECIFY) N/A

\$ N/A

I: CURRENT PROPERTY TAX ASSESSMENT \$ 15,330

CURRENT PROPERTY TAXES \$ 15,267

APPLICANT INFORMATION

EMPLOYER'S FEDERAL ID NO. 16-1096540/ 83-2508406

NAICS CODE 311100

1. INDICATE TYPE OF BUSINESS ORGANIZATION OF APPLICANT:

A. ☒ CORPORATION INCORPORATED IN WHAT COUNTRY USA

WHAT STATE NY

DATE INCORPORATED 1978

TYPE OF CORPORATION Sub S

AUTHORIZED TO DO BUSINESS IN NEW YORK: ☒ YES ☐ NO

B. ☐ PARTNERSHIP TYPE OF PARTNERSHIP

OF GENERAL PARTNERS

OF LIMITED PARTNERS

C. ☐ SOLE PROPRIETORSHIP

D. ☒ LIMITED LIABILITY APPLICANT

DATE CREATED 11/13/2018

2. IS THE APPLICANT A SUBSIDIARY OR DIRECT OR INDIRECT AFFILIATE OF ANY OTHER ORGANIZATION(S)? IF SO, NAME OF RELATED ORGANIZATION(S) AND RELATIONSHIP:

See attached

BMEJ, LLC – Properties at: 6 West State Street, Binghamton, NY 13901

1221 Campville Road, Endicott, NY 13760

1219 Campville Road, Endicott, NY 13760

Spiedie 3, LLC – Property at 1690 US Route 11, Kirkwood, NY 13795

Lupos Bottling, LLC – Bottling Business

Both Sam and Steve Lupo have controlling interest

MANAGEMENT OF APPLICANT

List all owners, directors and partners

NAME AND HOME ADDRESS	OFFICE HELD	OTHER PRINCIPAL BUSINESS
Sam Lupo 1309 Foxboro Lane Endicott, Ny 13760	President/ Partner	
Steve Lupo 56 Coventry Lane Endicott, Ny 13760	Vice President/ Partner	
Elliott Lupo 326 Robbie Ave Endicott, NY 13760	Partner	
Bria Losurdo 108 Valentine Dr North Syracuse, Ny 13212		billing with insurance company

WITHIN THE PAST FIVE YEARS HAS THE APPLICANT, ANY AFFILIATE, ANY PREDECESSOR COMPANY OR ENTITY, OWNER, DIRECTOR, OFFICER, PARTNER OR ANY CONTRACTOR AFFILIATED WITH THE PROPOSED PROJECT BEEN THE SUBJECT OF:

1. an indictment, judgment, conviction, or a grant of immunity, including pending actions, for any business-related conduct constituting a crime? ☐ YES ☒ NO
2. a government suspension or debarment, rejection of any bid or disapproval of any proposed contract, including pending actions, or for lack of responsibility? ☐ YES ☒ NO
3. any final governmental determination of a violation of any public works law or regulation, or labor law regulation? ☐ YES ☒ NO
4. a consent order with the NYS Dept. of Environmental Conservation? ☐ YES ☒ NO
5. an unsatisfied judgment, injunction or lien for any business-related conduct obtained by any federal, state or local government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed? ☐ YES ☒ NO
6. Has any person listed above or any concern with whom such person has been connected ever been in receivership or been adjudicated in a bankruptcy? ☐ YES ☒ NO

IF THE ANSWER TO ANY QUESTION 1 THROUGH 6 ABOVE IS YES, PLEASE FURNISH DETAILS ON A SEPARATE ATTACHMENT.

IS THE APPLICANT PUBLICLY HELD? ☐ YES ☒ NO

LIST EXCHANGES WHERE STOCK IS TRADED AND LIST ALL STOCKHOLDERS HAVING A 5% OR MORE INTEREST IN THE APPLICANT.

NAME	ADDRESS	PERCENTAGE OF HOLDING

APPLICANT'S PRINCIPAL BANK(S) OF ACCOUNT

Tioga State Bank

Working with Visions Federal Credit Union for project

PROJECT DATA

1. Attach a complete narrative description of Project including location, proposed product lines and market projections, square feet by usage, type of construction, machinery for products, machinery for building, office and parking
2. Attach a photo of the site or existing facility to be improved.
3. Attach copies of preliminary plans or sketches of proposed construction or floor plan of existing facility.
4. Are utilities on site or must they be brought in? If so, which ones?

Utilities are on site. Additional new 800 amp breaker, 120/240 volt 3 phase service with nema 3R distribution panel

5. Who presently is legal owner of building or site?

SSE3, LLC

6. Is there a purchase option in force or other legal or common control in the project?
If so, furnish details in a separate attachment.

☐ YES ☒ NO

Is there an existing or proposed lease for all or a portion of the project?

☐ YES ☒ NO

7. If applicant will not occupy 100% of the building in a real estate related transaction, provide information on tenant(s) on a separate sheet including: name, present address, employer fed. ID no., percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

8. Is owner or tenant(s) responsible for payment of real property taxes?

OWNER

Owner

TENANT

9. Zoning district in which Project is located

Industrial

10. Are there any variances or special permits required? If yes, please explain:

☐ YES ☒ NO

11. Will the completion of the Project result in the removal of a plant or facility of the Applicant or another proposed occupant of the project from one area of the State of New York to another area of the State? If yes, please explain:

☐ YES ☒ NO

12. Will the completion of the Project result in the abandonment/disposal of one or more plants or facilities of the Applicant located in New York state? If yes, please explain:

☒ YES ☐ NO

We are working on selling our current location. We are in discussion with another local business who is looking to expand. They will keep there current location and add our current location as an additional location for their business.

The new UDS Federally Inspected Meat Plant will be located at 625 Dickson Street, Endicott, NY 13760. The existing building, 10,000 square feet, will be used for administrative offices, storage and employee areas. The addition will be 9,000 square feet of refrigerated workrooms and coolers.

We will maintain all of our current product lines and all of our current customers. We will look to expand with the existing customers and add new customers once construction is approved.

The new construction will be a poured slab with sloped flooring, metal roof and walls made of insulated Galvalume, 690, stainless steel.

All of our existing equipment will be moved to the new location.

We need to expand and modernize to first maintain our quality and service to our existing customers, and then to look for new customers and develop new products to manufacture.

13. If the answer to question 11 or 12 is yes, indicate whether any of the following apply to the Project:

A. Is the Project reasonably necessary to preserve the competitive position of the Applicant or such Project Occupant? If yes, please explain: ☒ YES ☐ NO

At our current location we are short on space to even maintain our existing business safely and under USDA rules. There is no room to expand to go after new business.

B. Is the Project reasonably necessary to discourage the Applicant or such Project Occupant from relocating outside of New York state? If yes, please explain: ☒ YES ☐ NO

As has been stated, we are short on space to not only maintain our current business, but also to expand. As we know, N.Y. State is expensive to have a business operating along with a lot of regulations. Assistance is needed to grow and maintain current operations. Bank is also looking for assistance, that we can secure, to make the numbers work

14. Does the Project include facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities? If yes, please explain: ☐ YES ☒ NO

15. If the answer to question 14 is yes, what percentage of the cost of the Project will be expended on such facilities or property primarily used in making retail sales of goods or services to customers who personally visit the Project? %

16. If the answer to question 14 is yes, and the answer to question 15 is more than 33.33%, indicate whether any of the following apply to the Project:

A. Will the Project be operated by a not-for-profit corporation? If yes, please explain ☐ YES ☒ NO

B. Will the Project likely attract a significant number of visitors from outside the economic development region in which the Project will be located? If yes, please explain: ☐ YES ☒ NO

C. Would the Project Occupant, but for the contemplated financial assistance from The Agency, locate the related jobs outside New York state? If yes, please explain: ☐ YES ☒ NO

D. Is the predominant purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the city, town or village within which the Project will be located, because of a lack of reasonably accessible retail trade facilities offering such goods or services? If yes, please explain: ☐ YES ☒ NO

E. Will the Project be located in one of the following: 1) an area designed as an economic development zone pursuant to Article 18-B of the General Municipal Law; or 2) a census tract or block numbering area (or census tract or block numbering area contiguous thereto) which, according to the most Recent census data, has a poverty rate of at least 20% for the year in which the data relates, or at least 20% of households receiving public assistance; and 3) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates? If yes, please explain:

☐ YES ☒ NO

F. If the answers to any of subdivisions c. through e. of question 16 is yes, will the Project preserve permanent, private sector jobs or increase the overall number of permanent, private sector jobs in the State of New York?

☐ YES ☐ NO

N/A

17. Please indicate all other local agencies, boards, authorities, districts, commissions or governing bodies (including any federal, city, county and other political subdivision of the State of New York and all state departments, agencies, boards, public benefit corporations, public authorities or commissions) involved in approving or funding or directly undertaking action with respect to the Project. For example, do you need a municipal building permit to undertake the Project? State Historic Preservation? Do you need a zoning approval to undertake the Project? If so, you would list the appropriate municipal building department or planning or zoning commission which would give said approvals.

Building permit. TUBA loan. Empire State Development. The Agency

18. Describe the nature of the involvement of the federal, state or local agencies described above:

TUBA loan - low interest, 3%, 10 years on equipment (coolers)
Empire State Development - Excelsior Award p to \$225,000.00
The Agency - Pilot and no sales tax on material and equipment

19. Has construction work on this project begun? If yes, please discuss in detail the approximate extent of construction and the extent of completion. Indicate in your answer whether such specific steps have been completed as site clearance and preparation, completion of foundations, installation of footings, etc.

☐ YES ☒ NO

20. Please indicate amount of funds expended on this Project by the Applicant in the past three (3) years and the purposes of such expenditures:

Consulting services- \$5,000.00, Architect - \$3,960.00, Lawyer - \$7,937.02, Contractor plans to work on building plans - \$20,000.00, Closing costs - \$39,166.84

PROJECT BENEFITS/COSTS

1. NAME OF PROJECT BENEFICIARY ("APPLICANT"):

Sam A. Lupo & Sons, Inc. and SSE#, LLC

2. ESTIMATED AMOUNT OF PROJECT BENEFITS SOUGHT:

A. Amount of Bonds Sought	\$	
B. Value of Sales Tax Exemption Sought	\$	65,600.00
C. Value of Real Property Tax Exemption Sought	\$	661,024.04
D. Value of Mortgage Recording Tax Exemption Sought	\$	
E. Interest Savings IRB Issue	\$	

3. SOURCES AND USES OF FUNDS:

Financing Sources		Application of Funds	
Equity	\$ 100,500.00	Land	\$
Local Banks	\$ 1,543,000.00	Building Acquisition/Construction	\$ 330,000.00
TUBA Loan	\$ 300,000.00	Expansion/Renovation	\$ 1,358,500.00
Excelsior Tax Tax Credit	\$ 225,000.00	Machinery & Equipment	\$ 300,000.00
	\$	Working Capital FFE	\$ 60,000.00
	\$	Other	\$ 120,000.00
TOTAL	\$ 2,168,500.00	TOTAL	\$ 2,168,500.00

Project Description:

The purpose of the project is to enable Lupo's to maintain current business in a safe and sanitary environment, along with the ability to look for new business. Main building has been purchased. We will add a 9,000 square foot addition to be used for refrigerated production and coolers to USDA requirements. The existing building will be used for storage, employee areas and administration. There will be two loading docks and enough parking for all employees and our four refrigerated trucks. The building will be remodeled along with the addition to also enable us to be third party audited for food safety and quality. We also believe with the remodel, efficiency will increase.

4. PROJECTED PROJECT INVESTMENT:

A. Building and Land Related Costs	\$ 0
1. Land acquisition	\$ 330,000.00
2. Acquisition of existing structures	\$ 250,000.00
3. Renovation of existing structures	\$ 1,108,500.00
4. New construction	

C. Machinery and Equipment Costs	\$ 300,000.00
---	---------------

D. Furniture and Fixture Costs	\$ 60,000.00
---------------------------------------	--------------

E. Working Capital Costs	\$ 0.00
---------------------------------	---------

F. Professional Services/Development Costs	
1. Architecture and Engineering	\$ 25,000.00
2. Accounting/legal	\$ 15,000.00
3. Development Fee	\$ 25,000.00
4. Other service-related costs (describe)	\$ 55,000.00

G. Other Costs	\$
-----------------------	----

H. Summary of Expenditures	
1. Total Land-Related Costs	\$ 0.00
2. Total Building-Related Costs	\$ 1,688,500.00
3. Total Machinery and Equipment Costs	\$ 300,000.00
4. Total Furniture and Fixture Costs	\$ 60,000.00
5. Total Working Capital Costs	\$
6. Total Professional Services/Development Costs	\$ 65,000.00
7. Total Other Costs	\$ 55,000.00

TOTAL PROJECT COST	\$ 2,168,500.00
AGENCY FEE 1% (1% OF PROJECT COST)	\$ 21,685.00
TOTAL PROJECT EXPENDITURES	\$ 2,190,185.00

Have any of the above expenditures already been made by the applicant?
If yes, please provide details:

☒ YES ☐ NO

Consulting services- \$5,000.00, Architect - \$3,960.00, Lawyer - \$7,937.02, Contractor plans to work on building plans - \$20,000.00, Closing costs - \$39,166.84

Please list any non-financial public benefits that the project will provide:

Sam A. Lupo & Sons, Inc., is already and will continue to support our local community. We are involved in community events, on community boards, service organizations and church. Very involved with Spiedie Fest, Dick's Open and the Binghamton Rumble Ponies. We provide employment which we hope to expand. We give our employees time to be involved in the community ~~is~~ they wish.

PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

Please provide estimates of total construction jobs at the Project:

YEAR	CONSTRUCTION JOBS (Annual wages and benefits \$40,000 and under)	CONSTRUCTION JOBS (Annual wages and benefits over \$40,000)
CURRENT		
YEAR 1	17.00	
YEAR 2		
YEAR 3		

Please provide estimates of total annual wages and benefits of total construction jobs at the project:

YEAR	TOTAL ANNUAL WAGES AND BENEFITS
CURRENT	\$
YEAR 1	\$ 653,600.00
YEAR 2	\$
YEAR 3	\$

It is the policy of The Agency/IDA to require the Applicant to use local labor, contractors and suppliers in projects that The Agency/IDA is providing financial assistance for. Please refer to the Appendix A (page 16). Local labor, contractors and suppliers shall be defined as employees and companies residing in the following Counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga, and Tompkins.

PROJECTED PERMANENT EMPLOYMENT IMPACT

PROJECTED EMPLOYMENT FIGURES - YEAR ONE		UNDER \$30,000	\$30,000 – \$50,000	\$50,000 – \$75,000	OVER \$75,000
Number of Full-Time Employees (FTE) earning	2				
Number of Part-Time Employees earning					

Total Payroll For Full-Time Employees	\$	51,689.96			
Total Payroll For Part-Time Employees	\$				
Total Payroll For All Employees	\$	51,689.96			

PROJECTED EMPLOYMENT FIGURES - YEAR TWO		UNDER \$30,000	\$30,000 – \$50,000	\$50,000 – \$75,000	OVER \$75,000
Number of Full-Time Employees (FTE) earning	4				
Number of Part-Time Employees earning					

Total Payroll For Full-Time Employees	\$	105,447.52			
Total Payroll For Part-Time Employees	\$				
Total Payroll For All Employees	\$	105,447.52			

PROJECTED EMPLOYMENT FIGURES - YEAR THREE		UNDER \$30,000	\$30,000 – \$50,000	\$50,000 – \$75,000	OVER \$75,000
Number of Full-Time Employees (FTE) earning	4				
Number of Part-Time Employees earning					

Total Payroll For Full-Time Employees	\$	107,556.48			
Total Payroll For Part-Time Employees	\$				
Total Payroll For All Employees	\$	107,556.48			

REPRESENTATIONS BY THE APPLICANT

The Applicant understands and agrees with the Agency/**IDA** as follows:

- 1. STATEMENT OF NEED:** Applicant affirms that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency, or if not, the applicant will provide a statement indicating the reasons the project should be undertaken by the Agency.
- 2. JOB LISTINGS:** Except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOC") and with the administrative entity (collectively with the DOC, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- 3. FIRST CONSIDERATION FOR EMPLOYMENT:** In accordance with Section 858-b(2) of the New York General Municipal Law, Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/**IDA**, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- 4. ANNUAL SALES TAX FILINGS:** In accordance with Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency/**IDA**, in accordance with Section 874(8) of the General Municipal Law, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- 5. REGULATORY COMPLIANCE:** Applicant is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws and all provisions of article 18-a of the General Municipal Law.
- 6. EMPLOYMENT:** The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency/**IDA**, the Applicant agrees to file, or cause to be filed, with the Agency/**IDA**, on an annual basis, reports regarding the number of people employed at the Project site. The Chief Executive Office shall submit to the Agency/**IDA** prior to February 1 of each year, a written certification setting forth
 - Number of full-time employees at the Project location in the preceding calendar year;
 - Number of part-time employees at the Project location in the preceding calendar year;
 - Gross payroll of all employees at the Project location in the preceding calendar year.
- 7. RECAPTURE POLICY:** The Agency/**IDA** reserves the right to recapture all or part of any benefits provided to the applicant if any of the following occur:
 - a. The Project Facility as defined in the PILOT/Lease Agreement is sold or closed and the Applicant leaves or departs Broome County.
 - b. There is a significant change in the use of the Project Facility and/or business activities of the Applicant.
 - c. There is a significant reduction in the number of full/part-time jobs at the Project Facility in comparison to what was estimated in the Applicant's Project Application that are not reflective of the Applicant's normal business cycle or national economic conditions.
 - d. The Applicant fails to fully comply with all periodic and/or annual reporting requirements of the Agency/**IDA**, State or Federal government.
 - e. The Applicant failed to achieve any minimal new job creation figures specified by and within the time-frames specified by the Agency/**IDA**.
 - f. Failure of the applicant to make timely PILOT payments.
 - g. Failure to cooperate with Agency personnel in providing data of project progress.
 - h. The applicant has committed a material violation of the terms & conditions of a project agreement.
 - i. The applicant has committed a material violation of the terms & conditions of the sales and use tax exemption benefit.

8. ABSENCE OF CONFLICTS OF INTEREST: The Applicant has reviewed from the Agency/ **IDA** a list of the members, officers and employees, which is publicly viewable at www.theagency-ny.com. No member, officer or employee of the Agency/**IDA** has an interest, whether direct or indirect, in a transaction contemplated by this Application, except as hereinafter described:

Reviewd on 6/23/19, No Conflict

9. APPARENT CONFLICTS: Has the Applicant provided any personal gifts, loans or campaign contributions to any local or State political party or elected individual in the preceding 12 months?



YES



NO IF YES, PLEASE DESCRIBE:

Not sure if it was in the past 21 months, but I may have attended a fund raiser for Fred Akshar at Burger Mondays, either in the 12 to 24 month time frame.

10. FEES: This Application must be submitted with a non-refundable \$1,000 application fee to the Agency/**IDA**.

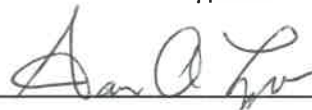
The Agency/**IDA** has established a general Agency fee in the amount of 1% of the total cost of the project.

The Agency/**IDA** will charge annually an administrative fee of \$1,500 to cover ongoing compliance and oversight; the fee shall be payable January 1 of each year until all financing documents shall terminate and be discharged and satisfied.

Sam A. Lupo & Sons, Inc., SSE3. LLC

Applicant

By:



Title:

President/Partner

DOCUMENT LISTS

(A copy of this list should be provided to Applicant's legal counsel)

Please ensure that the following items are delivered with the application:

1. A \$1,000 Application Fee. _____ ☒ YES ☐ NO
2. An EAF (Environmental Assessment Form). _____ ☒ YES ☐ NO
3. Have financing arrangements been made _____ ☒ YES ☐ NO

Prior to the closing of this transaction, Applicant shall deliver the following documentation (where applicable to the project) to The Agency/IDA's legal counsel:

1. Insurance Certificate
Certificate of Worker's Compensation Insurance (The Agency/IDA named as additional insured). _____ ☒ YES ☐ NO

Certificate of General Liability Insurance (The Agency/IDA named as additional insured). Limits not less than \$1,000,000 per occurrence/accident and a blanket excess liability not less than \$3,000,000. _____ ☒ YES ☐ NO

Certificate of insurance against loss/damage by fire, lightning or other casualties with a uniform standard extended coverage endorsement in an amount not less than the full replacement value of the Facility (The Agency/IDA named as additional insured). _____ ☒ YES ☐ NO
2. Certificate of Incorporation/Articles of Organization together with all amendments or restatements thereto. _____ ☒ YES ☐ NO
3. By-Laws/Operating Agreement together with any amendments thereto. _____ ☒ YES ☐ NO
4. Good Standing Certificate(s) issued by the State of Incorporation/Organization of the Applicant and NYS. _____ ☒ YES ☐ NO
5. Resolutions of the Board of Directors/Members of the Applicant approving the Project. _____ ☒ YES ☐ NO
6. List of all Material Pending Litigation of the Applicant. _____ ☒ YES ☐ NO
7. List of all Underground Storage Tanks containing Hazardous Materials at the Project. _____ ☒ YES ☐ NO
8. List of all Required Environmental Permits for the Project. _____ ☒ YES ☐ NO
9. Legal Description of the Project Premises. _____ ☒ YES ☐ NO
10. Name and title of person signing on behalf of the Applicant. _____ ☒ YES ☐ NO
11. Copy of the proposed Mortgage (if any). _____ ☒ YES ☐ NO
12. Applicant's Federal Tax ID Number (EIN). _____ ☒ YES ☐ NO
13. Tax Map Number of Parcel(s) comprising the Project. _____ ☒ YES ☐ NO
14. Copy of the Certificate of Occupancy (as soon as available) _____ ☐ YES ☐ NO

CERTIFICATION

The information contained in this Application, including employment information, is true and correct. The Applicant is aware that any material misrepresentations made in this Application constitute an act of fraud, resulting in revocation of benefits.

The undersigned, on behalf of the Applicant, hereby certifies that the Applicant, and all parties which own a minimum of 20% of the Applicant are current and will remain current on all real property, federal, state, sales, income and withholding taxes throughout the term on any agreements made in connection with the Application.

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 has read and fully understands The Agency/IDA's Uniform Tax Exemption Policy.

Applicant hereby releases The Agency/IDA and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency/IDA") from, agrees that the Agency/IDA shall not be liable for and agrees to indemnify, defend and hold the Agency/IDA harmless from and against any and all liability arising from or expense incurred by: (i) the Agency/IDA's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the issue of bonds requested therein are favorably acted upon by the Agency/IDA; and (ii) the Agency/IDA's financing of the Project described therein, including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency/IDA or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency/IDA, its agents or assigns, all actual costs incurred by the Agency/IDA in the processing of the Application, including attorneys' fees, if any.

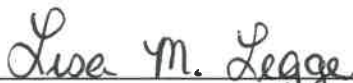
By:


(Applicant)

Sworn to before me this

LISA M. LEGGE
Notary Public • State of New York
No. 01LE6222991
Qualified in Broome County
My Commission Expires June 1, 2022

4 day of November, 2019


(Notary Public)

APPENDIX A – ATTACHMENT TO APPLICATION FOR FINANCIAL ASSISTANCE

Local General Contractor, Subcontractor, Trades and Labor Policy

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

Every applicant is obligated to provide written proof and data (see attached ... forms) to the Agency/**IDA** as to the physical location of all the contractors who will work on the project.

The Agency/**IDA** will review the data provided and determine, on a case-by-case basis and in a fully transparent manner, whether the Applicant has substantially conformed to the policy.

An Applicant **will not be deficient** if the proposed project requires specifically skilled labor that is unavailable in the Local Labor Area.

An Applicant **will not be deficient** if the proposed project utilizes parts and supplies assembled elsewhere because no such assembly is available in the Local Labor Area.

An Applicant **will be held non-compliant** with the Labor Policy if it imports labor from outside the Local Labor Area when equal labor that is ready, willing, cost competitive, etc. resides in the Local Labor Area.

The Agency/IDA may determine on a case-by-case basis to waive any portion of this policy for a project or a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services, documented lack of workers meeting the Local Labor Requirement or if other compelling circumstances exist.

In consideration of the extension of financial assistance by the Agency/**IDA** Sam A. Lupo & Sons, Inc., SSE, LLC (the Applicant) understands the Local Labor Policy and agrees to submit either or both a Local Labor Utilization Report or a Non Local Labor Utilization Report at the time that construction begins on the project to the Agency and as part of a request to extend the valid date of the Agency/**IDA**'s tax-exempt certificate for the 625 Dickson Street Expansion (the project).

The Applicant understands an Agency/**IDA** tax-exempt certificate is valid for 90 days effective the date of the project inducement and extended for 90 day periods thereafter upon request by the Applicant.

The Applicant further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency/**IDA** before a tax-exempt certificate is issued or extended.

The Applicant further understands that if the required forms are not submitted to the Agency/**IDA**, the Agency/**IDA** shall have the authority to immediately terminate any and all Financial Assistance being provided to the Project.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the Project as of November 1, 2019 (date).

APPLICANT: Sam A. Lupo & Sons, Inc., SSE3, LLC

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Todd Murcko, Peter A. Rotella Corporation

ADDRESS: 314 Chaumont Dr.

CITY: Endwell

STATE: NY

ZIP: 13760

PHONE: 607-748-5000

EMAIL: rotellacorp@aol.com

PROJECT ADDRESS: 625 Dickson Street Endicott, NY 13760

AUTHORIZED REPRESENTATIVE: Sam Lupo

TITLE: President

SIGNATURE: 

LISA M. LEGGE
Notary Public - State of New York
No. 01LE6222991
Qualified in Broome County
My Commission Expires June 1, 2022

Sworn to before me this

4 day of November, 2019.


(Notary Public)

The following organizations must be solicited in writing for the purpose of meeting the requirements of this Agreement:

****Documentation of solicitation MUST be provided to the Agency**

The Builders Exchange of the Southern Tier, Inc.
15 Belden Street
Binghamton, NY 13903
brad@bxstier.com
(607) 771-7000

Southern Tier Building Trades Council
1200 Clemens Center Parkway
Elmira, NY 14901
ibew139ba@aol.com
(607) 732-1237

Binghamton/Oneonta Building Trades Council
11 Griswold Street
Binghamton, NY 13904
raikens@iuoe158.org
(607) 723-9593

Dodge Reports
<http://construction.com/dodge/submit-project.asp>
830 Third Ave., 6th Floor
New York, NY 10022
support@construction.com
(877) 784-9556

Tompkins-Cortland Building Trades Council
622 West State Street
Ithaca, NY 14850
tbrueribew241@gmail.com
(607) 272-3122

LOCAL LABOR UTILIZATION REPORT**To be completed for all contractors residing within the Broome County IDA Local Labor Area**

APPLICANT:

PROJECT ADDRESS:

CITY:

STATE:

ZIP:

EMAIL:

PHONE:

GENERAL CONTRACTOR/CONSTRUCTION MANAGER:

Peter A. Rotella Corp.

CONTACT:

Todd Murko or Jeff Rotella

ADDRESS:

314 Chaumont Dr

CITY:

Endwell

STATE:

NY

ZIP:

13760

EMAIL:

rotellacorp@aol.com

PHONE:

607-748-5000

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo	Rotella	314 Chaumont Dr Endwell, NY 13760	rotellacorp@aol.com	607-748-5000	76,600.00
Foundation/Footings	SDC Concrete	1064 McLean Rd Owego, NY 13827	scerretani@yahoo.com	607-743-8876	219,400.00
Building	Rotella	314 Chaumont Dr Endwell, NY 13760	rotellacorp@aol.com	607-748-5000	411,600.00
Masonry					
Metals	Rotella	314 Chaumont Dr Endwell, NY 13760	rotellacorp@aol.com	607-748-5000	2,600.00
Wood/Casework	Rotella	314 Chaumont Dr Endwell, NY 13760	rotellacorp@aol.com	607-748-5000	18,500.00
Thermal/Moisture	Rotella	314 Chaumont Dr Endwell, NY 13760	rotellacorp@aol.com	607-748-5000	48,700.00
Doors, Windows & Glazing	Rotella	314 Chaumont Dr Endwell, NY 13760	rotellacorp@aol.com	607-748-5000	60,800.00
Finishes	Rotella	314 Chaumont Dr Endwell, NY 13760	rotellacorp@aol.com	607-748-5000	62,100.00
Electrical	Panko or A.C. Spear	1080 Chenango St. Binghamton, NY 13901	MPanko@pankoelectri.com	607-722-6455	245,000.00
HVAC	Heat-tek	270 Corliss Ave. Johnson City, NY 13790	Heattek09@gmail.com	607-239-0466	15,400.00
Plumbing	Heat-tek	270 Corliss Ave. Johnson City, NY 13790	Heattek09@gmail.com	607-239-0466	94,700.00
Specialties	Rotella	314 Chaumont Dr Endwell, NY 13760	rotellacorp@aol.com	607-748-5000	17,000.00
M&E					
FF & E					
Utilities					
Paving/Landscaping	Broome Bituminous	PO Box 354 Vestal, NY 13850	WRouse@broomebitu.com	607-729-0498	13,200.00

CHECK IF CONSTRUCTION IS COMPLETE

☐

CHECK IF THIS IS YOUR FINAL REPORT

☐

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

Company Representative_____
Date

NA

NON LOCAL LABOR UTILIZATION REPORT

To be completed for all contractors not residing within the Broome County IDA Local Labor Area

APPLICANT: PROJECT ADDRESS: CITY: STATE: ZIP: EMAIL: PHONE: GENERAL CONTRACTOR/CONSTRUCTION MANAGER: CONTACT: ADDRESS: CITY: STATE: ZIP: EMAIL: PHONE:

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

CHECK IF CONSTRUCTION IS COMPLETE

☐

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

CHECK IF THIS IS YOUR FINAL REPORT

☐_____
Company Representative_____
Date



FOR SALE

625 Dickson Street

Endicott, NY



HIGHLIGHTS

- Current Kalurah Shrine Center.
- Ample parking.
- Perfect for Restaurant or Banquet hall.
- Large open banquet room/dining hall, full commercial kitchen, bar, and walk-in cooler.
- Can easily become office or flex space.

DETAILS

ASKING	\$350,000
BLDG SIZE	10,500 SF
ZONING	Industrial
LOT SIZE	1.7 acres
TAX ID	156.16-1-5



For more information, please contact:

Ethan Cook

Real Estate Salesperson

+1-607-754-5990 x 311

Ecook@pyramidbrokerage.com

84 Court Street, Suite 300
Binghamton, New York 13901
phone: +1-607-754-5990
pyramidbrokerage.com

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CUSHMAN &
WAKEFIELD

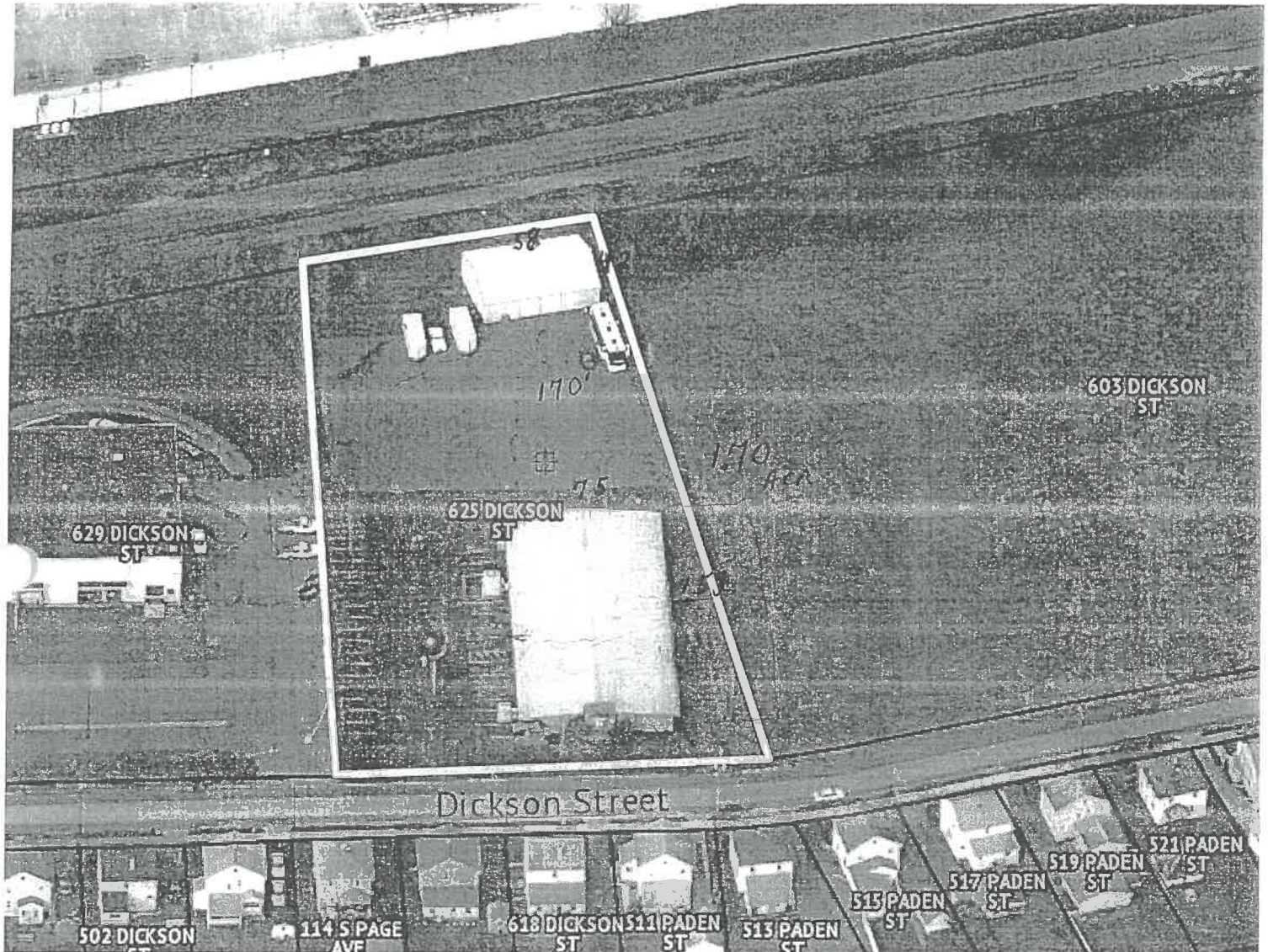


Pyramid Brokerage
Company

FOR SALE

625 Dickson Street

Endicott, NY



Ethan Cook
Real Estate Salesperson
+1 607-754-5990 x 311
EcCook@pyramidbrokerage.com

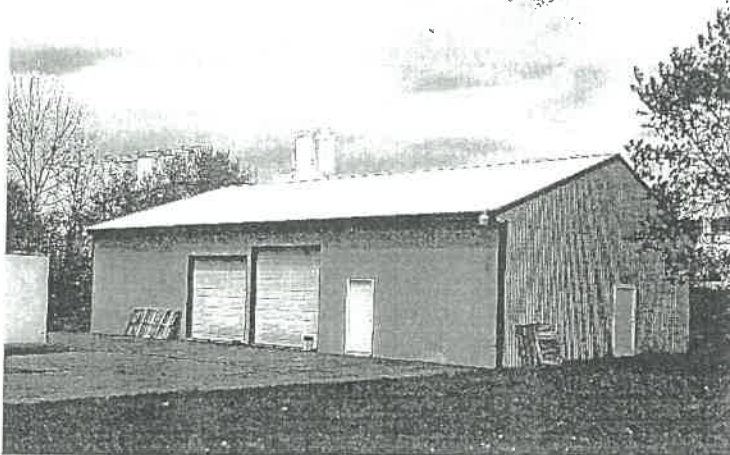
84 Court Street, Suite 300
Binghamton, New York 13901
phone: +1 607 754 5990
pyramidbrokerage.com

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FOR SALE
625 Dickson Street
Endicott, NY



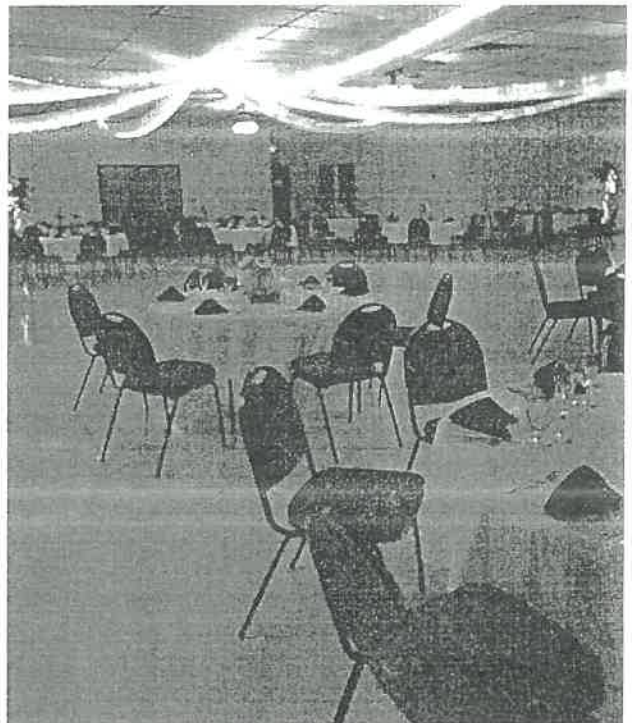
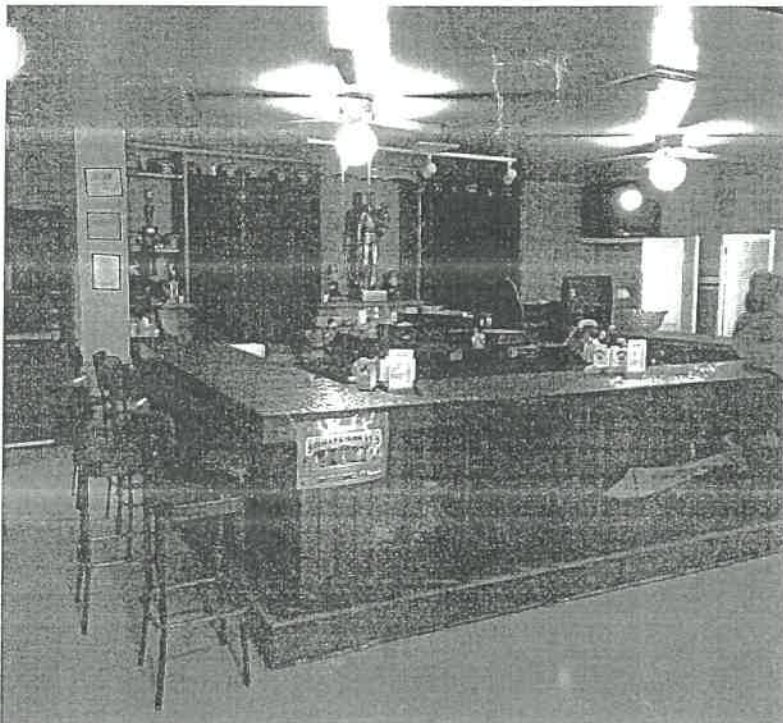
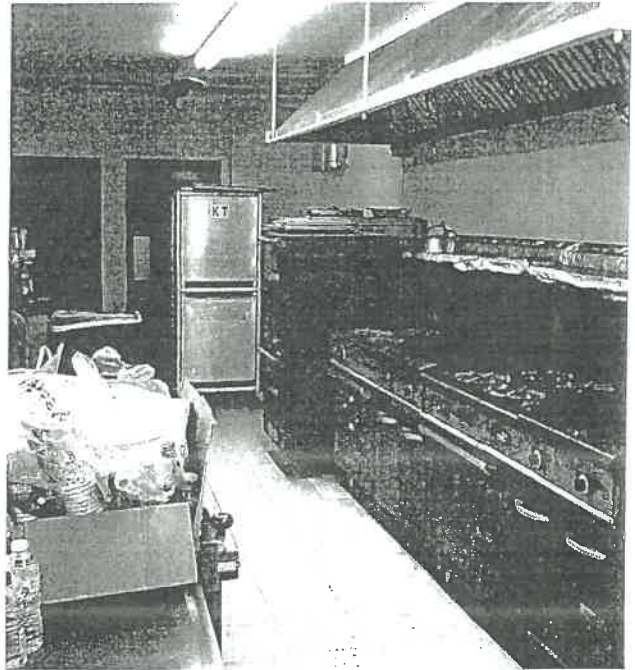


Pyramid Brokerage
Company

FOR SALE

625 Dickson Street

Endicott, NY



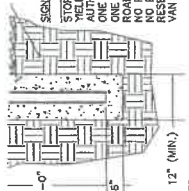
Ethan Cook
Real Estate Salesperson
+1 607-754-5990 x 311
EcCook@pyramidbrokerage.com

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Binghamton, New York 13901
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UNDISTURBED SOIL



- 4'-0" SIGN TYPE
STOP NUMBER
R1-1
R1-2
R1-3
R1-4
R1-5
R1-6
R1-7
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4. POSTS MAY BE DRIVEN WHEN ACCEPTABLE TO LOCAL AUTHORITIES AND BY OWNER'S REPRESENTATIVE.

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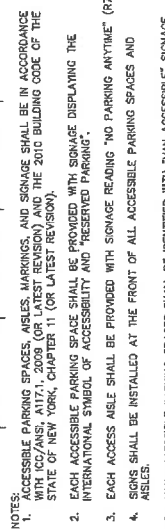
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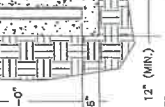
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Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: SAM A. LUPO & SONS, INC. PROCESSING PLANT			
Project Location (describe, and attach a location map): 625 DICKSON STREET, ENDICOTT, N.Y. 13760			
Brief Description of Proposed Action: WE ARE PLANNING ON EXPANDING OUR OPERATION AT THE NEW LOCATION. OFFICES, EMPLOYEE AREA, STORAGE AND FURTHER PROCESSING OPERATION WILL BE UNDER ONE ROOF. WE WILL APPROXIMATELY BE DOUBLING OF CURRENT SIZE. THE MAIN ACTIVITY WILL BE FURTHER PROCESSING MAKING LUPO'S SPEDIES, MARINATED BURGERS AND SAUSAGE. THE PROJECT WILL FIT WELL WITH THE OTHER INDUSTRIES, FELIX ROMA, NATIONAL PIPE AND PLASTIC, GEORGE INDUSTRIES AND TRUE GREEN. WE WILL USE AND MAINTAIN THE EXISTING BUILDING EXPANDING TOWARDS THE NORTHWEST AND BACK, BUILDING DESIGN BY ADDING A METAL BUILDING WHICH WILL BE CONSISTANT WITH THE EXISTING BUILDING			
Name of Applicant or Sponsor: SAM & STEVE LUPO		Telephone: 607-748-1141	
		E-Mail: SAM@SPEDIES.COM	
Address: 1221 CAMPVILLE ROAD PO Box 5721			
City/PO: ENDICOTT		State: N.Y.	Zip Code: 13760
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval: USDA food processing permit			YES
3.a. Total acreage of the site of the proposed action?		<u>1.7</u> acres	
b. Total acreage to be physically disturbed?		<u>0</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.7</u> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Open Space</u>			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ 704008 - Endicott Village Landfill & Wellfield - has been capped 704038 - Endicott Area-Wide Investigation - under remediation	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Sam A. Lupo</u>		Date: <u>10-31-2018</u>
Signature: <u>[Signature]</u>		

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Sam A. Lupo & Sons, Inc. plans to convert an existing 13,140 square-foot building with a 9,000 square-foot addition into a meat processing plant at 625 Dickson Street. The 1.7-acre property is zoned Industrial and the use is permitted by right. Meats will come to the plant largely pre-cut and cleaned. The plant seasons and packages the meats. All USDA and Health Department requirements will be met.

The proposed addition will match the existing metal building. The site plan meets the parking space requirement, with a total of 53 parking spaces shown on the site plan, including 3 handicapped accessible spaces. There will be no significant impacts pertaining to odors, noise, lighting or emissions. The proposed use and addition will not create any impacts to traffic or existing municipal utilities. The Village of Endicott has approved the wastewater Pre-Industrial Treatment plan.

The addition will be constructed over a mix of pavement and 0.05-acres of grass. The small increase in the rate of stormwater runoff due to additional impervious area will be mitigated with existing drainage sloping north towards a area of grass and drainage swale on site. At 0.05 acres increased impervious area, a SWPPP is not required. Similarly, as the existing project site is largely impervious, any impact on wildlife or plants will be small.

The property is in an archeologically sensitive area, but the soil in the project area has been previously disturbed. The site is not in the 100-year floodplain, and there are no wetlands on the property. This property is determined by the NYS DEC to be within the buffer area of remediation sites #704038, the Endicott Area-Wide Investigation, and #704008, the Endicott Landfill & Wellfield. The associated contamination is under remediation and will have no impact on the proposal.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Union Planning Board	December 11, 2018
Name of Lead Agency	Date
Lisa B. Miller	Chairman, Town of Union Planning Board
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

State Environmental Quality Review Act (SEQRA)

DGEIS SCOPING DOCUMENT

FORMER BAE SYSTEMS SITE at 600 MAIN STREET

REDEVELOPMENT

Johnson City, New York

SEQRA Classification: Type I Action

Lead Agency: The Agency – Broome County IDA/LDC

Involved Agencies: NYS DEC
NYS DOT
Town of Union Planning Department
Town of Union
Broome County Planning Department
Village of Johnson City
Department of Defense
NYS SHPO
ACOE

NOVEMBER 2019

FORMER BAE SYSTEMS SITE at 600 MAIN STREET REDEVELOPMENT
DGEIS SCOPING DOCUMENT
November 2019

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FORMER BAE SYSTEMS SITE at 600 MAIN STREET REDEVELOPMENT

DGEIS SCOPING DOCUMENT

November 2019

I. EXECUTIVE SUMMARY

The Agency (Broome County IDA/LDC), as Lead Agency, will prepare the Draft Generic Environmental Impact Statement (DGEIS) pursuant to the New York State Environmental Quality Review Act (SEQR) process outlined in Title 6 of the New York Code of Rules and Regulations (6NYCRR) Part 617, with statutory authority and enabling legislation under Article 8 of the NYS Environmental Conservation Law (ECL). It was determined that the Project would be appropriate for the preparation of a GEIS (Part 617.10 (a)). The DGEIS will assess the environmental, economic, and social impacts of undertaking the Former BAE Systems Site at 600 Main Street Redevelopment project, a proposed development located at 600 Main Street in the hamlet of Westover, town of Union, New York.

In 2017, the Agency hired a consultant to initiate the planning and design process for the redevelopment of the 27-acre project site. In collaboration with Town, Village, and County planning offices; State agencies; and local residents, three (3) redevelopment scenarios have been prepared. The Project design scenarios incorporate green and gray infrastructure, and technological solutions to increase resilience to flooding events, which have historically impacted the site due to its proximity to the Susquehanna River and the Little Choconut Creek. The redevelopment of the site aims to create a vibrant district within the Town and region.

II. INTRODUCTION

A. PURPOSE AND SCOPE OF DOCUMENT

The intent of the Former BAE Systems Site at 600 Main Street Redevelopment project (hereafter referred to as “the Project”) is to create a site with a mix of built, green, and open spaces that can accommodate recreational, commercial, and/or residential uses.

The GEIS will evaluate the potential environmental and socio-economic impacts of the Project and support informed decision making by prospective developers. The GEIS will include a summary of baseline environmental conditions; potential significant, adverse, environmental impacts; possible mitigation strategies; reasonable alternatives; stakeholder, decision maker and public interests; constructability considerations; regulatory issues; and future actions.

B. BACKGROUND

1. History of Uses

The Project site is a 27-acre parcel at 600 Main Street in the hamlet of Westover, in the town of Union, New York. The site is strategically located near Binghamton University, the Johnson City Health and Cultural District, and the Johnson City iDistrict, with access to the interstate highway system. The property is one of the few remaining large-scale development sites within Broome County’s urban core. The site was severely damaged when the Susquehanna River flooded in September 2011, and flood risk remains the most significant challenge to site redevelopment.

From 1942 to 2011, the Project site housed US Air Force (AF) Plant 59, a government-owned, contractor-operated manufacturing facility. AF Plant 59 was historically manufactured defense-related equipment including aluminum aircraft propellers, flight and fire control components, mechanical systems, and electronic and computer systems. Between 1990 and 2011, the plant was operated first by Lockheed Martin and then by BAE Systems to manufacture avionics and electronic controls.

The Air Force initiated an Installation Restoration Program (IRP) in 1984 to investigate contamination onsite. The IRP report identified two areas of suspected hazardous waste contamination. A summary of site remediation, as found in the United States Department of the Air Force Proposed Plan for Air Force Plant 59 (February 2019), is outlined below:

1. AF Plant 59 added as a Class 2 Site on the NYS DEC Registry of Inactive Hazardous Waste Disposal sites (1987)
2. Groundwater investigations on-site showed concentrations of hazardous materials well above the NYS DEC Ambient Water Quality Standards (AWQS) (1990)
3. Remedial Investigation (RI) of the site found contaminants within the buildings and groundwater (1994)

4. Environmental Baseline Survey (EBS) created to inform a remediation plan for soil and groundwater contaminants within the buildings and surrounding asphalt parking lots (1995)
5. Proposed Plan and Record of Decision (ROD) identified the cleanup of contaminants in the groundwater via an upgrade to the existing treatment facility (1999)
6. Long-term monitoring (LTM) initiated on-site, via monitoring wells, for groundwater (2004)
7. Soil excavation performed in the east basement of the building; soil disposed of off-site and area capped (2005)
8. Vapor Intrusion (VI) RIs performed; findings showed indoor air quality met or exceeded above NYS Department of Health standards (2009-2010)

Damage from Tropical Storm Lee and the associated flooding of the Susquehanna River in 2011 led BAE Systems to vacate AF Plant 59. The plant was subsequently and permanently decommissioned by the US government. In 2014, another Environmental Baseline Survey (EBS) was undertaken to collect data on site contaminants by the US AF. Structures onsite were demolished in 2017 and contaminated soil underneath and adjacent to the buildings was removed. In 2018, property ownership was transferred from the US AF to The Agency – Broome County IDA/LDC who, through the assistance of a design consultant, began a redevelopment plan for the site.

2. Geology, Soils and Topography

The geology of the site consists of approximately 75 to 100 feet of stratified, unconsolidated, glacial deposits overlaying glacial till, shale, and siltstone bedrock. The primary land type is cut and fill; the soil is well drained and composed of 95% silty soil types and 5% loam soil types. The site has no bedrock outcroppings and is generally on slopes with a 3% grade or less.

3. Groundwater and Surface Water Resources

Two aquifers - one bedrock and one overburden - are in the Susquehanna River Basin near Johnson City. The flow of both aquifers below the Project site is westerly to southwesterly toward the Camden Street well field. The bedrock aquifer provides limited quantities of water, with typical supplies yielding 10 gallons per minute (gpm). The shallow Clinton Street-Ballpark Aquifer ranges in thickness from 80 to 180 feet and groundwater is approximately 14 to 18 feet below the surface. This aquifer is highly productive, yielding 400 to 2,290 gpm, and is used by the Village of Johnson City for municipal and industrial purposes. The Johnson City Water Department operates two production wells located two blocks southwest of the Project site at the Camden Street well field.

Two surface water bodies, the Little Choconut Creek and the Susquehanna River, are within 1,000 feet of the Project site. The Creek borders the site to the east and the south and flows west where it converges with the Susquehanna River. The River is a major regional waterway which supplies municipal water to the City of Binghamton, four miles away from the site.

4. Natural Resources

Due to its former industrial use and the remediation of contaminants, the Project site contains no significant terrestrial, riparian or aquatic communities.

C. PROJECT DESCRIPTION

Three (3) redevelopment scenarios were created for the Project site. The scenarios reflect a comprehensive screening process which included stakeholder engagement, market analysis, physical site capacity analysis, a flood mitigation feasibility study, and a financial feasibility study. The three (3) development scenarios are as follows:

1. **Development Scenario A – Mixed-Use: Lodging, Commercial and Residential**

Development Scenario A proposes seven (7) total buildings: five (5) market-rate apartment buildings, one (1) mixed-use building with residential apartments on upper floors and ground floor retail, and one (1) four-story hotel. Additional on-site amenities include a park for passive recreation, a community green, a perimeter fitness trail, and a dog park. The development will be protected from future flood events by an elevated pad and green infrastructure (e.g green roofs) that will help to manage stormwater. Solar panels will generate clean power on-site.

2. **Development Scenario B – Lodging and Flexspace Units**

Development scenario B proposes five (5) total buildings: four (4) flexspace units and one (1) three-story hotel. Additional on-site amenities include a park for passive recreation, a community green, a perimeter fitness trail, and a dog park. The development will be protected from future flood events through an elevated pad and green infrastructure that will help to manage stormwater. Solar panels will generate clean power on-site.

3. **Development Scenario C – Recreational Center**

Development scenario C proposes a recreational center with an outdoor, multi-purpose field and a fitness trail. The development will be protected from future flood events through an elevated pad and green infrastructure that will help to absorb manage stormwater. Solar panels will generate clean power on-site.

BROOME BAE REDEVELOPMENT

AGENCY THE AGENCY
BROOME COUNTY
600 MAIN ST
JOHNSON CITY, NY 13790

DEVELOPMENT SCENARIO B
LOBBING & PLANNING UNITS
NOVEMBER 15, 2019

ELAN

12 ZARETSKY WALK
SUSAN & JAMES J. ZARETSKY ARCHITECTS P.C.
CORNELL UNIVERSITY 2019

SITE INFO

- 17.15 ACRES SITE
- 2.86 ACRES OF SITE ASSESSMENT
- 1.77 ACRES OF PROPOSED ADJUTANT GENERAL BNC EASEMENT
- 17.15 ACRES OF DEVELOPED AREA
- 17.15 ACRES OF UNDEVELOPED AREA
- 17.15 ACRES OF SITE ASSESSMENT
- 17.15 ACRES OF SITE ASSESSMENT

SUPPORTING FEATURES

- A: 3 STORY HOTEL W/ SOLAR ROOF
11,000 SF PER FLOOR // TOTAL 33,000 SF
24,700 SF PER FLOOR
- B: 1 STORY FLEX SPACE W/ SOLAR ROOF
11,000 SF PER FLOOR
- C: 3 STORY FLEX SPACE W/ SOLAR ROOF
11,000 SF PER FLOOR
- D: 3 STORY FLEX SPACE W/ SOLAR ROOF
11,000 SF PER FLOOR
- E: 1 STORY FLEX SPACE W/ SOLAR ROOF
11,000 SF PER FLOOR

PARKING

- 11,000 SF PER FLOOR
- 5 CARP PER 1,000 SQ. - 400 PARKING SPOTS PROVIDED
- 11,000 SF PER FLOOR
- 47 TOTAL PARKING SPACES PER FLOOR
- 201 TOTAL PARKING PER THE HOTEL + 204 SPACES PROVIDED
- 107011 PARKING SPACES PROVIDED + 400





D. PERMITS

It is anticipated that to implement the Project, the Applicant would be required to obtain permits and approvals from a variety of state and local agencies. A summary of currently anticipated actions is presented in Table 1: Potential Permits, Approvals, and Reviews.

Table 1. Potential Permits, Approvals, and Reviews

Permit	Activity	Agency	Comments	Agency Contact
<u>State & Local</u>				
1	SPDES General Permit for Storm Water Discharges from Construction Activity (GP-O-10-001)		<ul style="list-style-type: none"> NOI submitted at least 5-days before construction start-up. NOT submitted after site restoration completed. 	Lou Caforio Commissioner of Public Works 3111 E. Main St Endwell, NY 13760
			Up to 60-day review of SWPPP by NYSDDEC if SWPPP not in conformance with General Permit.	
		NYSDDEC	Review of SWPPP by City of Utica as a Municipal Separate Storm Sewer System (MS4).	
		Town of Union	Coverage under the SPDES General Permit for projects located in areas deemed "archaeologically sensitive" for cultural resources (as mapped by the State Historic Preservation Office; SHPO) also "triggers" consultation with SHPO. The project site is located in such an area (see below).	
2	Highway Work Permit		<ul style="list-style-type: none"> NYSDOT – Road improvements or utility extensions within right-of-way of Main Street (Rt 17C) 	Rick Sperski, P.E. Resident Engineer, Broome County 44 Hawley St Binghamton, NY 13902
		NYSDOT Town of Union	<ul style="list-style-type: none"> Town of Union – Road improvements or utility extensions within rights-of-way of Main Street (Rt 17C) 	
3	SEORA (Article 8 of the ECL; 6 NYCRR Part 617)	The Agency – Broome County IDA/LDC Involved Agencies	<ul style="list-style-type: none"> Preparation of Generic Environmental Impact Statement (GEIS). 	Anticipated Lead Agency c/o Stacy Duncan, Executive Director The Agency – Broome County IDA/LDC 5 South College Dr Binghamton, NY 13905
			<ul style="list-style-type: none"> Environmental Justice Issues – http://www.dec.ny.gov/docs/permits_ej_operation_s_pdf/oneidaej.pdf. 	

4	Federal & State Preservation Laws (36 CFR 800; 9 NYCRR Part 428; Sections 3.09 and 14.09 of the NYS Parks, Recreation and Historic Preservation Law)	Completion of Project Review Form (project description and location, photographs, and documentation of prior disturbance) and/or cultural resource investigation. Goal is to obtain "No Effect" letter from SHPO.	NYSOPRHP – Field Services Bureau (SHPO)	<ul style="list-style-type: none"> ▪ Consultation with SHPO regarding sites/facilities listed or eligible for listing on the State and National Registers of Historic Places. ▪ Potential impacts on areas deemed by SHPO as sensitive for the presence of archaeological resources. 	Daniel Mackay Deputy Commissioner New York State Division for Historic Preservation New York State Office of Park, Recreation and Historic Preservation Peebles Island State Park P.O. Box 189 Waterford, NY 12188
	5	Floodplain Development Permit	Work within 100-year floodplain.	Town of Union	Daria Golazesi Deputy Commissioner of Public Works Code and Ordinances 3111 E. Main St Endwell, NY 13760
6	Rezoning	Potential rezoning of parcels or creation of overlay districts to manage proposed land uses within inner harbor project area.	Town of Union	<ul style="list-style-type: none"> ▪ Potentially proposed by land owners & developers. 	Sara Zublasky-Peer Planning Director 3111 E. Main St Endwell, NY 13760
7	Site Plan Approval	Approval of future site modifications by land owners & developers.	Town of Union	<ul style="list-style-type: none"> ▪ May be triggered by future parcel-specific development. 	Lisa Miller Chairperson Town of Union Planning Board 3111 E. Main St Endwell, NY 13760
8	General Municipal Law (GML) § 239-m	County Planning review of activities located within 500-feet of State or County highway, municipal boundary or park.	County Planning	<ul style="list-style-type: none"> ▪ May be triggered by future parcel-specific development. 	Frank Evangelisti Director Broome County Planning and Economic Development 60 Hawley St P.O. Box 1776 Binghamton, NY 13902
9	Water and Wastewater System Improvements Approval of Plans	Approval of water and wastewater infrastructure improvements and connections.	Town of Union	<ul style="list-style-type: none"> ▪ MVWA – Water connections. ▪ Village of Johnson City/Town of Union – Sewer connections. 	Lou Caforio Commissioner of Public Works 3111 E. Main St Endwell, NY 13760

III. REQUIRED ELEMENTS OF THE DGEIS

A. Chapter 1 – Project Description

Information to be provided in this section of the DGEIS will include:

- A. Purpose and Scope of Document
- B. Background
 - 1. A description of prior site uses, contamination history, mitigation practices, and building demolition.
 - 2. A description of natural features and resources such as geology, soils, topography, groundwater, surface water, and plant and animal communities.
- C. Project Description - Text and graphics for the three (3) development scenarios of the redevelopment site. This section will include the number and types of uses, proposed phases of construction, landscape features, infrastructure, and a description of circulation and site access.
- D. Permits and Approvals

B. Chapter 2 – Land Use, Zoning, Public Policy, and Community Character

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
 - 1. Industrial Land Use
- B. Consistency with Community and Regional Plans
 - 2. Zoning Districts
- C. Potential Impacts of the Proposed Project
 - 1. Land Use
 - 2. Community Character
 - 3. Zoning change(s) of the Project site
 - 4. Public Policy – description of the consistency of the proposed Project with existing planning documents and public policies.
- D. Mitigation – description of the measures (if any) that will be implemented to mitigate adverse impacts to Land Use, Zoning, Public Policy and Community Character from the Project.

C. Chapter 3 – Community Services

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
 - 1. Description of educational, police, fire, emergency service, health care, recreational, and solid waste facilities and providers potentially affected by development of the Project.

2. Description of the current operations and capacity of the community services identified above based on consultations with the school district, Village of Johnson City Fire Department, Broome County Sheriff and State Police, and emergency medical service providers.
- B. Potential Impacts of the Proposed Project
1. Description of the anticipated public cost associated with the provision of services including educational, police, fire, emergency service, health care, recreational, and solid waste facilities.
 2. Description of the potential impacts to the response times of emergency vehicles to the Project site.
 3. Discussion of cumulative impacts that the proposed Project may have on the provision of educational, police, fire, emergency service, health care, recreational, and solid waste facilities.
- C. Mitigation
1. Description of mitigation actions that may be required as a result of the Project, including estimated costs associated with labor and equipment.
 2. Analysis of the potential costs of providing community services weighed against the economic benefits of the proposed Project.

D. Chapter 4 – Flooding

Information to be provided in this section of the DGEIS will include:

A. Existing/Baseline Conditions

1. Flood Mitigation and Hydraulic Study

A. General

A need to demonstrate that, by altering the floodplain, the project will produce “no adverse effects” on neighboring properties is anticipated. Hydraulic modeling comparing base flood elevations before and after development will be used to complete this determination. A hydraulic study will identify possible adverse effects of development in terms of changes to the 100-year base flood elevation.

B. Obtain and Verify the Effective Model

The FEMA (1988) Flood Insurance Study (FIS) for the Town of Union positions the entire Project site within the Zone B Special Flood Hazard Area (SHFA) - which is protected by levees, but would otherwise be subject to flooding during a 100-year storm event. In 2009, FEMA updated hydraulic modeling for the Susquehanna River using USACE’s Hydrologic Engineering Center River Analysis Software (HEC-RAS), which calibrated to high water marks measured at stream gauges during the 2006 flood. The results of this study are integrated into the Preliminary FIS for Broome County (FEMA, 2010), which has not yet been adopted as effective in Broome County or the Town of Union. The Preliminary FIS is considered the best available information for flood risk at the Project site.

C. Adapt Modeling and Verify for Pre-Development Conditions

A review of the Preliminary FIS model determined that the Project site was not adequately represented in the model to assess the impacts of development. An updated Existing Conditions model will be created to better represent the hydraulics of the Susquehanna River in the vicinity of the Project site. Cross sections will be added to the model representing pre-development conditions. This pre-development geometry will be obtained using LiDAR elevation data available from the New York GIS Clearinghouse and as-built survey of the Project site from 2016. In addition, Manning's n values will be adjusted to match values used for similar land uses in adjacent cross-sections. Ineffective flow areas will be revised to reflect areas that would not actively convey water due to the presence of an upstream railroad bridge and/or the USACE levee. Manning's n roughness values will be modified to reflect the current grassy condition of the Project site. The verified model will be used as the baseline for comparison with post-development models.

D. Preliminary Post-Development Modeling and Evaluation

In this task, the hydraulic model will be modified by adding the representation of the proposed development to the model cross sections. The resulting post-development floodwater elevations at the various cross sections will be compared to the pre-development baseline. Any effects will be shown as differences in the floodwater elevations at comparable cross sections. If multiple development or fill scenarios are necessary, they will be completed during the Final GEIS phase.

B. Potential Impacts of the Proposed Project

1. Qualitative discussion of the potential impact of development of the Project site on surface water resources.
2. Identification of the impacts on any aquifers located on site. Description of the impacts that the Project may have on the level of the local water table, or that the water table level may have on the Project.
3. Identification of the impacts of the Project on areas with increased flood risk.

C. Mitigation

1. Description of proposed mitigation measures, if any, to address risk of adverse impacts due to flooding.
2. Description of proposed mitigation measures, if any, to address potentially adverse impacts to surface water resources.
3. Qualitative description of the process for identifying and mitigating impacts to surface water resources from future phases of the Project not addressed in the DGEIS.

E. Chapter 5 – Infrastructure

WATER SUPPLY

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions

1. Description of the existing water supply for the Project site.
 2. Description of current requirements for water supply systems within the Project area.
- B. Potential Impacts of the Proposed Project
1. Description of the proposed water conveyance system to serve the Project site.
 2. Description of the anticipated demand for potable water generated by development of the Project site, including usage and sources.
- C. Mitigation
1. Discussion of local, state, and regional regulations.
 2. Discussion of the potential build out of the water systems serving the Project site, including sources, treatment facilities, and transmission and distribution networks.
 3. Discussion of the potential impacts of the proposed water system and mitigation requirements for areas adjacent to the Project site.

SANITARY SEWER SERVICE

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
1. Description of the sewage collection and treatment systems that serve the Project site.
 2. Description of the infrastructure of the corresponding sewer district and treatment plant capacity.
- B. Potential Impacts of the Proposed Project
1. Description of the wastewater treatment demand generated by development of the Project site.
 2. Description of the proposed plan for providing sanitary sewer service for the Project.
 3. Description the impacts of the Project on the capacity requirements of the existing treatment plant.
- C. Mitigation
1. Regulatory Context – discussion of local, state, and regional regulations related to the provision of sanitary sewer service including those of NYS DEC.
 2. Discussion of the potential build out of the sewage collection and conveyance systems serving the Project site.
 3. Impacts to other sites in the Sewer District – discussion of the impacts of the Project on other sites within the sewer district with respect to the provision of infrastructure and capacity requirements of the treatment plant.

ENERGY AND TELECOMMUNICATIONS

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
1. Description of the current electrical and telecommunications services provided to the Project site, as well as the capacity of current service providers and infrastructure.

- B. Potential Impacts of the Proposed Project
 - 1. Description of the estimated additional electrical and telecommunication requirements generated by development of the Project site.
 - 2. Description of energy-saving elements of the redevelopment scenarios, if any, and consistency with existing local or state energy conservation policies.
- C. Mitigation
 - 1. Description of plans to provide electricity and other energy required for the Project site.
 - 2. Regulatory Context – description of local and state regulations related to the provision of energy and telecommunication services.
 - 3. Electricity – description of the capacity of local service providers to provide electricity to the Project site; discussion of the potential for alternative energy generation on the Project site, including from renewable energy sources.
 - 4. Heating Energy – description of plans for meeting the Project’s heating and non-electrical energy needs.
 - 5. Telecommunications – discussion of infrastructure improvements required to provide the Project site with telecommunications service.

F. Chapter 6 – Traffic and Transportation

Information to be provided in this section of the DGEIS will include:

A. Existing / Baseline Conditions

Data Collection

Traffic data will be collected for Route 17C (Main Street), the roadway that intersects with the entrance to the Project site. The data collection will include turning movement counts, accident reports for the past three years, vehicular speed data from the most recent NYS DOT traffic counts, and roadway inventory information (posted speed limits, roadway lane widths, traffic control measures, pedestrian facilities, and transit services).

Traffic Analysis

A traffic capacity analysis will be completed consisting of the following components:

- 1. Growth Rates: increase in traffic volumes at the Project site.
- 2. Existing Volumes: existing levels of traffic along Route 17C (Main Street) at various intersections within the Project area at morning and evening peak hours.
- 3. Trip Generation: future trips generated for morning and evening peak hours for each development scenario will be estimated.
- 4. Trip Distribution: the trips generated by the redevelopment scenarios to Route 17C (Main Street) will be distributed. Future traffic volumes at the Main Street intersection will be estimated.
- 5. Internal Circulation: evaluation of roadways proposed within the redevelopment scenarios.

6. Traffic Control Device Data: evaluation of existing signals along Route 17C and proposed signals for the redevelopment scenarios.

Traffic Impact Study

A draft report documenting the findings of the redevelopment scenarios will be prepared. Comments will be incorporated and a final Traffic Impact Assessment Report will be included as an appendix to the DGEIS report.

- B. Potential Impacts of the Proposed Project
 1. Description of potential impacts due to changes to pedestrian traffic, parking, onsite/off-site circulation, emergency services access, and public transit conditions resulting from the Project.
- C. Mitigation
 1. Description of the process for identifying and mitigating impacts to traffic and transportation from future phases of the Project.
 2. Discussion of mitigation measures that may be necessary as a result of cumulative impacts from the Project.

G. Chapter 7 – Air Quality

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
 1. Collection and summary of existing ambient air quality data for the study area: Ambient air quality monitoring data published by the New York State Department of Environmental Conservation (NYS DEC) will be compiled for the analysis of existing as well as future background conditions.
- B. Potential Impacts of the Proposed Project
 1. Description of mobile source impacts of the Project.
 2. Description of stationary source impacts of the Project.
- C. Mitigation
 1. Discussion of potential mitigation measures for mobile sources.
 2. Discussion of potential mitigation measures for stationary sources.

H. Chapter 8 – Noise, Odor, and Light

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
 1. Description and quantification of existing noise levels of the Project site based on noise monitoring at specified receptor locations.
 2. Description and quantification of existing odors at the Project site based on odor monitoring at specified receptor locations.
 3. Description and quantification of existing light levels of the Project site based on lighting locations.

- B. Potential Impacts of the Proposed Project
 - 1. Qualitative and limited quantified analyses of potential noise, odor, and light impacts of the Project on the site and surrounding sensitive receptors.
- C. Mitigation
 - 1. Description of the process for mitigating noise, odor and light impacts of the proposed Project.
 - 2. If applicable, identification and qualitative discussion of opportunities to limit and attenuate noise at sensitive receptors or indoor locations.
 - 3. Description of codes and ordinances applicable to construction-related noise.

I. Chapter 9 – Socioeconomic Conditions

Information to be provided in this section of the DGEIS will include:

- A. Existing Conditions/Baseline Conditions
 - 1. Description of the existing demographic and economic conditions in the Town of Union and Hamlet of Westover using 2010 Census data and American Community Survey Data.
 - 2. Description of the existing inventory of commercial and other uses in the Village, Town, and County.
 - 3. Description of the existing tax revenues for the Village, Town, School District, special taxing districts, County, and State generated from the Project site.
 - 4. Description of New York State Department of Environmental Conservation designated Environmental Justice Areas applicable to the project site.
- B. Potential Impacts of the Proposed Project
 - 1. A qualitative description of the potential impacts of development of the Project site on socioeconomic conditions in the Town and Village.
 - 2. A quantitative analysis of the potential economic impacts of the proposed Project on socioeconomic conditions in the Town and Village.
- C. Mitigation
 - 1. An analysis of the estimated economic benefits of the proposed Project weighed against the potential costs associated with providing additional municipal services at the local, county and State level.

J. Chapter 10 – Cultural Resources

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions
 - 1. No existing cultural or historic resources on the Project site.
- B. Potential Impacts of the Proposed Project
 - 1. Description of the potential for adverse impacts to cultural resources from the proposed Project in accordance with SEQRA and SHPO.
- C. Mitigation

1. Description of measures to avoid, minimize, or mitigate any potentially adverse impacts of the Project on cultural resources.

K. Chapter 11 – Visual Resources

The Project includes the potential introduction of new structural and landscape features. Therefore, a visual resources analysis will be conducted to determine potential impacts on the visual character and aesthetic conditions of the Project site and its immediate vicinity. The assessment will be written in accordance with the New York State Department of Environmental Conservation (NYSDEC) Visual Impact Assessment Methodology, “Assessing and Mitigating Visual Impacts,” (DEP-00-2) (October 2018).

- A. Existing/Baseline Conditions – Viewshed Analysis
 1. Overview of regulations related to the visual resources analysis, including a summary of the NYS DEC guidelines referenced above.
 2. Visual resources analysis of the project site. The study area for the analysis will be delineated to include areas from which new project elements would be visible. Existing visual resources will be identified and described. Visual resources may include landscape elements such as water bodies; designated historic structures and other cultural resources; parks; unique topographic or geologic features; and critical environmental areas. Photographs will be used to document important visual resources. A descriptive narrative accompanied by photos will illustrate existing and future visual conditions of the study area, including the visibility of project components from vantage points within the study area during leaf-off condition.
- B. Potential Impacts of the Proposed Project
 1. Description of the proposed project in the context of proximity to identified visual resources, orientation, design context, bulk, and height. Potential aesthetic impacts of the project, if any, will be qualitatively described. The impacts analysis will consider such factors as substantial changes to views, the number and type of viewers that would be affected, the duration of views, and whether or not the feature has been designated as a special resource or viewshed.
- C. Mitigation
 1. Description of measures to mitigate any aesthetic impacts. Mitigation measures may include reducing or eliminating the project’s effect on visual resources through screening, downsizing, relocation, or use of alternate materials.

L. Chapter 12 – Hazardous Materials

Information to be provided in this section of the DGEIS will include:

- A. Existing/Baseline Conditions

1. A description of previous uses of the Project site and Recognized Environmental Conditions based on a Phase I Environmental Site Assessment, which will include site inspections as well as a review of available records, historical maps, and/or aerial photography.
 2. A description of the potential for hazardous materials to be present within the Project site based on the above and an evaluation of regulatory database listings.
 3. Identification of areas of hazardous materials within the Project site.
- B. Potential Impacts of the Proposed Project
1. A qualitative description of the potential impacts of hazardous materials on the Project site.
- C. Mitigation
1. A description of the documentation and mitigation requirements related to hazardous materials for the Project site.

M. Chapter 13 – Solid Waste Management

Information to be provided in this section of the DGEIS will include:

- A. Introduction
 1. A discussion of solid waste management issues associated with the Project site.
- B. Potential Impacts of the Proposed Project
 1. A qualitative description of the impacts of the Project on solid waste generation.
- C. Mitigation
 1. A description of the range of mitigation measures that will be implemented to manage solid waste.

N. Chapter 14 – Liquid Waste Management

Information to be provided in this section of the DGEIS will include:

- A. Introduction
 1. A discussion of liquid waste management issues associated with the Project site.
- B. Potential Impacts of the Proposed Project
 1. A qualitative description of the impacts of the Project on liquid waste generation.
- C. Mitigation
 1. A description of the range of mitigation measures that will be implemented to manage liquid waste.

O. Chapter 15 - Construction

Information to be provided in this section of the DGEIS will include:

- A. Introduction
 1. Phasing – a discussion of the anticipated phasing of construction for the proposed Project, including a description of the areas included in each phase, the general types of construction anticipated, and the anticipated development timeline.

2. A qualitative description of required site preparation and grading.
 3. Discussion of local, regional, and state requirements related to construction noise, air quality, traffic, stormwater, and erosion control.
- B. Potential Impacts of Construction
1. A qualitative description of the impacts of Project construction on traffic generation, air quality, and noise.
- C. Mitigation
1. A description of the range of general measures that will be implemented to mitigate the impacts of construction on the proposed site and adjacent land uses.
 2. Description of the erosion and sediment control plan.

P. Chapter 16 – Alternatives

Information to be provided in this section of the DGEIS will include:

- A. Identification of alternatives to the proposed redevelopment plan, including the No Build Alternative and a reasonable range of design and use alternatives that provide an opportunity to minimize or avoid significant adverse impacts of the proposed project.
- B. Identification of the likely impacts associated with an alternative compared to the proposed project based on qualitative assessment.

Q. Chapter 17 – Cumulative Impacts

- A. Discussion of the cumulative impacts identified in the previous chapters.

R. Chapter 18 – Unavoidable Adverse Impacts

- A. Summary of the significant, unavoidable impacts identified in the previous chapters.

S. Chapter 19 – Growth-Inducing Effects

- A. Discussion of the potential growth-inducing impacts resulting from development of the Project site.

T. Chapter 20 – Public Outreach

- A. Comprehensive summary of all outreach efforts will be included.

U. References

- A. References cited in document will be identified by title, source and date.

IV. Appendices

- A. Attachments of the reports and important data used in the creation of the document.

**BROOME COUNTY
INDUSTRIAL DEVELOPMENT AGENCY**

UNIFORM TAX EXEMPTION POLICY

~~AMENDED DECEMBER 21, 2016~~

SECOND AMENDED NOVEMBER 13, 2019

UNIFORM TAX EXEMPTION POLICY

The following Uniform Tax Exemption Policy will apply to all installment sales and lease agreements in which the Broome County Industrial Development Agency (BCIDA) holds nominal title to real and personal property on behalf of its clients.

A. MORTGAGE RECORDING TAX (1%)

1. BCIDA eligible projects are exempted from the payment of all mortgage recording taxes.
2. Actual mortgage recording tax savings must be reported to the BCIDA at year's end in compliance with Chapter 692 of General Municipal Laws of NYS as amended.

B. SALES TAX (8%)

1. BCIDA provides full sales tax exemption during initial construction and equipping of the subject facility only. No operating (on-going) sales tax exemptions are permitted by this policy.
2. All sales tax exemption agreements will have an expiration date of one (1) year from date of issuance. Extension of expiration dates must be approved by the Board of Directors.
3. Actual or estimated sales tax savings must be reported to the BCIDA at year's end in compliance with Chapter 692 of the General Municipal Laws of NYS as amended.

C. REAL PROPERTY TAX/Payments-in-lieu-of-Taxes (PILOT)

1. New Construction

- a. **Industrial** projects (manufacturing, assembly, R & D, processing, distribution, warehousing, etc.) consisting of **new construction**, will receive the following **tax abatement**: years 1-5, 75%; years 6- 10, 50%; years 11-15, 25%.
- b. **Commercial** projects (wholesale, office, insurance, etc.) consisting of **new construction** will receive the following **tax abatement**: years 1-5, 50% and years 6-10, 25%.

~~a.~~ Retail projects will ~~receive no tax abatements~~ will be reviewed on a case-by-case basis and must comply with the Agency's Retail Tax Abatement Policy:

2. Purchase of Existing Facilities

- a. **Industrial projects** consisting of the purchase of an **existing facility** will have **taxes frozen** at the level in place at the time of purchase for **5 years**. In years **6-10**, any **tax increase over the frozen level** will be abated by **50%** and in years **11-15**, **25%**.
- b. **Commercial projects** consisting of the purchase of an **existing facility** will have taxes frozen at the level in place at the time of purchase for 3 years. In years **4 and 5**, any **tax increase over the frozen level** will be abated by **50%** and in years **6-10**, **25%**.
- c. **Retail projects** will ~~receive no tax abatements~~ be reviewed on a case-by-case basis and must comply with the Agency's Retail Tax Abatement Policy.

3. Improvement of Existing Facility (Previously Owned)

- a. Any project, **industrial or commercial**, which consists of **improving a previously owned facility**, will have taxes frozen at the level in place prior to improvements for 3 years. In years **4 & 5**, any **tax increase over the frozen level** will be abated by **50%** and in years **6-10**, **25%**.
- b. **Retail projects** will be reviewed on a case-by-case basis and must comply with the Agency's Retail Tax Abatement Policy. ~~receive no tax abatements.~~

4. Leased Facilities

- a. In any lease transaction (new construction, existing building, etc.), **industrial or commercial**, the policies stated in Sections 1,2, and 3 will apply so long as the tax abatement benefits are passed on to the tenant/occupant. Both the beneficial owner and the tenant/occupant must certify in writing that all tax advantages provided by the ~~BCIDA~~ are accruing to the benefit of the tenant/occupant.
 - b. **Retail projects** will ~~pay 100% of Real Property Taxes~~ be reviewed on a case-by-case basis and must comply with the Agency's Retail Tax Abatement Policy.
5. Actual real property tax savings must be reported to the BCIDA at year's end in compliance with the NYS General Municipal Laws, Article 18-A, Title 1, Section 874 as amended.

D. REMITTANCE OF PAYMENTS IN LIEU OF TAXES

All payments-in-lieu-of-taxes are to be remitted to the affected taxing authority as if they were regular tax payments, unless otherwise determined by mutual agreement.

E. RECAPTURE OF BENEFITS

1. The Broome County Industrial Development Agency reserves the right to recapture benefits provided through the abatement of real property taxes in cases in which a company's performance is substantially different than anticipated, as defined below:
 - a Sale or closure of facility and departure of company from Broome County;
 - b Significant change in the use of the facility and/or business activities of the company, and;
 - c Significant employment reductions not reflective of the company's normal business cycle and/or local and national economic conditions.

In cases deemed to meet one or more of the above conditions, the following recapture schedule will apply:

<u>Period</u>	<u>Accumulative Amount Of Recapture</u>
Within 3 <u>1</u> Years	100%
Within 5 <u>2</u> Years	75 <u>85</u> %
Within 10 <u>3</u> Years	50 <u>75</u> %
Within 15 <u>4</u> Years	25 <u>50</u> %
After 20 <u>4</u> Years	0 <u>25</u> %

2. The time period above is from the effective date of the PILOT agreement. Imposition of this recapture policy is at the sole discretion of the BCIDA and will be considered on a case-by-case basis.

F. EXCEPTIONS TO REAL PROPERTY TAX (PILOT) POLICIES (“DEVIATED PILOTS”)

1. The Broome County Industrial Development Agency reserves the right to deviate from this policy if it is determined that a project will provide a major economic or employment impact to the County. This exception will require the written approval of the **Chief Elected Official** of the municipality in which the project is located.
2. For locations where a PILOT Policy is already in place, these policies will not apply. However, these locations do have the option of adopting these guidelines and are encouraged to do so.
3. “Spec” buildings and multi-use facilities will be considered on a case-by-case basis.
4. An exception to this policy will apply when a project is located in a “Targeted Area” (1) and consists of the purchase and renovation of a vacant facility or site. In those cases, a tax freeze will apply for 7 years for industrial projects with 50% abatement through year 10, and 25% abatement in years 11-15. Commercial projects will receive tax freeze for 5 years, with 50 % abatement through year 10.
5. Applications that seek a deviation from the BCIDA’s uniform tax exemption policy will only be advanced to the Board of Directors when the following requirements have been met:
 - a. The applicant has consulted with BCIDA staff and provided an overview of the project seeking benefits;
 - b. The applicant has met with the assessing unit serving the municipality and developed a pilot schedule;
 - c. The applicant has secured approval from the Chief Elected Officer of the municipality in which the project is located.

4-d.

When all of these requirements have been met and upon completion of an Application for Benefits, BCIDA staff will advance an application for consideration to the Board of Directors.

(1) The Broome County Industrial Development Agency Board of Directors reserves the right to designate certain areas as “Target Zones”. A Target Zone is an area deemed to be blighted and/or an area with high potential to support economic activity beneficial to the residents of Broome County.

G. ENVIRONMENTAL AND ENERGY EFFICIENCY PROVISIONS

To the extent possible, practicable and economically feasible, the project must utilize resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures.

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
SCHEDULE OF UNIFORM REAL PROPERTY TAX EXEMPTION POLICY**

Years	New Construction Abatement		Purchase of Existing Facility Abatement		Improve/Expand of Existing Facility Abatement	
	Industrial	Commercial	Industrial	Commercial	Industrial	Commercial
1	75%	50%	Frozen (1)	Frozen (1)	Frozen (3)	Frozen (3)
2	75%	50%	Frozen	Frozen	Frozen	Frozen
3	75%	50%	Frozen	Frozen	Frozen	Frozen
4	75%	50%	Frozen	50% (2)	50% (2)	50% (2)
5	75%	50%	Frozen	50%	50%	50%
6	50%	25%	50% (2)	25% (2)	25% (2)	25%
7	50%	25%	50%	25%	25%	25%
8	50%	25%	50%	25%	25%	25%
9	50%	25%	50%	25%	25%	25%
10	50%	25%	50%	25%	25%	25%
11	25%	0%	25% (2)	0%	0%	0%
12	25%	0%	25%	0%	0%	0%
13	25%	0%	25%	0%	0%	0%
14	25%	0%	25%	0%	0%	0%
15	25%	0%	25%	0%	0%	0%

(1) Frozen at pre-purchase levels

(2) Percent of increase over frozen level

(3) Frozen at pre-improvement levels

THE AGENCY

BROOME COUNTY IDA / LDC

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Policy for Retail projects

New York State General Municipal Law prohibits IDAs from financing real projects unless the project falls under one of the following three exceptions:

1. Projects located in distressed census tracks
2. Tourism destination projects that attract significant number of people from outside the economic development region
3. Projects that provide goods or services that are not readily available in the area as (Municipal CEO approval required).

Furthermore, the rules require a finding that the project will preserve or increase private sector jobs in the State.

The Broome County IDA will require projects meet the following best practices as an enhancement to the State Law for determining when a real project should be considered for benefits.

- Retail development in Urban or Town Center areas will take priority over suburban locations. Additional consideration in these locations should be granted if project includes the redevelopment of a blighted or environmentally challenged property or the project creates a higher and better use and promotes smart growth development.
- A third-party market study will be required of the project applicant for all retail projects demonstrating the community need for said development. The study will be required to demonstrate the project increases wealth from outside the community or provides a product or service to the community that is vital to the health and/or economic wellbeing of the local area. This work should include a demand analysis demonstrating that there is a gap in the market and that the project won't compete with established businesses in the community
- Projects should align with local strategic planning efforts. This alignment needs to be demonstrated in the application package and have the support from the municipality and key community stakeholder groups. For example, in the case of tourism destination projects this should include the support of the community's convention and visitor's bureau or tourism promotion agency.

Approved and Adopted this day of