

At a regular meeting of the Members of the Town of Riverhead Industrial Development Agency, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on October 3, 2011 at 5:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Kathleen Courtney and upon roll being called, the following were

PRESENT: Kathleen Courtney

Lou Kalogeras

Paul Thompson

Carl Gabrielsen

ABSENT: Tom Cruso

The following resolution was offered by Member Paul Thompson, who moved its adoption, seconded by Member Carl Gabrielsen, to-wit:

RESOLUTION #46-11 DATED OCTOBER 3, 2011.

A RESOLUTION APPROVING THE PROVISION OF FINANCIAL ASSISTANCE BY THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY TO HAMPTON JITNEY, INC.

WHEREAS, the Town of Riverhead Industrial Development Agency was created by Chapter 624 of the Laws of 1980 and is a public benefit corporation and an industrial development agency of the State of New York (the "Agency") having those powers set forth in, and subject to the requirements of, Article 18-A of the General Municipal Law;

WHEREAS, the Agency has received an application for financial assistance from Hampton Jitney, Inc., a privately held corporation incorporated in the State of New York on April 2, 1974 with an office at 395 County Road 39A, Southampton, New York 11968 ("Applicant"), with respect to the construction and equipping of a new building and related site improvements at 253 Edwards Avenue, Calverton, New York 11933, to be acquired by Applicant pursuant to an option to purchase presently held by the Applicant, for use as a bus maintenance repair, fueling and wash facility with necessary offices, a lobby including a snack bar, car rental facility and customer waiting and seating area, and a bus fueling area and customer parking area, and incidental work in connection therewith, at an aggregate cost, including costs associated with the financing thereof, estimated to be \$8,745,800 (the "Project");

WHEREAS, according to the application filed with the Agency by Applicant, the Project is expected to be operated by the Applicant, with possible incidental subleases from time to time for portions thereof, such as the snack bar and the car rental facility;

WHEREAS, Section 859-a of the General Municipal Law, being part of Article 18-A of the General Municipal Law, provides that, prior to providing financial assistance to any applicant with respect to any project, industrial development agencies, including the Agency, must hold a

public hearing with respect to the project and the proposed financial assistance being contemplated to be provided by the agency; and

WHEREAS, a public hearing with respect to the application for financial assistance and the Project and the proposed financial assistance now being contemplated by the Agency to be provided to Applicant with respect to the Project was held on August 1, 2011, NOW, THEREFORE, BE IT

RESOLVED, by the Members of the Town of Riverhead Industrial Development Agency, Suffolk County, New York, as follows:

Section 1. A public hearing was held at the Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, on August 1, 2011 at 5:00 p.m. prevailing time with respect to the Project (as defined in Section 3 of this resolution) and the proposed financial assistance now being contemplated to be provided to Applicant by the Agency with respect to the Project, and to hear all persons interested in the subject thereof, concerning the same. At said public hearing, interested parties were provided reasonable opportunity, both orally and in writing, to present their views with respect to the Project and the providing of financial assistance now being contemplated to be provided to Applicant by the Agency with respect to the Project.

Section 2. The Agency has declared itself "lead agency", in accordance with the provisions of the State Environmental Quality Review Act with respect to the Agency's providing financial assistance to Applicant with respect to the Project, as described in Section 4 of this Resolution and as authorized pursuant to Article 18-A of the General Municipal Law, and has determined that the provision of said financial assistance will not have a significant effect on the environment.

Section 3. A general, functional description of the Project is as follows: the acquisition of land and the construction and equipping of a new building thereon and related site

improvements at 253 Edwards Avenue, Calverton, New York 11933, a site to be acquired by Applicant pursuant to an option to purchase presently held by the Applicant, for use as a bus maintenance repair, fueling and wash facility with necessary offices, a lobby including a snack bar, car rental facility and customer waiting and seating area, and a bus fueling area and customer parking area, and incidental work in connection therewith, at an aggregate cost, including costs associated with the financing thereof, estimated to be \$8,745,800 (the "Project"). It is hereby determined that the Project constitutes a "project" within the meaning of subdivision 4 of Section 854 of the General Municipal Law.

Section 4. It is hereby determined that the Agency shall provide financial assistant to Applicant with respect to the Project consisting of (i) the provision of an exemption from Mortgage Recording Taxes, (ii) the provision of an exemption from Sales and Compensating Use Taxes on certain property, including tangible personal property, and (iii) a partial abatement of real property taxes attributable to any increase in assessed value of the real property comprising the Project over the present assessed value of such real property. The financial assistance described in (i), (ii) and (iii), above, shall be consistent with the uniform tax-exemption policy adopted by the Agency pursuant to Subdivision 4 of Section 874 of the General Municipal Law. The financial assistance described in (iii), above, shall be implemented by a payment in lieu of tax agreement effective for ten tax years providing for annual payments in lieu of tax on each tax payment date equal to the sum of:

- a) the tax that would otherwise be due on the present assessed value of the Project site, and
- b) a percentage, defined below, of the tax that would otherwise be due on the difference, if positive, between i) the assessed value of the Project otherwise used to calculate real property tax for the payment date, and ii) the present assessed value of the

Project site. The percentage shall be 50% in the first year and shall increase by 5% each year, becoming 95% in the tenth and final year. The Executive Director of the Agency is hereby directed to proceed, at the expense of the Applicant, to cause agreements and documents to be prepared that will enable the aforesaid benefits to be provided to the Applicant, and to submit such agreements and documents to the Agency for approval.

Section 6. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

KATHLEEN COURTNEY VOTING AYE_____

LOU KALOGERAS VOTING AYE_____

PAUL THOMPSON VOTING AYE_____

CARL GABRIELSEN VOTING AYE_____

The resolution was thereupon declared duly adopted.

* * * *

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, the undersigned Secretary of the Town of Riverhead Industrial Development Agency, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Members of said Agency, including the resolution contained therein, held on October 3, 2011, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Agency had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

The Riverhead News Review

July 21, 2011

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

| <u>Designated Location(s) of posted notice</u> | <u>Date of Posting</u> |
|--|------------------------|
| Office of the Riverhead Town Clerk | 01/3/11 |
| IDA Website | 04/01/11 |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency on 10/28, 2011.





Secretary