

MINUTES OF PUBLIC HEARING
ON AUGUST 16, 2021

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
(SPARK JC, LLC Project)

1. Joseph B. Meagher, Esq., Counsel to the Broome County Industrial Development Agency, called the public hearing to order at 5:00 p.m.
2. A stenographic transcript of the public hearing is attached hereto.
3. Mr. Meagher then asked if there were any further comments and, there being none, the public hearing was closed at 5:21 p.m.

Dated: August 17, 2021

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: 

Joseph B. Meagher, Counsel

1 STATE OF NEW YORK

2 COUNTY OF BROOME

3 - - - - -

4 In the Matter of the Application by

5 SPARK JC, LLC,

6 for Financial Assistance

7 - - - - -

8 A public hearing held by 243 Main Street, Johnson
9 City, New York, on the 16th day of August, 2021,
10 commencing at 5:00 PM.

11
12 BEFORE: JOSEPH B. MEAGHER

13 Counsel for Broome County

14 Industrial Development Agency

15
16 BEFORE: CZERENDA COURT REPORTING, INC.

17 PO Box 903

18 Binghamton, New York 13902-0903

19 KEVIN CALLAHAN (via video)

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 afternoon,
2 My name is Joseph Meagher, and I'm
3 counsel to the Broome County Industrial
4 Development Agency.

5 The Agency is conducting a hearing
6 pursuant to General Municipal Law, Section
7 859-a, to seek public comment on an
8 application for financial assistance
9 submitted by Spark JC, LLC, in connection
10 with a portion of the Oakdale Mall to be
11 used as a mixed-use development project
12 including but not limited to retail space to
13 be located on Harry L. Drive, Reynolds Road
14 in the Village of Johnson City, Town of
15 Union, County of Broome County and State of
16 New York.

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

23 A copy of the Agency (sic) along
24 with the cost/benefit analysis prepared by

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1 the Agency is available for your review at
2 the office of the Agency during regular
3 business hours.

4 Notice of this hearing was
5 published in the PRESS & SUN BULLETIN on
6 August 7, 2021.

7 I request that each person wishing
8 to speak state his or her name and if you're
9 speaking on behalf of an entity or
10 organization, please, identify that entity
11 or organization. Please, limit your remarks
12 to five minutes.

13 The hearing will remain open until
14 all public comment is concluded.

15 First I'm going to ask Stacey
16 Duncan, Executive Director of the Agency, to
17 explain the benefits that have been
18 requested by Spark JC, LLC.

19 MS. DUNCAN: Thank you, Joe.

20 HEARING OFFICER: Stacey.

21 MS. DUNCAN: Good evening. My
22 name is Stacey Duncan, Executive Director of
23 the Broome County Industrial Development
24 Agency.

In the Matter of a Public Hearing

1 We are conducting a hearing this
2 evening to seek public comment on an
3 application made to the Agency by Spark JC,
4 LLC, for financial benefits from the Agency
5 for a project to be located within the
6 Oakdale Mall situated on Harry L. Drive and
7 Reynolds Road in the Village of Johnson
8 City, Town of Union, County of Broome, New
9 York.

10 The project will involve the
11 acquisition, construction, rehabilitation
12 and renovation and equipping of a portion of
13 the Oakdale Mall consisting of the main
14 mall, the Macy's and the Key Bank facilities
15 all located on Harry L. Drive and Reynolds
16 Road in the Village of Johnson City, Broome
17 County, New York.

18 The project will be used as a mixed
19 use development project including but not
20 limited to retail space, technology --
21 manufacturing and technology space and
22 healthcare space.

23 The company has requested financial
24 assistance from the Agency in the form of an

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1 abatement of sales and use taxes, a mortgage
2 recording tax exemption and abatement of
3 real property taxes deviating from the
4 Agency's uniform tax exemption policy.

5 As Joe mentioned, copies of the
6 Agency -- of the application are available
7 at the office of the Agency for your review.
8 This application has also been posted to our
9 website at theagency-ny.com. We are located
10 at 5 South College Drive, Suite 201, in
11 Binghamton, New York 13905.

12 All comments made at this public
13 hearing will be transcribed by our reporter
14 and presented to our board of directors for
15 their review prior to any decision on the
16 application.

17 HEARING OFFICER: All right.

18 Does anyone wish to speak with
19 regard to this application?

20 MS. CONNERTON: Sure. Good
21 evening. My name is Kathy Connerton. I'm
22 the President and CEO of Our Lady of Lourdes
23 Memorial Hospital, Inc.

24 I'm here in full support of the

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1 PILOT program that's being requested by
2 Spark JC, LLC, and would ask the IDA's
3 consideration for this PILOT.

4 As many members of the IDA know,
5 Lourdes has made a very large commitment to
6 revitalizing the mall already. We are under
7 lease arrangements currently in what is
8 known as the old tier building, for those of
9 us who have been already long enough to
10 remember it, and we are well underway for
11 construction on both floors in that
12 building.

13 We are building, just as a
14 reminder, a large multispecialty clinic on
15 the first floor with a retail pharmacy with
16 lab and X-ray. On the bottom floor we are
17 building a clinically based health and
18 fitness center with rehab space and sports
19 performance space.

20 We made this determination and this
21 commitment even after going through the
22 pandemic and going through as most health
23 systems in and across the country
24 significant losses, but we have continued

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1 with this commitment because we see it as an
2 important step in our ministry's future. We
3 see this as a place where we can combine
4 health and wellness for our community in a
5 very different way and provide greater
6 access to outpatient services to our
7 community at a very accessible site.

8 The mall is a perfect site for
9 this, and as you look across the country,
10 you will see many malls undergoing very
11 similar revitalization. It's at the
12 crossroads of our community where all the
13 highways come together. It is accessible by
14 the bus route, and it gives people who might
15 not otherwise have access to health and
16 fitness and other things that we're going to
17 be able to offer at that site services.

18 We are very much interested in
19 planning on expanding and taking on more
20 site -- more space at this site. And as we
21 have gone through our analysis to make this
22 feasible for us as a not-for-profit entity
23 in this community that does a lot of charity
24 care and, as I said, went through some

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1 challenging past 18 months post-pandemic.

2 As we looked at this, the PILOT
3 program is critically important to us in our
4 analysis and our ability to do this. The
5 capital expenditures that we are making at
6 the mall are significant. At the mall
7 currently at the site that we're in it's
8 upwards of a \$20 million investment. So,
9 it's not small for Our Lady of Lourdes to
10 make this kind of commitment, but for us we
11 see this as the future of healthcare in
12 bringing it, again, to the community where
13 we can bring mixed services at one site and
14 create a destination site for people to come
15 to with ease of access.

16 So, we would strongly ask your
17 consideration of this PILOT program. It is
18 vital to us as we think about expansion into
19 other areas. We are in very serious
20 conversations about taking on additional
21 space. Most recently someone asked me what
22 that might look like, and while we don't
23 have a site picked out within the mall space
24 yet, we would definitely need probably -- if

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1 you looked -- I just used it as a
2 comparison, the Macy's Building. If you
3 just looked at that from a setting, we would
4 probably need space on both floors and take
5 a good portion of both floors.

6 So, our commitment, I think, is
7 already proven in what we're already
8 providing. We're very excited about what
9 we're seeing happening there, and I would
10 just say that the response from the
11 community has been overwhelmingly
12 supportive.

13 So, just to give you a sense, we
14 hope to have 3,000 members to our health and
15 fitness center by the time we open in April
16 and then build from there. We're already at
17 1,200 members, and they can't even see it
18 yet, but people are excited about it because
19 they see a combination of not just a gym but
20 an ability to go to a place where there is
21 clinical expertise and programs will be
22 customized to who the people are as
23 individuals so that they can find clinical
24 care and healthcare and wellness care in a

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1 safe environment.

2 So, as we look at our population in
3 Broome County, I would just mention there
4 are two populations that are growing here,
5 55 and older, which I am now, unfortunately,
6 part of that club, and 25 to 35. And when
7 we look at those two populations of growth,
8 putting a place at the mall is critically
9 important to us, and for the services that
10 we're bringing there we think that it will
11 be very valuable to that -- to those two
12 growing populations.

13 So, if the response continues to be
14 positive, we see this as a real opportunity
15 for growth and expansion in our community.

16 But thank you for your time
17 tonight, and, once again, we would ask your
18 consideration in full support of this PILOT
19 program.

20 HEARING OFFICER: Thank you,
21 Kathy, and just under five minutes.

22 MS. CONNERTON: Phew.

23 HEARING OFFICER: 4:58.

24 MS. CONNERTON: Wow. I talk fast.

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1 HEARING OFFICER: Thank you.

2 MS. CONNERTON: Thank you.

3 HEARING OFFICER: Does anyone else
4 wish to speak with respect to this
5 application?

6 MR. ADLER: Do you need me to do
7 the same thing? Okay.

8 So, I'm Dave Adler. I'm a local
9 resident and while I'm supportive of the
10 PILOT I'm also not thinking the actual plan
11 is something that is actually going to fit.
12 Overall it will be beneficial to the Lourdes
13 portion, but how it's set up I don't believe
14 so. And so, I have something written if I
15 can get it done in five minutes.

16 Re-imagining the Oakdale Mall into
17 the current and future --

18 (Whereupon there was an outside
19 interruption)

20 MR. ADLER: Re-imagining the Oakdale
21 Mall into the current and future commerce
22 trends is important, and the most important
23 part is -- is retaining the retail portion.

24 It is a common misunderstanding

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1 that online retail is killing in-person
2 shopping. The first quarter of 2010 showed
3 online shopping accounting for 4.2 percent
4 of retail sales, and it rose small amounts
5 over the decade to 11.4 percent in the first
6 quarter of 2020 or the start of the
7 lock-downs. It jumped a small bit to 15.7
8 percent in the second quarter of 2020 and
9 immediately started declining again, 13.8
10 percent in quarter three, 13.6 in four, and
11 besides Amazon retailers that saw an
12 increase in online sales including Target,
13 Walmart and Lowe's and other brick and
14 mortar stores that could remain open and
15 offer curbside pickup service.

16 Walmart's online sales increased 74
17 percent for the same period. Even though
18 their in-store customer count decreased,
19 they spent 17 percent more in store for
20 in-store transactions.

21 Target in particular was
22 successful. Their on-line sales grew 141
23 percent from the year prior. 80 percent of
24 their online sales fulfillment was in-store

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1 with either curbside delivery from the
2 store, in-store pickup to ship to home.

3 The Target example is the -- is the
4 future of retail, omni-channel commerce,
5 buying online for in-store pickup, being
6 able to order an item in store that is out
7 of stock in person, being able to return or
8 exchange an online purchase in the store.

9 Macy's has even transitioned some
10 stores in multi-location communities or like
11 larger communities where there is more than
12 one Macy's to e -- e-commerce fulfillment
13 centers with no in-store shopping but
14 curbside pickup being available.

15 Some stores excel at that space
16 while others have room for improvement. If
17 a company does have a physical presence,
18 they will still falter. That is why Amazon
19 is also moving into retail stores or
20 physical locations.

21 But back to Oakdale, many in the
22 community are under the assumption it is
23 dead or dying because of shopping habits,
24 and that would be incorrect based on facts

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1 found in years of researching, but it's more
2 of the previous ownership deciding it no
3 longer had a future in their portfolio
4 combined with some of the companies with
5 leases that were -- were faltering.

6 Vornado owned the mall from the
7 beginning when they were called Interstate
8 Properties. From '64 to '97 they focussed
9 on shopping centers, Oakdale Mall being one
10 of their better performing locations,
11 allowing them to charge high rent up until
12 they started to decline a little bit.

13 Beginning in '97 they started to
14 buy commercial real estate in New York City,
15 and they're now the largest owner of
16 commercial real estate in New York City with
17 almost 30 million square feet of space and
18 do not own a single traditional mall or
19 shopping center anymore.

20 They started divesting shopping
21 centers in 2012 and fully spun off their
22 remaining portfolio in January 2015 except
23 for the Oakdale Mall. In 2017 when an
24 analyst website suggested that Oakdale could

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1 close due to the departure of Macy's and
2 Sears, it was a big part of the assumption
3 from people in the community that the mall
4 was dead, and the response from Vornado
5 through their Interstate Properties arm
6 attempted to calm the tenants in a later --
7 a letter dated July 2017 and also
8 incorrectly gave the year they opened as
9 1965, which I see as an example of their
10 then non-concern about the mall.

11 July 2017 was two years after
12 Vornado spun off their shopping center
13 portfolio and had the spinoff company Urban
14 Edge manage Oakdale Mall. It was said that
15 there were two reasons Vornado kept Oakdale
16 Mall, and one was so the mall managers there
17 at the time could retire and the other,
18 again, they had the outstanding debt that
19 they took out to pursue other things.

20 In the 2017 letter the company said
21 they were aggressively pursuing
22 opportunities for the Macy's building, and
23 one can kind of question that as they
24 refused to negotiate to keep one of the two

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1 GameStop stores at the mall losing that
2 tenant. They attempted to increase the rent
3 on a collectables store, local owner of the
4 former Catherine's space, losing another
5 tenant, and would not communicate with
6 VanCott to renegotiate with a new lease
7 causing a local business that had been there
8 since the beginning to close that location.

9 At the time of the Macy's departure
10 the mall was about 80 percent occupied.

11 HEARING OFFICER: Fifteen seconds.

12 MR. ADLER: Copy. And -- yeah.
13 So, there's a lot more if people have
14 questions after. I have information about
15 the area of the mall, the previous owners
16 and other ideas for the mall.

17 HEARING OFFICER: You -- you can
18 submit your written document --

19 MR. ADLER: Okay.

20 HEARING OFFICER: -- if you want.
21 It will be --

22 MR. ADLER: Yep.

23 HEARING OFFICER: -- included in
24 the record.

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1 MR. ADLER: Will do.

2 Thank you, Joe.

3 HEARING OFFICER: Thank you very
4 much.

5 All right. Does anyone else wish
6 to speak?

7 MR. ADLER: I'll take a shot at
8 it.

9 HEARING OFFICER: John, the floor
10 is yours.

11 MR. SOLAK: John Solak coming to
12 you from the revitalized Johnson City.
13 Harvey Stenger revitalized this place so
14 much I -- I can't believe it. I went to
15 St. James School, and the change is
16 enormous. Congratulations. Of course, he
17 moved from five years to ten years. Now
18 he's going to do it in 10 years. Maybe we
19 could take Red Robin Diner and put it up at
20 the mall.

21 Here's the problem. You're
22 subsidizing a health club and a beer and
23 burger joint, and then across the street you
24 have a beer and burger joint and a health

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1 club that's paying full taxes. That's not a
2 competitive environment, is it?

3 You have -- you're going to put a
4 nonprofit pharmacy there. Well, why should
5 Danny Wegman's pay taxes on his pharmacy
6 there? Why should CVS down the road at
7 Harry L. Drive or right here in Johnson City
8 pay taxes? This is unjust. It is unfair
9 and it is unbusiness-like.

10 Now. One of the bombshells that
11 came out in the governance committee
12 meeting, in my mind, was that JC Penny is
13 currently only paying 75 cents a square
14 foot.

15 Now, imagine the geniuses at Broome
16 County, Jason Garnar receiving large
17 campaign contributions from the Matthews
18 Family, 5,000, 5,000, 5,000, 25,000, 40,000.
19 Pretty soon you get into real money. No
20 wonder he's enthusiastic about this project,
21 but the county is paying 13, \$14 a square
22 foot. Didn't put it out for request for
23 proposal. Plenty of space available all
24 over town. It wasn't NASA they were

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1 recreating. It's office space. So,
2 75 percent cents for JC Penny. As it is,
3 you could put metal desks in there and have
4 the County Office Building.

5 And this original Sparks project
6 was supposed to be a catalyst. It was
7 supposed to be a jump start, and the rest of
8 the mall was going to be on its own. You
9 know, this -- this was the catalyst. Oh,
10 well, wait, wait, wait a minute. Did we
11 tell you that? Of course, they did. No.
12 No. No. We -- we've got to have not only
13 IDA favors but Empire Development Favors, 2,
14 2, 3, 4, \$5 million for storm sewers from
15 the county.

16 This is quite something. This is
17 quite something of what the people in power
18 are doing to this -- to this community.
19 They're destroying it.

20 Now, I've mentioned the Matthew's
21 Family track record, and it's a track record
22 of bankruptcy. The deal that this is
23 reminiscent of is Huron, Huron and EIT,
24 where the partners, including the Matthews,

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1 took millions of dollars out of there right
2 before declaring bankruptcy, took a jet
3 plane that belonged to GE, ran it all over
4 the world and said to its employees and said
5 to this community -- that's what they did.
6 They gave it a Tony Soprano. It was a
7 classic bust-out.

8 So, this -- and, you know, God
9 bless Jim Matthews. I bought a Mitsubishi
10 from him. I like Jim Matthews. He -- he
11 followed me around. He waved at me. The
12 license plate said, Matthews. This is a
13 joke.

14 I -- I think -- and there's -- if
15 it was -- actually, these -- these -- these
16 projects should be back end loaded. The
17 breaks could be -- should be after you
18 complete the project after you've been there
19 a number of years and the taxes could go
20 down, but this -- this is going to be a
21 failure.

22 The Matthews Family is prone to
23 bankruptcy. I suggested a completion bond.
24 You know, I -- I suggested if they fulfill

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1 their requirements, fine. If they don't,
2 fine. You go on to the completion bond, but
3 this is not a business deal. This is an
4 insider. You all know the Matthews Family.
5 We've got plenty of money. We're for the
6 community. Give us more. Give us more.
7 Forget the small guy. Forget the guy in the
8 bungalow. Forget the people down here in
9 Johnson City that are paying for this whole
10 deal.

11 No. No. No. We've got to -- this
12 is a scam and a sham, and it's going to end
13 up just like Huron. The Matthews Family did
14 absolutely nothing. They didn't even sign
15 those IBM buildings over with T1-11 or vinyl
16 siding. They're crumbling. This is a
17 predator.

18 And by the way, you know, Garnar
19 and those folks, they didn't say that --
20 that --

21 HEARING OFFICER: Fifteen seconds.

22 MR. SOLAK: Fifteen seconds, okay.

23 If you look at my comments over the
24 years, they've been dead -- dead right.

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1 Nonprofit activity, tax break activity is
2 not really economic activity. This will end
3 up just like all the other Matthews Family
4 projects, money in their pocket, bankruptcy
5 if things don't work out.

6 HEARING OFFICER: Thank you, John.

7 All right. Does anyone else wish
8 to speak?

9 (Whereupon there was no response)

10 HEARING OFFICER: No one else?

11 (Whereupon there was no response)

12 HEARING OFFICER: Okay. If we
13 have no one else, I'm going to call this
14 hearing to a conclusion and I'm going to
15 request that the notice of public hearing,
16 the affidavit of publication, the letter to
17 the taxing authorities, be spread upon the
18 record of these proceedings.

19 And if anyone else wishes to submit
20 anything in writing along with our earlier
21 speaker, those comments will also be
22 included in the record and provided to the
23 board of directors of the Agency before a
24 decision is made on this application.

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1 That said, I thank you all for
2 coming this evening.

3 (Whereupon the hearing concluded at
4 5:21 PM)

5 (Whereupon Exhibits 1 through 5
6 were marked for identification)

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I N D E X

EXHIBIT:

PAGE:

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- - - - -

1 STATE OF NEW YORK :

2 COUNTY OF BROOME :

3
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 Spark
7 JC, LLC, for financial assistance held in Johnson City,
8 New York, on August 16, 2021.

9
10
11 

12 _____
13 KEVIN CALLAHAN

14 Shorthand Reporter

15 Notary Public

16 CZERENDA COURT REPORTING, INC

17 PO Box 903

18 Binghamton, New York 13902-0903
19
20
21
22
23
24

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 16th day of August, 2021 at 5:00 p.m., local time, at the Village Hall in the Village of Johnson City, 243 Main Street, Johnson City, New York 13790, and will be streamed on the date and time above referenced at www.theagency-ny.com, in connection with the following matters:

Spark JC, LLC, a limited liability company organized and existing under the laws of the State of New York (the "Company") has requested that the Agency assist in the financing of the acquisition, construction, rehabilitation, renovation and equipping of a portion of the Oakdale Mall located on Harry L. Drive and Reynolds Road in the Village of Johnson City, Town of Union, Broome County, New York (the "Land") to maintain the Oakdale Mall as a mixed use development project, including, but not limited to retail space (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, mortgage taxes, and an abatement of real property taxes deviating from the Agency's Uniform Tax Exemption Policy.

A copy of the Company's application to the Agency will be available for review at the Agency's website located at <https://theagency-ny.com>.

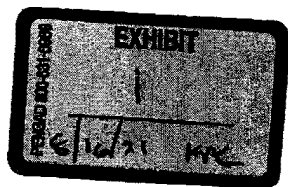
A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Project.

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

**BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

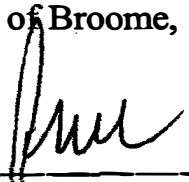
Dated: August 4, 2021


By: Stacey M. Duncan, Executive Director



PRESS & SUN-BULLETIN

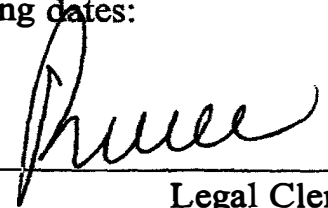
State of New York
City of Binghamton
County of Broome,

 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 7 day of August in the year 2021, 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:

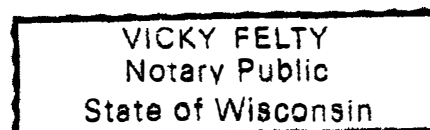
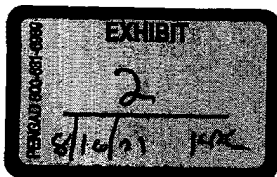
08/07/2021


Legal Clerk

Subscribed and sworn to before me this 7 day of August, 2021


Notary Public
State of Wisconsin, County of Brown

9/19/21
My commission expires



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 16th day of August, 2021 at 5:00 p.m., local time, at the Village Hall in the Village of Johnson City, 243 Main Street, Johnson City, New York 13790, and will be streamed on the date and time above referenced at www.theagency-ny.com, in connection with the following matters:

Spark JC, LLC, a limited liability company organized and existing under the laws of the State of New York (the "Company") has requested that the Agency assist in the financing of the acquisition, construction, rehabilitation, renovation and equipping of a portion of the Oakdale Mall located on Harry L. Drive and Reynolds Road in the Village of Johnson City, Town of Union, Broome County, New York (the "Land") to maintain the Oakdale Mall as a mixed use development project, including, but not limited to retail space (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, mortgage taxes, and an abatement of real property taxes deviating from the Agency's Uniform Tax Exemption Policy.

A copy of the Company's application to the Agency will be available for review at the Agency's website located at <https://theagency-ny.com>.

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: August 4, 2021
By: Stacey M. Duncan, Executive Director
8/7/2021

0004855395-01

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

August 5, 2021

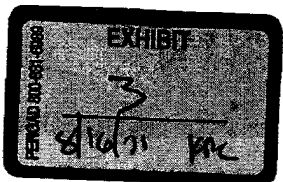
PLEASE SEE ATTACHED LIST OF NOTICED PARTIES

**Re: BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROPOSED SPARK JC, 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 Spark JC, LLC (the "Company") for financial assistance in connection with a project (the "Project") consisting of the following: (A) the acquisition, construction, rehabilitation, renovation and equipping of a portion of the Oakdale Mall located on Harry L. Drive and Reynolds Road in the Village of Johnson City, Town of Union, Broome County, New York (the "Land") to maintain the Oakdale Mall as a mixed use project, including, but not limited to retail space (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, mortgage taxes and an abatement of real property taxes deviating from the Agency's Uniform Tax Exemption Policy (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) 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.



Michael T. Decker, Broome County Real Property
Joseph Cook, Assessor, Town of Union
Gregory W. Deemie, Mayor, Village of Johnson City
Mary Kay Roland, Superintendent of Schools
Jerome Z. Knebel, Director, OMB
Richard A. Materese, Supervisor, Town of Union
Jason T. Garnar, Broome County Executive
Daniel J. Reynolds, Chairman, Legislative Branch
Kevin M. McManus, Deputy Director, Legislative Branch
Aaron M. Martin, Clerk, Legislative Branch
Joseph F. Moody, Director, TOU Economic Development
August 5, 2021
Page 2

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

JBW/smm

Enc.

cc: Stacey Duncan (w/enc.) (via e-mail)

LIST OF NOTICED PARTIES

Michael T. Decker
Director
Broome County Real Property Tax Service
60 Hawley Street, 2nd Floor
P.O. Box 1766
Binghamton, New York 13902

Gregory W. Deemie
Mayor
Village of Johnson City
243 Main Street
Johnson City, New York 13790

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

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

Kevin M. McManus
Deputy Director, Legislative Branch
Broome County Office Building
60 Hawley Street, 6th Floor
P.O. Box 1766
Binghamton, New York 13902

Joseph M. Moody
Director, TOU Economic Development
CEO, TOULDC
Town of Union
3111 East Main Street
Endwell, New York 13760

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

Mary K. Roland
Superintendent
Johnson City Central School District
666 Reynolds Road
Johnson City, New York 13790

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

Daniel J. Reynolds
Chairman, Legislative Branch
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Aaron M. Martin
Clerk, Legislative Branch
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

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, mortgage taxes, and an abatement of real property taxes deviating from the Agency's Uniform Tax Exemption Policy.

A copy of the Company's application to the Agency will be available for review at the Agency's website located at <https://theagency-ny.com>.

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: August 4, 2021

By: Stacey M. Duncan, Executive Director

**AFFIDAVIT OF MAILING
OF NOTICE OF PUBLIC HEARING
(SPARK JC, LLC PROJECT)**

STATE OF NEW YORK:

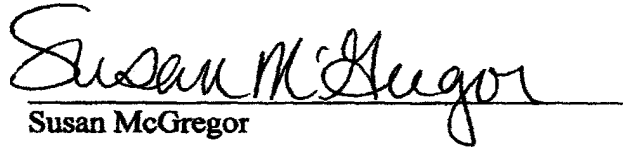
: ss.:

COUNTY OF BROOME:

The undersigned, being duly sworn, hereby states:

That on August 5, 2021, I mailed a copy of the Notice of Public Hearing in connection with the Broome County Industrial Development Agency's proposed Spark JC, LLC Project to the individuals on the attached list:

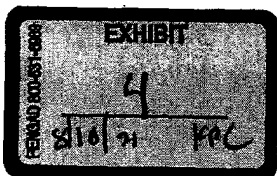
IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of August, 2021.


Susan McGregor

Subscribed to and Sworn to before
me this 5th day of August, 2021


Notary Public

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



LIST OF NOTICED PARTIES

Michael T. Decker
Director
Broome County Real Property Tax Service
60 Hawley Street, 2nd Floor
P.O. Box 1766
Binghamton, New York 13902

Gregory W. Deemie
Mayor
Village of Johnson City
243 Main Street
Johnson City, New York 13790

Joseph Cook
Assessor
Town of Union
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Aaron M. Martin
Clerk, Legislative Branch
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

**AFFIDAVIT OF POSTING
OF NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT AND
FINANCIAL ASSISTANCE RELATING THERETO
(SPARK JC, LLC PROJECT)**

STATE OF NEW YORK:

: ss.:

COUNTY OF BROOME:

The undersigned, being duly sworn, hereby states:

1. That on August 5, 2021, I posted a copy of a Notice of Public Hearing in connection with the proposed Spark JC, LLC Project to be undertaken by the Broome County Industrial Development Agency.

2. Said Notice was posted on a bulletin board located at the Village of Johnson City Village Hall, 243 Main Street, Village of Johnson City, Broome County, New York.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of August, 2021.



Daniel Yarnovich

Subscribed to and Sworn before me
this 5th day of August, 2021



Notary Public

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

