

1 STATE OF NEW YORK

2 COUNTY OF BROOME

3 - - - - -

4 In the Matter of the application for financial
5 assistance submitted by

6 SAM A. LUPO & SONS, INC., and SSE3, LLC

7 - - - - -

8 A Public Hearing held at 3111 East Main Street,
9 Endwell, New York, on the 12th day of December, 2019,
10 commencing at 5:00 PM.

11
12 BEFORE: GARY H. COLLISON
13 Counsel for Broome County
14 Local Development Corporation

15
16 REPORTED BY: CZERENDA COURT REPORTING, INC.
17 71 State Street
18 Binghamton, New York 13901-3318
19 KEVIN CALLAHAN
20 Shorthand Reporter
21 Notary Public
22 Binghamton - (607) 723-5820
23 (800) 633-9149
24

In the Matter of a Public Hearing

1 HEARING OFFICER: Good evening.
2 My name is Gary Collison, and I'm counsel to
3 the Broome County Industrial Development
4 Agency.

5 The Agency is conducting a hearing
6 pursuant to General Municipal Law
7 Section 859-A to seek public comment on an
8 application for financial assistance
9 submitted by Sam A. Lupo & Sons, Inc., and
10 SSE3, LLC, in connection with a proposed
11 addition to the administration office
12 located at 625 Dickson Street in the Town of
13 Union, County of Broome and State of New
14 York to be used for refrigerated work rooms
15 and coolers.

16 The acceptance of the filing by the
17 Agency does not infer any position on the
18 approval or disapproval of the financial
19 assistance requested. No position will be
20 taken by the Agency until the public hearing
21 is concluded.

22 A copy of the application along
23 with a cost/benefit analysis prepared by the
24 Agency is available for your review at the

In the Matter of a Public Hearing

1 offices of the Agency during regular
2 business hours.

3 Notice of this hearing was
4 published in the PRESS & SUN BULLETIN on
5 November 20, 2019.

6 I request that any person wishing
7 to speak state his or her name, and if you
8 are speaking on behalf of an entity or
9 organization, please, identify that entity
10 or organization.

11 The hearing will be remain open
12 until all public comment is concluded.

13 First I'll ask, Tom Gray, Senior
14 Deputy Director of Operations of the Agency,
15 to explain the tax benefits that have been
16 requested by Sam A Lupo & Sons, Inc., and
17 SSE3, LLC.

18 MR. GRAY: Good evening. My name
19 is Tom Gray, and I am the Senior Deputy
20 Director of the Broome County Industrial
21 Development Agency.

22 We are conducting a hearing this
23 evening to seek public comment on an
24 application made to the Agency by Sam A.

In the Matter of a Public Hearing

1 Lupo & Sons, Inc., and SSE3, LLC, for
2 financial benefits from the agency for a
3 project to be located at 625 Dickson Street
4 in the Town of Union, Broome County,
5 New York.

6 The project will involve the
7 construction, renovation and equipping of a
8 9,000-square-foot addition to the
9 administrative office located on a .17, plus
10 or minus, acre parcel of land located at
11 625 Dickson Street in the Town of Union,
12 Broome County, New York, to be used for
13 refrigerated work rooms and coolers.

14 The company has requested financial
15 assistance from the Agency in the form of
16 exemption from sales and use taxes and an
17 abatement of real property taxes.

18 Copies of the application are
19 available at the office of the Agency for
20 your review. We are located at 5 South
21 College Drive, Suite 201, Binghamton,
22 New York.

23 All comments made at this public
24 hearing will be transcribed by our reporter

In the Matter of a Public Hearing

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and presented to the Agency's board of directors for their review prior to any decision on the application.

HEARING OFFICER: Okay. For the record, we have no members of the public who have arrived and sought to make any comment or ask any questions.

So, at this time I will request that the following documents be made a part of the record and proceeding: Exhibit 1 is the notice of public hearing. Exhibit 2 is an affidavit of publication. Exhibit 3 is a letter to the taxing authorities informing them of the public hearing and providing them with a copy of the notice of public hearing. Exhibit 4 is an affidavit of mailing and Exhibit 5 is an affidavit of posting.

With that I think that closes our hearing.

(Whereupon the hearing was concluded at 5:03 PM)

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EXHIBIT:	PAGE:
1 Notice of public hearing	5
2 Affidavit of publication	5
3 Letter to taxing authorities	5
4 Affidavit of mailing	5
5 Affidavit of posting	5

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1 STATE OF NEW YORK :

2 COUNTY OF BROOME :

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4 I, KEVIN CALLAHAN, Shorthand Reporter, do
5 certify that the foregoing is a true and accurate
6 transcript of the proceedings in the matter of public
7 hearing in the matter of the application for financial
8 assistance submitted by Sam A. Lupo & Sons, Inc., and
9 SSE3, LLC, held in Endwell, New York, on December 12,
10 2019.

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12

13

Kevin Callahan

14

KEVIN CALLAHAN

15

Shorthand Reporter

16

Notary Public

17

CZERENDA COURT REPORTING, INC

18

71 State Street

19

Binghamton, New York 13901-3318

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing, pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Broome County Industrial Development Agency (the "Agency") on the 12th day of December, 2019 at 5:00 p.m., local time, at the Town of Union Town Hall, 3111 East Main Street, Endwell, New York 13760 in connection with the following matters:

Sam A. Lupo & Sons, Inc., a corporation organized and existing under the laws of the State of New York, and SSE3, LLC, a limited liability company organized and existing under the laws of the State of New York (collectively, the "Company") have requested that the Agency assist in the financing of the renovation and equipping of a 10,000+/- square foot building located on a 0.17+/- acre of land located at 625 Dickson Street in the Town of Union, Broome County, New York (the "Land") to be used for administrative offices, storage and employee areas and the construction and equipping of a 9,000+/- square foot addition to the administrative office to be used for refrigerated workrooms and coolers (collectively, the "Facility") and the acquisition and installation in the Facility of certain equipment (the "Equipment"). The Land, the Facility and the Equipment are hereinafter, collectively, the "Project". The Project will be initially owned, operated and/or managed by the Company.

The Agency will acquire a leasehold interest in the Project from the Company and lease the Project back to the Company. At the end of the lease term, the Agency's interest in the Project will be reconveyed to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of the issuance of exemptions from sales and use taxes and an abatement of real property taxes.

A copy of the Company's application to the Agency will be available for review, during regular business hours, at the Agency's offices located at FIVE South College Drive, Suite 201, Binghamton, New York 13905.

A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Project.

Minutes of the hearing will be made available to the County Executive of the County of Broome.

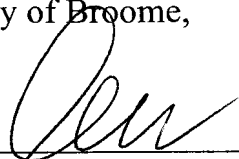
BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Dated: November 18, 2019

By: Stacey M. Duncan, Executive Director

PRESS & SUN-BULLETIN

State of New York
City of Binghamton
County of Broome,

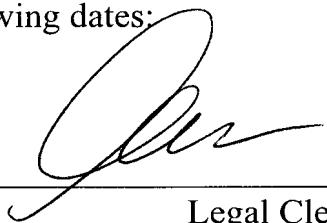


_____ being duly sworn, deposes and says she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City published in the City of Binghamton, New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga, State of New York and Susquehanna County, State of Pennsylvania PRESS & SUN BULLETIN

On the 20 day of November in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument. (Signature of Notary)

A notice of which the annexed is a printed copy, was published on the following dates:

11/20/19



Legal Clerk

Subscribed and sworn to before me this 20 day of November, 2019



Notary Public

State of Wisconsin. County of Brown

8-25-23

My commission expires

SHELLY HORA
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

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The Agency will acquire a leasehold interest in the Project from the Company and lease the Project back to the Company. At the end of the lease term, the Agency's interest in the Project will be reconveyed to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of the issuance of exemptions from sales and use taxes and an abatement of real property taxes.

A copy of the Company's application to the Agency will be available for review, during regular business hours, at the Agency's offices located at FIVE South College Drive, Suite 201, Binghamton, New York 13905.

A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Project.

Minutes of the hearing will be made available to the County Executive of the County of Broome.

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Dated: November 18, 2019
By: Stacey M. Duncan, Executive Director
11/20/2019

0003908462-01

THOMAS, COLLISON & MEAGHER

Attorneys at Law
1201 Monroe Street
Post Office Box 329
Endicott, NY 13761-0329

Telephone: (607) 754-0410
Facsimile: (607) 754-6293
E-Mail Address: jmeagher@tcmslaw.com

Robert B. Thomas (1925 – 2017)
Joseph B. Meagher *
Charles H. Collison
*Also Admitted in Pennsylvania

Gary H. Collison

November 18, 2019

Richard A. Materese
Supervisor
Town of Union
3111 East Main Street
Endwell, New York 13760

Joseph Cook
Assessor
Town of Union
3111 East Main Street
Endwell, New York 13760

Michael T. Decker
Director
Broome County Real Property
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Jason T. Garnar
Broome County Executive
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Jerome Z. Knebel
Director, Office of Management & Budget
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Nicole Wolfe
Superintendent of Schools
Union-Endicott Central School District
1100 East Main Street
Endicott, New York 13760

Re: BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROPOSED SAM A. LUPO & SONS, INC. AND SSE3, LLC PROJECT

Ladies and Gentlemen:

Pursuant to Section 859-a (3) of the New York General Municipal Law (the "Act"), the Broome County Industrial Development Agency (the "Agency") hereby informs you that the Agency has received an application (the "Application") from Sam A. Lupo & Sons, Inc. and SSE3, LLC (the "Company") for financial assistance in connection with a project (the "Project")

Richard A. Materese, Supervisor
Joseph Cook, Assessor
Michael T. Decker, Broome County Real Property
Jason T. Garnar, County Executive
Jerome Z. Knebel, Director, OMB
Nicole Wolfe, Superintendent
November 18, 2019
Page 2

consisting of the following: (A) the renovation and equipping of a 10,000+/- square foot building located on a 0.17+/- acre situate at 625 Dickson Street in the Town of Union, Broome County, New York (the "Land") to be used as administrative offices, storage and employee areas and the construction and equipping of a 9,000+/- square foot addition to the administrative office to be used for refrigerated workrooms and coolers (the "Facility") and the acquisition and installation in the Facility of certain equipment (the "Equipment") (the Land, Facility and Equipment being hereinafter collectively referred to as the "Project"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes and an abatement of real property taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project to the Company or such other person or entity as may be designated by the Company and agreed upon by the Agency.

Enclosed is a notice of public hearing to be held by the Agency relating to the proposed Project. The financial assistance being contemplated by the Agency in connection with the Project is described in said notice of public hearing.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Joseph B. Meagher
Agency Counsel

JBM/smm

Enc.

cc: Stacey M. Duncan (via e-mail)
Thomas M. Gray (via e-mail)

NOTICE OF PUBLIC HEARING

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Minutes of the hearing will be made available to the County Executive of the County of Broome.

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Dated: November 18, 2019

By: Stacey M. Duncan, Executive Director

AFFIDAVIT OF MAILING
OF NOTICE OF PUBLIC HEARING
(SAM A. LUPO & SONS, INC. AND SSE3, LLC PROJECT)

STATE OF NEW YORK:

: ss.:

COUNTY OF BROOME:

The undersigned, being duly sworn, hereby states:

That on November 18, 2019, I mailed a copy of the Notice of Public Hearing in connection with the Broome County Industrial Development Agency's proposed Sam A. Lupo & Sons, Inc. and SSE3, LLC Project to the following individuals:

Richard A. Materese
Supervisor
Town of Union
3111 East Main Street
Endwell, New York 13760

Joseph Cook
Assessor
Town of Union
3111 East Main Street
Endwell, New York 13760

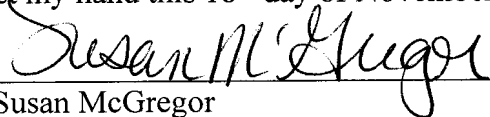
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Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Michael T. Decker
Director
Broome County Real Property
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Nicole Wolfe
Superintendent of Schools
Union-Endicott Central School District
1100 East Main Street
Endicott, New York 13760

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of November, 2019.



Susan McGregor

Subscribed to and Sworn to before me
this 18th day of November, 2019

Notary Public

JOSEPH B. MEAGHER
Notary Public, State of New York
Broome County 02ME4974837
Commission Expires Nov. 26, 2022

AFFIDAVIT OF POSTING
OF NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT AND
FINANCIAL ASSISTANCE RELATING THERETO
(SAM A. LUPO & SONS, INC. AND SSE3, LLC PROJECT)

STATE OF NEW YORK:

: ss.:


COUNTY OF BROOME:

The undersigned, being duly sworn, hereby states:

1. That on November 18th, 2019, I posted a copy of a Notice of Public Hearing in connection with the proposed Sam A. Lupo & Sons, Inc. and SSE3, LLC Project to be undertaken by the Broome County Industrial Development Agency.

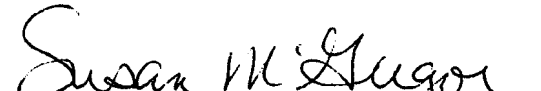
2. Said Notice was posted on a bulletin board located at the Town of Union Town Hall, 3111 East Main Street, Town of Union, Endwell, New York.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of November, 2019.



Daniel Yarnovich

Subscribed to and Sworn before me
this 18th day of November, 2019



Notary Public

SUSAN M. MCGREGOR
Notary Public, State of New York
No. 01MC6215671
Qualified in Broome County
Commission Expires January 4, 2022