

**TOWN OF RIVERHEAD
INDUSTRIAL DEVELOPMENT AGENCY**

RESOLUTION #14-19

DATED FEBRUARY 22, 2019

**#14-19 RESCINDS RESOLUTION #13-19 ADOPTED FEBRUARY 4, 2019 ENTITLED,
“A RESOLUTION AUTHORIZING THE PROVISION OF FINANCIAL ASSISTANCE
BY THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY TO
ISLAND INTERNATIONAL EXTERIOR FABRICATORS LLC”**

Member Anthony Barresi offered the following resolution, which was seconded by Member James Farley.

WHEREAS, by resolution #13-19 adopted February 4, 2019 the Agency authorized the provision of financial assistance to Island International Exterior Fabricators LLC (the “Applicant”); and

WHEREAS, by letter dated February 13, 2019 the Applicant declined the incentive package provided through the Agency’s adoption of resolution #13-19 and requested the Agency to reconsider the financial assistance authorized and to provide an increased real property tax abatement to allow the Applicant to continue its operation within the Town of Riverhead and to allow the Applicant to invest in its business operation to increase productivity and efficiency thereby allowing the Applicant to remain competitive within its industry, and

WHEREAS, the Members of the Agency have given further consideration to the request of the Applicant based on additional information provided.

NOW, THEREFORE BE IT RESOLVED, that resolution #13-09 adopted February 4, 2019 entitled, “A RESOLUTION AUTHORIZING THE PROVISION OF FINANCIAL ASSISTANCE BY THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY

TO ISLAND INTERNATIONAL EXTERIOR FABRICATORS LLC” be and is hereby rescinded and is of no further force and effect.

BE IT FURTHER RESOLVED, that the Executive Director be and is hereby authorized to forward a copy of this resolution to the Applicant.

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

Thomas Cruso	VOTING	Yes
Lori Ann Pipeczynski	VOTING	Yes
Bob Kern	VOTING	Absent
Anthony Barresi	VOTING	Yes
James Farley	VOTING	Yes

The resolution was thereupon declared duly adopted.

DATE: _____

3/4/12

Secretary/Asst.

RESOLUTION #13-19

DATED FEBRUARY 4, 2019

A RESOLUTION AUTHORIZING THE PROVISION OF FINANCIAL ASSISTANCE BY
THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY TO ISLAND
INTERNATIONAL EXTERIOR FABRICATORS LLC

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; and

WHEREAS, the Agency has received an application for financial assistance from Island International Exterior Fabricators LLC, a limited liability company qualified to do business in the State of New York (the "Applicant") with respect to the retention and expansion of an existing manufacturing facility located in several buildings on three tax map parcels at the Enterprise Park at Calverton (EPCAL) (the "Facility"). Island International Exterior Fabricators LLC is a manufacturer of exterior wall building component systems and ancillary construction products serving the North East Region of the United States. Wall systems manufactured at EPCAL are shipped to construction sites throughout the New York metropolitan area for installation during new building construction and reuse and renewal of existing structures. The retention of the high quality manufacturing jobs at the EPCAL site in the face of efforts by out of state economic development agencies to cause the removal of this Facility from the Town of Riverhead has been highly prioritized by the State of New York, the County of Suffolk, and the Town of Riverhead. The incentives available to the Agency to promote the retention policy of the State, County, and Town are utilized through the grant of the inducements provided by this Agency action.

The Facility began service as a single building leased from the Town of Riverhead Community Development Agency in early 2000. Riverhead IDA Bond issue in Series 2001 \$3,500,000. as authorized by the New York Statewide Bond Reserve, provided the financing for the acquisition of 27 acres, the repurpose of an existing aircraft manufacturing facility and renovations sufficient for use as a building wall systems manufacturing facility. These Bonds were refinanced in 2006 and Agency Bonds Series 2006 were additionally issued in the amount of \$1,500,000. to permit additional improvements to the manufacturing facilities.. In 2013 the acquisition and construction of additional manufacturing facilities were authorized by the Agency at 400 Burman Boulevard comprising a manufacturing facility for the production of steel studs and related steel components from raw steel coils. Thereafter in March of 2018 upon notice to the Agency additional manufacturing space of 68,816 square feet was leased at 393/347 Burman Boulevard. The renovation and equipping of this building for the manufacture and storage of building wall systems is also included. The location and identification of the parcels included are 1101 Scott Avenue, Calverton, New York (SCTM No. 0600-135.10-1.00-2.00)(“Cal 81 site”), 393/347 Burman Boulevard, Calverton, New York (SCTM No. 0600135.10-1.00-16.00)(“393 Burman Boulevard site”), and 400 Burman Boulevard (SCTM No. 0600-135.02-01.00-24.00)(“400 Burman Boulevard site”). These three parcels comprise the Project Retention Facility which is which have a full market assessed value of \$12,693,389 The project includes the expansion of the 400 Burman Boulevard site through construction with an approximate 25,000 square foot addition and Phase II of the project includes the expansion of the Cal 81 site through construction of a 60,000 square foot addition or comparable additional space at a building located within EPCAL. (the “Project”) (collectively these actions comprise the Application at the Facility); and

WHEREAS, the proposed Phase II expansion of approximately 60,000 sf of assembly space at the EPCAL site is subject to future proceedings before the Agency and resolution through the development of site plan and engineering at a project cost to be determined.

WHEREAS, the expansion of the manufacturing facility for the production of wall panel components at the 400 Burman Boulevard site includes building expansion of approximately 25,000 sf with land assessed value of \$118,700 and building expansion having an improvement assessed value estimated by the Riverhead Board of Assessors to be \$375,000. This 25,000 square foot expansion project is currently in design and development and needs to be constructed and put in service within six (6) years and at that time it will be eligible for an enhanced abatement of 100% abatement of the assessed value of the new building for six (6) years thereafter declining 10% each year for an additional ten (10) years being fifteen (15) years in total after the building is placed in service.

WHEREAS, the Project will permit the retention and expansion of the Facility which will retain 214 manufacturing employees and provide for an additional employment of 47 employees in the first year and 33 in the second year for a total of 80 new employees in the second year and thereafter, and

WHEREAS, the Facility is located within the Enterprise Park at Calverton (EPCAL) and is within a New York State Empire Zone, Town of Riverhead designated Urban Renewal Area, and a Federal Opportunity Zone. The Applicant represents that it has made application through a New York State Consolidated Funding Application and been approved for assistance through the NYS Excelsior Jobs Program in the amount of \$4,050,006 in order to retain the tax base and jobs provided by the Applicant at its Facilities in the Town of Riverhead, and

WHEREAS, a public hearing pursuant to Section 859-a of the General Municipal Law was held by the Agency on December 10, 2018 with respect to the application for financial assistance and the Project and the proposed financial assistance requested by Applicant with respect to the Project; and

WHEREAS, the Agency provided notice of the public hearing to the chief executive officer of each affected tax jurisdiction within which the Project is located; and

WHEREAS, at the Public Hearing all interested parties were provided with reasonable opportunity, both orally and in writing, to present their views with respect to the Project and the providing of financial assistance therefore, as set forth in the notice of Public Hearing; and

WHEREAS, the Agency is presented with an application which both addresses the retention of desirable manufacturing jobs and the opportunity for expansion to increase the total employment of the Applicant. Agency approval is predicated upon retaining employment levels at a total of 214 manufacturing jobs at the Companies facilities in Riverhead Town and, additional benefits are provided predicated upon increased employment in Riverhead Town at levels as certified by the Company, and

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

Section 1. Based upon the record of the proceedings of this application the Board makes the following findings necessary to provide a reasonable basis for the decisions of the Agency made herein. The total Phase I project cost is \$3,942,209 of which \$1,242,209 was the cost to retrofit and equip the leased facility at Building 347 and the new construction costs of \$2,700,000 at 400 Burman Boulevard. The assessed market value of Project Facilities retained and new construction Phase I totals \$16,635,598. A cost benefit analysis has been prepared and

reviewed by the Agency. Applicant has been approved through a New York State Consolidated Funding Application for assistance through the NYS Excelsior Jobs Program. Project is located within the Enterprise Park at Calverton (EPCAL) and is within a New York State Empire Zone, Town of Riverhead designated Urban Renewal Area, and a Federal Opportunity Zone. The Applicant represents that they are actively pursuing the construction of the additional 25,000 sf and 60,000 sf facility and have received encouragement for this application from the Town of Riverhead and its various departments and have been granted preliminary approval by the New York State Department of Environmental Conservation for the 25,000 sf expansion. The Applicant has demonstrated ability and experience in the construction, maintenance and operation of projects similar in nature to the Project.

The Board also finds that the Applicant has certified that the Project, as of the date of the Application, is in substantial compliance with all provisions of Article 18-A of the General Municipal Law of the State of New York, including, but not limited to GML section 859-a and section 862. The Board also finds that the Applicant has certified it is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations. This resolution is not effective until it is dated and countersigned by the Applicant as set forth at the foot hereof, certifying the truth of this finding and all other statements of facts and findings made by the Agency in this resolution based upon information provided by the Agency.

Section 2. It is hereby determined that the Agency shall provide Applicant with the following financial assistance with respect to the Project: (i) the provision of an exemption from Sales and Compensating Use Taxes on certain property, including tangible personal property in an amount not to exceed a total value of eligible goods and services in the amount of \$3,942,209, for the outfitting, renovation and reconstruction of the Building 347 site for a total sales tax value not

to exceed \$129,375. The Phase II 60,000 square foot expansion at the EPCAL site shall be the subject of future proceedings of the Agency, and (ii) a partial real property tax abatement for a period of fifteen (15) years as follows: during the period that the Applicant maintains employment as aforesaid stated at the Project site, a real property tax abatement as stated on Schedule A-Cal 81 and Schedule B-400 Burman shall be provided. A further real property tax abatement shall be granted to the Cal 81 facility in the net amount attributable to the Building 347 site as stated on Schedule C-Building 347 so long as the tenancy of Building 347 is maintained at no less than 60,000 square feet. No real property tax abatement shall be granted to Building 347 per se. Since both the Building 347 and the Cal 81 facility are located in identical taxing jurisdictions a dollar for dollar reduction of the assessment of the Cal 81 building equal to the benefit granted to Building 347 grants an equal benefit to the Applicant as if the benefit were specifically applied to Building 347. Therefore, any appropriate abatement for Building 347 shall be included in and calculated with the appropriate real property tax abatement for the Cal 81 site. A partial abatement of real property taxes for the 60,000 sf expansion at the EPCAL site shall be granted by subsequent proceedings of this Board.

A partial abatement/deferment of real property taxes for the 25,000 sf expansion of the 400 Burman Boulevard site shall be granted as shown on the attached Schedule D-400 Burman expansion-25,000 sf. The value of the property tax abatement/deferment value is estimated to be \$2,721,232, and (iii) the provision of an abatement of the Mortgage Recording Tax in a value not to exceed \$56,250.

Section 3. The Agency benefits provided by this resolution are granted for the purpose of retaining the 214 manufacturing jobs at the Project and providing for the additional 80 manufacturing jobs which will assure a continued employment at the Project for fifteen (15) years

of 294 after two (2) years from the date hereof and continuing thereafter through fifteen (15) total years. In addition to all standard terms and conditions of the Agency, the Project Agreement shall include appropriate claw back provisions for all Agency benefits if these employment requirements are not met.

Section 4. The Chairperson or Vice Chairperson of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver Agency documents including, but not limited to the Extension of the Cal 81 Sale Agreement, Extension of the 400 Burman Boulevard Agency Agreement, additional Personal Guaranty, Project Agreement, Amended PILOT Agreement for Cal 81 site, Amended PILOT Agreement for 400 Burman site, and any other necessary documents to effectuate this resolution upon payment of the Agency fee in the amount of \$88,483.47. and reasonable Attorney fees. Closing shall occur no later than six (6) months from the date hereof.

Agency fees and reasonable attorney fees for the Phase II expansion of Cal 81 shall be assessed and paid at the time of approval through subsequent proceedings of the Agency.

The Lease Leaseback Agreement by and between the Agency and the Applicant for the real property known as 400 Burman Boulevard shall be amended to reflect the terms and conditions of this resolution. The Real Property Tax Law form 412-a currently in effect and filed with the Riverhead Board of Assessors for 400 Burman Boulevard shall be amended to extend the term of the Real Property Tax Exemption for an additional fifteen (15) years which amended form shall be filed with the Riverhead Board of Assessors. The current reporting in PARIS of 400 Burman Boulevard shall be closed and all reporting for 400 Burman Boulevard shall be made under the Island International Exterior Fabricators LLC

The Sale Agreement by and between the Agency and the Applicant for the real property known as Cal 81 shall be amended to reflect the terms and conditions of this resolution. A Real

Property Tax Exemption Form 412-a as set forth in this resolution shall be provided by the Agency to be filed with Riverhead Board of Assessors.

Section 5. 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 the Applicant with respect to the Project, as described in Section 2 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.

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

Thomas Cruso	VOTING	Yes
Bob Kern	VOTING	Yes
Anthony Baressi	VOTING	Yes
James Farley	VOTING	Yes
Lori Ann Pipeczynski	VOTING	Absent

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 February 4, 2019, 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:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
Website/Social Media Account	01-16-19
Riverhead News Review	01-3-19

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:

Designated Location(s) of posted notice

Dated of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency
on _____, 2019.

Secretary

(CORPORATE
SEAL)

APPLICANT CERTIFICATION:

ISLAND INTERNATIONAL EXTERIOR
FABRICATORS LLC

Print Title:

On the day of 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 whose name is subscribed to the within instrument and acknowledged to me that he executed the same in its capacity and that by its signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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SCHEDULE A-Cal 81
REAL PROPERTY TAX ABATEMENT

<u>Tax Year</u>	<u>Abatement Above the Land Assessed Value</u>
Year 1 – 2019/2020	50%
Year 2 – 2020/2021	50%
Year 3 – 2021/2022	50%
Year 4 – 2022/2023	50%
Year 5 – 2023/2024	50%
Year 6 – 2024/2025	50%
Year 7 – 2025/2026	45%
Year 8 – 2026/2027	40%
Year 9 – 2027/2028	35%
Year 10 – 2028/2029	30%
Year 11 – 2029/2030	25%
Year 12 – 2030/2031	20%
Year 13 – 2031/2032	15%
Year 14 – 2032/2033	10%
Year 15 – 2033/2034	5%
Year 16 – 2034/2035 & thereafter	0%

SCHEDULE B-400 Burman Boulevard
Existing Land Value 118,700
Existing Improvement Value 257,8 00

REAL PROPERTY TAX ABATEMENT

<u>Tax Year</u>	<u>Abatement Above the Land Assessed Value</u>
Year 1 – 2019/2020	50%
Year 2 – 2020/2021	50%
Year 3 – 2021/2022	50%
Year 4 – 2022/2023	50%
Year 5 – 2023/2024	50%
Year 6 – 2024/2025	50%
Year 7 – 2025/2026	45%
Year 8 – 2026/2027	40%
Year 9 – 2027/2028	35%
Year 10 – 2028/2029	30%
Year 11 – 2029/2030	25%
Year 12 – 2030/2031	20%
Year 13 – 2031/2032	15%
Year 14 – 2032/2033	10%
Year 15 – 2033/2034	5%
Year 16 – 2034/2035 & thereafter	0%

SCHEDULE C-Building 347
REAL PROPERTY TAX ABATEMENT

<u>Tax Year</u>	<u>Abatement Above the Land Assessed Value</u>
Year 1 – 2019/2020	100%
Year 2 – 2020/2021	100%
Year 3 – 2021/2022	100%
Year 4 – 2022/2023	100%
Year 5 – 2023/2024	100%
Year 6 – 2024/2025	100%
Year 7 – 2025/2026	90%
Year 8 – 2026/2027	80%
Year 9 – 2027/2028	70%
Year 10 – 2028/2029	60%
Year 11 – 2029/2030	50%
Year 12 – 2030/2031	40%
Year 13 – 2031/2032	30%
Year 14 – 2032/2033	20%
Year 15 – 2033/2034	10%
Year 16 – 2034/2035 & thereafter	0%

SCHEDULE D-400 Burman Boulevard Expansion-25,000 sf
Abatement of Expansion Assessed Value Only
Currently Estimated to be \$375,000

REAL PROPERTY TAX ABATEMENT

<u>Tax Year</u>	<u>Abatement of Assessed Value of 25,000 ± sf Addition</u>
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	90%
Year 8	80%
Year 9	70%
Year 10	60%
Year 11	50%
Year 12	40%
Year 13	30%
Year 14	20%
Year 15	10%
Year 16 & thereafter	0%