

ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
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In the Matter of

BROOKLYN BOTTLING OF MILTON NY, INC.

and

HAM III REALTY, LLC

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PUBLIC HEARING

Town of Marlborough Town Hall  
21 Milton Turnpike  
Milton, New York 12547  
September 30, 2019  
7:00 P.M.

UCIDA:  
P.O. Box 4265  
Kingston, New York 12402  
845-943-4600

BOARD MEMBERS: RANDALL LEVERETTE, Chairman  
  
ROSE WOODWORTH, Executive Director  
  
A. JOSEPH SCOTT, III, Agency Counsel

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CHAIRMAN LEVERETTE: I would like to call this public hearing to order.

The mission statement of the Agency is the following: The mission of the Ulster County Industrial Development Agency is to advance the job opportunities, general prosperity and long-term economic vitality of Ulster County residents by targeting tax incentives, bonds and other assistance to foster creation and attraction of new business and the retention and expansion of existing businesses.

To my left we have our Bond Counsel, Joe Scott. To my right is Rose Woodworth, our Executive Director. Good evening, everyone. My name is Randall Leverette and I serve as Chair of the Ulster County Industrial Development Agency in connection with the Project which is the subject of this public hearing.

Today we are holding this public hearing to allow citizens to make a statement for the record relating to the involvement of the Agency with the Project for the benefit

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of Brooklyn Bottling of Milton, New York, Inc., a New York State business corporation ("Brooklyn Bottling") and Ham III Realty, LLC, a New York State limited liability company ("Ham" and collectively with Brooklyn Bottling referred to as the "Company").

The proposed Project consists of the following: (A)(1) the acquisition of an interest in (a) a portion of approximately 21.20 acre parcel of land located at 9 Riverview Drive in the Town of Marlborough, Ulster County, New York (tax map number 109.1-2-5-111) (the "Riverview Drive Land"), together with an approximately 118,000 square foot building located thereon (the "Riverview Drive Existing Facility") and (b) a portion of two parcels of land containing in the aggregate approximately 15.3 acres located at 643 South Road (tax map number 103.1-3-52) and 34 Dock Road (tax map number 103.1-3-29) in the Town of Marlborough, Ulster County, New York (collectively the "South Road Land" and,

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2 collectively with the Riverview Drive Land,  
3 the "Land"), together with approximately  
4 100,000 square foot building located thereon  
5 (the "South Road Facility"); (2) the  
6 construction to the Riverview Drive Existing  
7 Facility of an approximately 52,716 square  
8 foot addition (the "Addition")(the  
9 Addition and the Riverview Drive Existing  
10 Facility hereinafter collectively referred to  
11 as the "Riverview Drive Facility"); (3), the  
12 renovation and upgrade of the South Road  
13 Facility (the "Riverview Drive Facility and  
14 the South Road Facility being collectively  
15 referred to as the "Facility"); and (4), the  
16 acquisition and installation at (a) the  
17 Riverview Drive Facility of certain  
18 machinery, equipment and other personal  
19 property (collectively the "Riverview Drive  
20 Equipment"); and (b), the South Road Facility  
21 of certain machinery, equipment and other  
22 personal property (collectively the "South  
23 Road Equipment" and collectively with the  
24 Riverview Drive Equipment, the "Equipment"),  
25 (The Land, the Facility and the Equipment

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2 being collectively referred to as the  
3 "Project Facility"), all of the foregoing to  
4 be owned and operated by the Company as a  
5 contract manufacturing beverage and food  
6 operation, and any other directly and  
7 indirectly related activities; (B), the  
8 granting of certain "Financial Assistance"  
9 (within the meaning of Section 854(14) of the  
10 Act) with respect to the foregoing, including  
11 potential exemptions from certain sales and  
12 use taxes, real property taxes, real estate  
13 transfer taxes and mortgage recording taxes  
14 (collectively the "Financial Assistance");  
15 and (C) the lease (with an obligation to  
16 purchase) or sale of the Project Facility to  
17 the Company or such other person as may be  
18 designated by the Company and agreed upon by  
19 the Agency.

20 We intend to provide general  
21 information on the Agency's general authority  
22 and public purpose to provide assistance to  
23 this proposed Project. I will then open the  
24 comment period to receive comments from all  
25 present who wish to comment on either the

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proposed Project or the Financial Assistance contemplated by the Agency with respect to the proposed Project, the amount of Financial Assistance being considered by the Agency.

However, before discussing the general information and opening the hearing for public comment, I would like to first describe some details regarding the Project as outlined in the completed application.

One, that the Project will create at least 20 full-time employees following the third year of operation of the Project facility. The creation of these jobs will increase local tax revenue and consumer spending in the community. Two, that the Company would not undertake the Project without the assistance being offered by the Agency. Three, the Company understands and recognizes that the assistance being offered by the Agency is subject to clawback under the Agency's clawback policy if the Company does not complete the Project or maintain the required employment levels.

The estimated cost of the Project are

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equal to approximately \$4,000,000, and the estimated benefits being considered by the Agency are described briefly as follows: Sales tax exemption, \$96,000. Two, mortgage recording tax exemption, \$33,000. Three, real property tax exemption, \$942,456.

A handout describing the proposed amount of PILOT payments to be paid by the Company is provided on the table. The PILOT abatement schedule is determined in accordance with the Agency's Uniform Tax Exemption Policy. Please note the following with respect to the proposed PILOT structure: One, no real property tax exemption is being considered for the existing buildings and structures. Any exemption will be applied to the new building addition being considered by the Company. Two, under the PILOT structure, the amount of existing property taxes being paid by the Company will not be decreased. Three, the Company has applied for the 15-year PILOT structure under the Agency's Uniform Tax Exempt Policy. If the Company qualifies

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for such schedule, the schedule provides for a 100 percent exemption in years 1 through 5, a 75 percent exemption in years 6 through 8, and a 50 percent exemption in years 9, diminishing to 10 percent per year to year 15. However, the Agency is considering whether the Company qualifies for the 15-year PILOT structure, and, in the alternative, the Company may only be approved for a 10-year PILOT structure. Note further that the Company would most likely be eligible for a similar exemption under Section 485(b) of the Real Property Tax Law. Such exemption is available without the involvement of the Agency and without any requirement to complete the Project and to maintain the job levels.

Lastly, under the IDA documents, the Company will be subject to recapture of the Financial Assistance upon the occurrence of certain recapture events. Examples of recapture events include the failure to complete the proposed Project and to make the promised investment and maintenance of the



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2 promised job levels. The provisions of  
3 Chapter 1030 of the Laws of 1969 of New York  
4 constituting Title 1 of Article 18-A of the  
5 General Municipal Law, Chapter 24 of the  
6 Consolidated Laws of New York as amended, and  
7 Chapter 787 of the 1976 Laws of New York as  
8 amended, constituting Section 923 of said  
9 General Municipal Law (collectively the  
10 "Act"), authorize the Agency to promote,  
11 develop, encourage and assist in acquiring,  
12 constructing, reconstructing, improving  
13 maintaining and equipping and furnishing of  
14 manufacturing, warehousing, research,  
15 commercial and industrial facilities, among  
16 others.

17 Pursuant to Section 859-a(2) of the  
18 General Municipal Law of the State of New  
19 York (the "Act"), prior to the Agency  
20 providing any Financial Assistance (as  
21 defined in the Act) of more than \$100,000 to  
22 any project, the Agency, among other things,  
23 must hold a public hearing pursuant to  
24 Section 859-a of the Act with respect to said  
25 Project. Since the proposed Financial

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2 Assistance to be provided by the Agency with  
3 respect to the proposed Project may exceed  
4 \$100,000, then prior to providing any  
5 Financial Assistance (as defined by the Act)  
6 of more than \$100,000 to the proposed  
7 Project, the Agency must hold a public  
8 hearing on the nature and location of the  
9 Project facility and the proposed  
10 Financial Assistance to be provided by the  
11 Agency with respect to the proposed Project.  
12 After consideration of the application  
13 received from the Company, the members of the  
14 Agency adopted a resolution on July 10, 2019,  
15 (the "Public Hearing Resolution") authorizing  
16 the Agency to conduct this public hearing  
17 with respect to the proposed Project pursuant  
18 to Section 859-a(2) of the Act.

19 By way of background, notice of this  
20 public hearing was published on September 9,  
21 2019 in The Almanac Weekly, The Daily Freeman  
22 and Shawangunk Journal, newspapers of general  
23 circulation available to the residents of the  
24 Town of Marlborough, Ulster County, New York.

25 In addition, as required by New York

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Law, the notice of this public hearing was mailed on September 18, 2019 to the town supervisor of the Town of Marlborough, the chairman of the County Legislature of Ulster County, and the superintendent and the Board of Education president of the Marlborough Central School District.

Lastly, copies of the public hearing notice were posted on September 19, 2019 on public bulletin boards located at the Town of Marlborough Town Hall clerk's office in the Town of Marlborough, Ulster County, New York, and were posted on September 18, 2019 on the Agency's website. Copies of the notice of this public hearing are available on the table.

Now, unless there is any objection, I am going to suggest waiving the full reading of the notice of this public hearing and instead request that the full text of the notice of this public hearing be inserted into the record of this public hearing.

(No response.)

CHAIRMAN LEVERETTE: Seeing no

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objections.

The comments received today at this public hearing will be presented to the members of the Agency at or prior to the meeting at which the members of the Agency will consider whether to approve the undertaking of the proposed Project by the Agency and the granting by the Agency of any Financial Assistance in excess of \$100,000 with respect to the proposed Project. The Agency currently intends to consider the comments received this evening regarding the proposed Project at the meeting of the Agency to be held on October 9, 2019. This meeting, like all meetings of the Agency, is open to the public.

The notice of this public hearing indicated that written comments could be addressed to Rose Woodworth, the Executive Director of the Agency. We have received no written comments prior to this public hearing which will be included in the public record.

I will now introduce Mike Bonforte, who is appearing on behalf of the Company,

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who will describe the proposed Project in further detail

MR. BONFORTE: Thank you, Chairman.

I would like to introduce two people that are with me tonight. James Tully is our Chief Financial Officer with Brooklyn Bottling, and Christine Konefal is our Attorney representing us for this application.

We brought along a board with the Project. It's a color rendition site plan that was prepared by a local surveyor, Brooks & Brooks company in Highland.

CHAIRMAN LEVERETTE: You can put that up here, Mike, if you want. I can step around.

MR. BONFORTE: Not to block Rose and yourself. Actually, the public is here. Thanks, Jim.

Basically Brooklyn Bottling has been in Milton, New York at 643 South Road for 26 years. The owner, Eric Miller, who owns all of Brooklyn Bottling and other entities on the east coast, has owned this,

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like I said, for the last 26 years.

This is the warehouse. The production facility is just down the road. The warehouse is another mile-and-a-half down the road on Riverview Drive.

It's 1 118,000 square foot facility that we're looking to expand by 52,000 square feet.

This is the site plan. You may not be able to see this too well. There's a section here in red, and that's the proposed new space. This is the 118,000 square feet existing and that's 52,000. The site is 21 acres. You can see there's steep slopes here in the back. It's actually quite secluded from the roadway, the warehouse facility. Down below this we have the Hudson River. It's not very far off. There's actually a couple other businesses before you can get down there off of Riverview Drive.

Let me just step back a minute. The application is a joint application for both the production facility and the warehouse. If we're allowed and able to expand this

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2 facility here down in Marlborough at  
3 Riverview Drive, we'll be able to make the  
4 additional job growth happen at the  
5 production facility to fill that extra space.  
6 So we've got the increased demand for  
7 business, we just don't have the space to put  
8 it in. That's what this is all about. So  
9 again, it's a joint application. Once we  
10 build that space we'll be able to hire those  
11 20 full-time employees that we talked  
12 about in the application.

13 The facility itself is very flat, the  
14 21 acres. The gray area is already paved.  
15 We're going to fix that up even more with  
16 some additional paving. The driveway is not  
17 paved right now, which is over here. It's  
18 actually over here. We're going to pave that.  
19 It's gravel right now. Once you get into the  
20 facility, this is already paved. It needs  
21 some remediation, which we're going to do.  
22 It's passed the environmental inspections, so  
23 there's no need for any in-depth or what we  
24 call a Type 1 environmental review.

25 I think that's all I wanted to say. I

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know the Chairman, you mentioned it's a \$4,000,000 building project that we have.

Jim, is there anything maybe you want to add?

MR. TULLY: No. I think that it's a relatively straightforward, simple project in terms of a warehouse addition.

A portion of the warehouse will be pre-manufactured. I think it's about a six-month project timeline from beginning to end.

MR. BONFORTE: Yes. Just to be clear, and that's a good point. Jim just reminded me. We just store finished goods there. There are beverages, waters, sodas, carbonated waters, similar drinks and so on. In the public notice you actually used the words beverages and food. We don't have food. That was sort of towards the end of the public notice. So just to be clear, we probably should correct that.

Right, Joe?

MR. TULLY: The other thing I noted, just initially, Randall, in the public



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notice, I believe the public notice read an acquisition of the land. We already own the land and the building. We're going to refinance that with a construction loan, which will also fund the cost of the addition.

MR. SCOTT: Right. That's a technical term. Because the IDA is taking an interest in the property, that's why we say acquisition. We understand that you already own it. I've coordinated that with Christine.

MR. TULLY: Thank you very much.

CHAIRMAN LEVERETTE: Since we are making clarifications with respect to the public record, my mind saw 19, my mouth said 9. The notice for the public hearing was sent out on the 19th of September, not the 9th.

MR. BONFORTE: I will bring up a couple of other items from the last meeting. One of the Board Members of the IDA asked about our employment for the construction jobs, which we've estimated at 60, to complete this build. Those 60 individuals, we are going to post those jobs in the local

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2 papers. We're going to use our best efforts  
3 to hire local construction workers. In  
4 addition, we submitted a one-page  
5 subcontractor list, if you've had a chance to  
6 review that yet. If not, I want to just make  
7 note, that subcontractor list, not the  
8 construction company but the subcontractor  
9 list, I think the majority of it was local,  
10 Ulster County subcontractors. So for example  
11 -- I don't want to use the names because I  
12 don't know them exactly -- Porpiglia Electric  
13 is very local. I know that name. The  
14 sprinkler company is local. The concrete and  
15 the foundation excavator will be local. We  
16 have actually listed two of those local  
17 companies. That really makes a lot of sense.  
18 So while the construction company itself, the  
19 general contractor is from Schenectady, we're  
20 making our best efforts to bring in local  
21 construction workers.

22 MR. TULLY: I have a list of about  
23 25, that I believe the Board has, which  
24 enumerates again where those subcontractors  
25 are located. So Ulster Park, Highland,

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Kingston, Poughkeepsie, New Windsor.

CHAIRMAN LEVERETTE: You submitted those to Joe?

MR. TULLY: I believe Joe has a copy.

CHAIRMAN LEVERETTE: Do you have those, the list of the subcontractors?

MR. BONFORTE: It was part of the package we submitted to Rose but not directly to Joe. It was a one-page document. If you don't have it --

MR. TULLY: We'll provide you with a copy. We'd be happy to.

MR. BONFORTE: We have a copy here. Jim has a copy. It says Plank Construction on the top.

CHAIRMAN LEVERETTE: Here we go.

MR. BONFORTE: That is it, Mr. Chairman.

CHAIRMAN LEVERETTE: With respect to the jobs, you will post with the Ulster County job bank as part of your efforts to reach out to find employees to fill these 20 jobs?

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MR. BONFORTE: We're already very familiar with that job posting. We already utilize it now, I'm told, by our HR person. Again, we will use that same form to post for jobs. That was part of the points calculated, as I recall.

CHAIRMAN LEVERETTE: Yes.

MR. BONFORTE: I think that really covers it, because -- there were a couple of other administrative documents that we're in the process of getting to you.

CHAIRMAN LEVERETTE: Yes.

MR. BONFORTE: There was one that just came back to us, a background check, that we're going to submit as soon as possible.

I appreciate, Joe, your email outlining a timetable for those items. We know about those. There's a holiday right now or else we would have had that to you on the background check.

Just for the record, we did an initial background check, I think going back three meetings ago -- let me take that back.

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We submitted the information for an initial background check. Is this a more thorough one or has it changed? Has the process changed?

CHAIRMAN LEVERETTE: I think we've refined it a bit.

MR. SCOTT: What they did was they submitted some background documentation as part of the overall process. What we were working on was getting the questionnaire done, this way the background check consists of -- Rose, correct me if I get it wrong -- the questionnaire and then the background documents. We are working on the questionnaire, but in the meantime we requested the background documents just so that we could keep the ball moving.

MR. TULLY: I took a look with our CEO yesterday evening actually. It's very straightforward. We'll have something to you in the next -- hopefully by the end of the week.

CHAIRMAN LEVERETTE: Great. Thank you.

MR. BONFORTE: I think that's

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really it, unless any of my colleagues --

CHAIRMAN LEVERETTE: Apologies for scheduling on the highest of Holy days. We were trying to accommodate, making sure to get it fast.

MS. KONEFAL: We do appreciate you getting us in. Eric Miller did want us to let you know that he planned to come and wasn't able to because of the holiday.

CHAIRMAN LEVERETTE: I didn't know that Marlborough was a hopping place. We were trying to get this spot and they were like no, somebody was in here this day, the only day we got left is this day. We know why they had this.

Do you have anything else, Mr. Tully? Do you have anything to add or would you like to add anything else?

MR. TULLY: If anyone has any questions.

MR. BONFORTE: No. Thank you. That's it.

I'll leave this up.

CHAIRMAN LEVERETTE: Okay, great.

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Thank you, Mike.

I will now open this public hearing for public comment at 7:24 p.m.

Can you get the sign-in sheet for us, please?

By way of operating rules, if you wish to make a public comment, please raise your hand and I will call on you. Please wait to be recognized. Once recognized, please stand and state your name and address for the record. When everyone has had an opportunity to speak, I will conclude this public hearing. A record of the public hearing will be prepared and reviewed by the members of the Agency in connection with the Agency's consideration of this Project. In order to ensure that the public has adequate time to provide comments to the Agency on this proposed Project, the Agency will hold the comment period for this proposed Project open until 5 p.m. October 11, 2019. All comments received by the close of business on October 11, 2019 will be included in the official record of the Agency with respect to

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the proposed Project.

Again, the purpose of this public hearing is to solicit public comment. We're not here to answer questions, however we will, in the course of this public hearing, consider questions if we have the information to answer the questions and there is sufficient time to consider such questions.

I will now ask if there is anyone in attendance who wishes to speak on the location of the Project facility or the proposed Financial Assistance being contemplated by the Agency with respect to the proposed Project?

I see a couple of names. I don't know if -- yes.

MS. ROSS: My name Ilona Ross, 48 Third Avenue, Kingston, New York 12401. I'm so sorry but I have questions.

My questions are, and I probably should have come prepared. I'm so sorry I did not. What is the totality of the difference between the taxes that would have been paid and the amount of the PILOT that will be



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paid? I'm so sorry for not knowing. I know it's mortgage tax and sales tax.

CHAIRMAN LEVERETTE: There's a sheet back there. I can tell you.

MS. ROSS: I am so sorry. I didn't know there was a sheet there.

My second question is the permanent jobs that you're going to create --

CHAIRMAN LEVERETTE: Sales tax, \$96,000; mortgage recording tax, \$33,000; and a real property tax exemption of \$942,456.

MS. ROSS: So that's the totality of what would have been paid or is that the totality of --

CHAIRMAN LEVERETTE: That is the inducement and the --

MS. ROSS: That's the inducement. Thank you.

So I have a question for the CFO. What is -- what are the -- I'm sure you're not going to answer this. I'd like to know what the net -- essentially what the profit -- the gross profits are of the Company on a yearly

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basis?

MR. TULLY: We're closely held, so that's not a matter for public consumption.

MS. ROSS: My next question is of the permanent jobs that are going to be created, how do you -- I'm sure you consider a living wage in those jobs that are going to be created. Do you look at a living wage for a single person or do you look at a living wage for a family of two with two children? How do you judge living wage?

MR. TULLY: Mike, we looked at tables; correct?

MR. BONFORTE: Yes. There's actually a published table for Ulster County. Actually, all counties, if you're familiar with that. It starts in the left-hand column with one adult and works it's way forward over twelve columns to include a family of, I think, four, a husband and wife and two children, and all variations in between.

Our wages are competitive wages. We know that or else we would lose people to other employers. We've submitted a page in

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the application that references and shows our average wages.

CHAIRMAN LEVERETTE: 19-B of the application.

MR. BONFORTE: In the application.

Just to go a little bit further, on another page we have actually listed out the types of positions that go from unskilled to semi-skilled to skilled.

MS. ROSS: I did see that. I did see that. Like I said, I didn't come prepared.

MR. BONFORTE: I don't mind Jim or I referring to it because we feel good about these numbers.

Now just to specifically answer you, we do pay living wage for one adult in Ulster County's calculations of what that means.

MS. ROSS: Okay. Thank you. Thank you very much.

For public comments I would just like to say that I am the creator of something called Hudson Valley Vindicator. I will be looking very closely at the cost -- how should I say it? The benefit that IDAs

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2 provide. We all know that a competitive wage  
3 today is nothing that a family can live on.  
4 We all know that in the past -- the  
5 inducements given in the past, not by this  
6 current -- I want to stress not by this  
7 current iteration of the IDA. In the past  
8 there have been giveaways. I want to stress  
9 that when -- I'm in the process of moving and  
10 as I expand my operation to get interns, one  
11 of the things I will be looking at is the  
12 justice, the justice of money that has been  
13 shoveled into -- the public monies that have  
14 been shoveled into private hands at the  
15 expense of the people of Ulster County, New  
16 York State, the entire United States as well  
17 as the world because of the atrocities that  
18 have happened under the guise of neo-liberal  
19 free economics that have caused us to become  
20 a third-world nation.

21 Thank you.

22 CHAIRMAN LEVERETTE: Anybody else?

23 MR. KEMBLE: I wonder if there's a  
24 way to qualify the amount of production that  
25 you will get in addition to by this work?

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MR. TULLY: I don't understand the question.

MR. KEMBLE: There's X amount of production you have right now. Number of bottles, number the truckloads that you have now. You're doing this to increase your production, your productivity. Can you quantify the amount of additional production that the business would have?

MR. TULLY: Again, we're going to produce 20 additional jobs at a minimum.

MR. KEMBLE: I heard the jobs. Will you send out into the world 100,000 more cases of a particular beverage? Do you have estimates for the amount of business increase?

MR. TULLY: We do, yes.

MR. KEMBLE: Can you quantify it without trade secrets?

MR. TULLY: I do have those numbers available. I don't have them at hand.

MR. KEMBLE: You can't ballpark it at all?

MR. TULLY: I think we could in the

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context of potentially several million more cases.

MR. KEMBLE: Per year?

MR. TULLY: Per year.

MR. KEMBLE: Roughly how much --

MR. TULLY: Right now we have 135 jobs that are located in Ulster County.

MR. KEMBLE: But those cases represent what kind of increase, percentage?

MR. TULLY: Again, I'm not sure of the relevancy of the question. We will be able to create 20 additional jobs, and good paying jobs at a supervisory level.

MR. KEMBLE: I'm not sure if the question is clear. Could you give me a number of cases per year that you would produce in addition to what you are now? What are you producing now? What percentage does that represent?

MR. TULLY: Again, I would have to -- I don't have the numbers at hand.

MR. KEMBLE: Ballpark?

MR. TULLY: I don't have the numbers.

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MR. BONFORTE: Bill, I'll just add to Jim's comment. Right now we're not able to produce that additional volume without the extra space.

MR. KEMBLE: That's hence the question.

MR. BONFORTE: It's a process. It's going to take time.

MR. KEMBLE: I guess the relevance of the question in one regard does speak to why the people should grant tax breaks. So that's hence the reason for the question. If we give you X amount of tax breaks, how much better will you do? That's the relevance. Reporters are at the end of the scale of people who like to know that sort of thing.

COURT REPORTER: Can I have your name?

MR. KEMBLE: William Kemble from The Daily Freeman, K-E-M-B-L-E.

MR. BONFORTE: I'll just add --

CHAIRMAN LEVERETTE: Might I suggest that you huddle so that you all could talk privately, because what I'd like to do is if

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there are people who want to comment on this,  
I'd like to get those other individuals.

MR. MILAZZO: Frank Milazzo, I'm the  
Board President for the Marlborough Central  
School District.

I really have more questions, more  
from a procedural standpoint from the Board  
because we weren't able to converse prior to  
the hearing because of the notice.

The application shows existing  
property and then some of it is handwritten,  
increase improvement. The PILOT that the IDA  
would be considering is strictly on any  
improved and a new assessed value; correct?

CHAIRMAN LEVERETTE: Correct.

MR. MILAZZO: So the current rate or  
assessment, even as it changes through the  
PILOT, would not be affected?

MR. SCOTT: Correct.

MR. MILAZZO: Okay. And then, as you  
did say, if they didn't even come this route  
under the 4 --

CHAIRMAN LEVERETTE: 485(b).

MR. MILAZZO: -- 485(b), because



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we're a participant they could still do the 10-year program through that?

CHAIRMAN LEVERETTE: Correct.

MR. SCOTT: Absolutely.

MR. MILAZZO: Just so everybody understands, because as a district we are a member of that and we did -- it wasn't that many years ago we had done that. The business could just get it in that fashion also. It doesn't come through financing, I understand.

MR. SCOTT: With no oversight by the IDA. No job requirements, no clawback.

CHAIRMAN LEVERETTE: I don't think there's any reporting for the 485(b). There are certain --

MR. MILAZZO: There's definitely benefits.

The other thing, when we talk about this chart that is in the application, it's just for reference for --

CHAIRMAN LEVERETTE: Which page are you referring to?

MR. MILAZZO: Page 17-A, property

1  
2 tax exemptions. Obviously this was filed  
3 prior to this year's tax bills coming out and  
4 the town -- basically everybody's assessment  
5 -- 100 percent value assessments went up 5  
6 percent and the true value -- the taxable  
7 rate this year is only 95 percent. So these  
8 numbers don't reference true numbers for the  
9 tax year, the bills that just came out. He  
10 didn't have them. Not their fault. I just  
11 want to make sure that these aren't --

12 CHAIRMAN LEVERETTE: My understanding  
13 is that once we get into finalizing things,  
14 if Brooklyn Bottling is in fact approved,  
15 they would work with the assessor and the  
16 lawyers would huddle and make sure that all  
17 the T's are crossed, and the I's are dotted,  
18 and the right numbers are all in the right  
19 boxes before things would proceed.

20 MR. SCOTT: Just to elaborate on  
21 that. We're looking at the same page, at  
22 page number 17. If you look at column D,  
23 that's the percentage of abatement. That is a  
24 different schedule, obviously, than the  
25 485(b) schedule. It will work the same way.

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MR. MILAZZO: Just off of column B?

MR. SCOTT: Just off of column --

MR. MILAZZO: It's a percentage off of column B?

MR. SCOTT: Right. So what will happen is that the assessor will assess the property, come up with a normal tax for the addition, and then we'll apply column D to that number. So these numbers are all estimates. They are not fixed.

MR. MILAZZO: The only big question -- obviously we have a meeting on Thursday. I was glad to hear the hearing is open. Through counsel we will file written facts to the IDA.

The only other question I have is in Ulster County, because this is the first large one we've had in the nine years I've been on the board -- most of the ones we have are very small. Obviously we have large ones that we deal with in Orange County because the district covers two counties, and that's a separate nightmare. But we've come a long way. We're in a really good spot compared to

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where we were.

What is the district's input in the Ulster County IDA setup in the way of having a say in whether or not you move forward? Like in Orange County there is none.

CHAIRMAN LEVERETTE: Well, you know, there is none when it's a non-deviated PILOT for the Agency. If they were asking perhaps for a 35-year PILOT, then we would have to convene with the municipality, the school district, and then it would ultimately have to be signed off on by the County Legislature before it would move ahead. But when you're looking at a PILOT that is within the parameters of the Agency, it's essentially the Board digging through the documents and making sure it is fair for the Company and fair for the taxpayers. I mean that's one of the things that we strive to do and one of the things we've tried to improve upon, making sure that we're being as fair to the business as we can, but we also want to be taxpayer friendly as well. So those are things that we are looking at very, very

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closely. I hope perhaps that answered --

MR. MILAZZO: That does.

You talked about the clawbacks because of meeting the obligations. Their schedule shows that the full-time equivalent of year one is 13, and then 5 in year two, and 2 in year three. So the IDA -- how ever many years ago there was an issue with a project --

CHAIRMAN LEVERETTE: Skatetime.

MR. MILAZZO: -- on the other side of the County. This is audited each year, so you would --

CHAIRMAN LEVERETTE: It is.

MR. MILAZZO: -- those clawbacks would happen immediately?

CHAIRMAN LEVERETTE: That is correct. One of the things that I believe we also look at is, I'm assuming in the first two years as they ramp up you're going to get the couple of jobs. We don't walk in and say oh, we're here and you've got one job and it's supposed to be two. If there's an extenuating circumstance we'll say it better

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be good and tell us about it, and you better tell us about it before we find out so that we can try to work with you.

MR. MILAZZO: Their application is heavy loaded to the first year is why I'm saying it. They're saying 13 in the first year, so obviously they anticipate. Then just those last 7 jobs over the next two years.

CHAIRMAN LEVERETTE: I can't speak for the Company but I would presume it's heavy in that regard because the production, and while the production is happening they are going to be building a space to store it. You need somebody to make it so that you can store it. So I think that might -- right?

MR. BONFORTE: I'll just clarify. I've already actually stated this last time. Hopefully this answers Bill's question a little bit better, and Frank's. We have four production lines currently and we run three shifts. We even run a shift Saturday. We don't run all three shifts 24/7 out of the four lines that we run. At night we'll run --

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2 in the evening and overnight. During the  
3 morning hours we'll run two of the four. So  
4 when you asked about the increase in  
5 volume, which is a very -- that's private  
6 Company information, that's how we're going  
7 to scale up production. I think that answers  
8 Frank's and your question, that we'll be able  
9 to now maybe run four lines in the evening  
10 and maybe three in the early morning hours  
11 instead of just running two. Does that make  
12 sense?

13 MR. KEMBLE: It makes sense but it's  
14 not necessarily answering the question.

15 MR. MILAZZO: I guess you're adding  
16 roughly 40 percent in new square footage.  
17 You're going to go from where you're at to an  
18 additional 40 percent in square footage. I  
19 would assume, from a sheer business  
20 standpoint, you're going to increase  
21 production almost that much.

22 MR. TULLY: No. That's not quite  
23 correct. Right now we're very space  
24 constrained. At the end of the day there  
25 certainly will be incremental business and

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incrementality and incremental jobs. Again,  
it's not in correlation with the space.

CHAIRMAN LEVERETTE: Did you have  
a --

MR. MILAZZO: That was it. Thank you.

CHAIRMAN LEVERETTE: The comment  
period is open until the --

MR. MILAZZO: I wrote that down. I'll  
make sure counsel gets the official letter  
out.

MR. BONFORTE: Before you go; Frank,  
you mentioned -- you stated it is front  
loaded, the 20 jobs, 13 being in the first  
year

MR. MILAZZO: That's good.

MR. BONFORTE: It's because as soon as  
that space is available we'll be able to  
increase production with existing  
manufacturing equipment right away, and then  
add on as we go along.

MR. TULLY: And they're good jobs.  
I mean they're management jobs, supervisory  
jobs, QA jobs. They're skilled and they're  
well paying jobs.



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MS. ROSS: I have a question. What differential do you pay for people who work the overnight shift to take care of their extra -- the extra medical expenses that come with working overnight?

MR. TULLY: The Company is union and the Company offers full medical coverage.

MS. ROSS: And what extra salary do they get for working the overnight?

MR. TULLY: That information is --

MR. BONFORTE: I'll state that there is an incremental increase in the hourly wage for the evening and the overnight workers. The day workers do not have that same rate. I think there's something structural about that with the union.

Correct, Jim? So the union poses that on us.

MR. TULLY: I would assume. Most unions have differentials for different shifts.

MR. BONFORTE: Thank you. That hopefully answers that question.

CHAIRMAN LEVERETTE: No further

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questions or comments?

MS. ROSS: One further question. Do they receive those -- the ones who work the overnight, do they receive those extra health benefits immediately upon starting or is there a delay?

MR. BONFORTE: Is it Alonia?

MS. ROSS: Ilona.

MR. BONFORTE: Ilona, they're not extra benefits. All the union employees enjoy the same plan, which I submitted in the application, which is fairly typical. There's choices. There's three choices of deductibles and so on. All the union employees get the same plan whether they are daytime, evening or overnight shift.

MS. ROSS: Is that effective immediately, on the first day of being hired, or is there a delay?

MR. BONFORTE: All of our employees wait 60 days before they are eligible for medical benefits, including professional and union.

MS. ROSS: Even if they're on the

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overnight they still wait that 60 days?

MR. TULLY: It's 60 days following the month in which you start. As Mike said, that is true of our union employees, it's true of our office employees, it's true of our sales employees. It holds true for everyone. That's pretty much -- that's market. At the end of the day, because of the size of the group, we're limited in terms of our scope to do any different.

MR. BONFORTE: I would like to add that the union employees, that medical and dental plan, for union only, the Company pays for it. We pay that benefit. So Jim and I, we pay a portion of that on the professional side. The union employees do not pay for that at all. We pay 100 percent of their medical and dental.

MS. ROSS: They have no deductible?

MR. BONFORTE: That's a different element of the plan. The premiums we pay 100 percent of the employees, which we consider a very attractive benefit.

MS. ROSS: How much is their

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deductible?

MR. BONFORTE: We have a three-tiered program.

MR. TULLY: It's outlined in the document, in the application.

MR. BONFORTE: That's an individual choice.

MS. ROSS: What are the three choices?

CHAIRMAN LEVERETTE: Okay. We're going to -- if you want to ask questions after, you're free to do so. This is public comment.

Before closing the public hearing I will ask Mr. Bonfort, who is appearing on behalf of the Company, if he has any additional comments?

MR. BONFORTE: I do not. I pass to Jim, if Mr. Tully does.

MR. TULLY: The only thing I wanted to say was Brooklyn Bottling has been in Ulster County under Eric's ownership and stewardship since 1992. We continue to invest in our business. We continue to invest in

1  
2 the community. These are good paying jobs.  
3 We'll bring money into the community. We're a  
4 good Company. We've evolved over time. We  
5 face challenges in the marketplace. We've  
6 overcome some challenges. We would really  
7 like the community's assistance to continue  
8 to expand and to thrive in this area. These  
9 are good paying manufacturing jobs. I  
10 believe that it's a worthwhile investment for  
11 the community.

12 CHAIRMAN LEVERETTE: Anything else?

13 MR. BONFORTE: No, sir.

14 CHAIRMAN LEVERETTE: As a reminder,  
15 the Agency will hold the comment period for  
16 this proposed Project open until 5 p.m.  
17 October 11, 2019. All comments received by  
18 the close of business on October 11, 2019  
19 will be included in the official record of  
20 the Agency with respect to the proposed  
21 Project.

22 Further, the meeting at which the  
23 Agency will formally consider the comments  
24 received today regarding the proposed Project  
25 is scheduled for October 9, 2019 at 9 a.m.

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This meeting, like all meetings of the Agency, is open to the public.

So I will now close this public hearing at 7:50 p.m. Thank you all for attending.

(Time noted: 7:50 p.m.)



	<b>address (1)</b> 23:11	<b>anticipate (1)</b> 38:8	<b>43:24</b>	<b>31:2</b>
<b>\$</b>	<b>addressed (1)</b> 12:20	<b>Apologies (1)</b> 22:3	<b>audited (1)</b> 37:13	<b>bills (2)</b> 34:3,9
<b>\$100,000 (4)</b> 9:21;10:4,6;12:10	<b>adequate (1)</b> 23:18	<b>appearing (2)</b> 12:25;44:16	<b>authority (1)</b> 5:21	<b>Bill's (1)</b> 38:20
<b>\$33,000 (2)</b> 7:6;25:11	<b>administrative (1)</b> 20:11	<b>application (15)</b> 6:10;10:12;13:10; 14:23,23;15:9,12; 27:2,5,6;32:11; 33:21;38:5;42:13; 44:6	<b>authorize (1)</b> 9:10	<b>bit (3)</b> 21:6;27:7;38:21
<b>\$4,000,000 (2)</b> 7:2;16:3	<b>adopted (1)</b> 10:14	<b>applied (2)</b> 7:18,23	<b>authorizing (1)</b> 10:15	<b>block (1)</b> 13:18
<b>\$942,456 (2)</b> 7:7;25:13	<b>adult (2)</b> 26:19;27:17	<b>apply (1)</b> 35:9	<b>available (5)</b> 8:15;10:23;11:16; 29:22;40:18	<b>Board (8)</b> 11:6;13:11;17:21; 18:23;32:5,8;35:20; 36:17
<b>\$96,000 (2)</b> 7:5;25:11	<b>advance (1)</b> 2:7	<b>appreciate (2)</b> 20:18;22:7	<b>Avenue (1)</b> 24:19	<b>boards (1)</b> 11:11
<b>A</b>	<b>affected (1)</b> 32:19	<b>approve (1)</b> 12:7	<b>average (1)</b> 27:3	<b>Bond (1)</b> 2:14
<b>A1 (1)</b> 3:10	<b>again (8)</b> 15:9;18:24;20:5; 24:3;29:11;30:11,21; 40:2	<b>approved (2)</b> 8:10;34:14	<b>away (1)</b> 40:20	<b>bonds (1)</b> 2:10
<b>abatement (2)</b> 7:11;34:23	<b>Agency (39)</b> 2:4,6,19,25;5:19; 6:3,5,19,21;7:4;8:7, 16;9:10,19,22;10:2,7, 11,14,16;12:5,6,9,9, 12,14,16,21;23:16, 19,20,25;24:14;36:9, 16;45:15,20,23;46:3	<b>approximate (6)</b> 3:11,16,20;4:3,7; 7:2	<b>B</b>	<b>Bonfort (1)</b> 44:16
<b>able (10)</b> 14:11,25;15:3,10; 22:10;30:13;31:3; 32:9;39:8;40:18	<b>Agency's (6)</b> 5:21;6:22;7:12,24; 11:15;23:16	<b>area (2)</b> 15:14;45:8	<b>back (6)</b> 14:16,22;20:15,24, 25;25:5	<b>Bonforte (33)</b> 12:24;13:4,18; 16:13;17:19;19:9,15, 19;20:2,9,14;21:25; 22:22;26:15;27:6,13; 31:2,8,22;38:18; 40:12,17;41:12,23; 42:8,10,21;43:12,21; 44:3,7,19;45:13
<b>Absolutely (1)</b> 33:5	<b>aggregate (1)</b> 3:20	<b>around (1)</b> 13:17	<b>background (9)</b> 10:19;20:15,22,24; 21:3,8,11,13,16	<b>both (1)</b> 14:23
<b>accommodate (1)</b> 22:5	<b>ago (3)</b> 20:25;33:9;37:9	<b>Article (1)</b> 9:4	<b>ball (1)</b> 21:17	<b>bottles (1)</b> 29:6
<b>accordance (1)</b> 7:12	<b>agreed (1)</b> 5:18	<b>Article (1)</b> 9:4	<b>ballpark (2)</b> 29:23;30:23	<b>Bottling (8)</b> 3:2,4,7;13:8,21,24; 34:14;44:22
<b>acquiring (1)</b> 9:11	<b>ahead (1)</b> 36:14	<b>assess (1)</b> 35:7	<b>bank (1)</b> 19:23	<b>boxes (1)</b> 34:19
<b>acquisition (4)</b> 3:10;4:16;17:3,11	<b>allow (1)</b> 2:23	<b>assessed (1)</b> 32:15	<b>Basically (2)</b> 13:21;34:4	<b>breaks (2)</b> 31:12,14
<b>acre (1)</b> 3:12	<b>allowed (1)</b> 14:25	<b>assessment (2)</b> 32:18;34:4	<b>basis (1)</b> 26:2	<b>briefly (1)</b> 7:4
<b>acres (3)</b> 3:21;14:15;15:14	<b>Almanac (1)</b> 10:21	<b>assessments (1)</b> 34:5	<b>become (1)</b> 28:19	<b>bring (3)</b> 17:19;18:20;45:3
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<b>34 (1)</b> 3:22	<b>9</b>			
<b>35-year (1)</b> 36:10	<b>9 (7)</b> 3:12;8:5;10:20; 12:15;17:17;45:25, 25 <b>923 (1)</b> 9:8 <b>95 (1)</b> 34:7 <b>9th (1)</b> 17:18			
<b>4</b>				
<b>4 (2)</b> 4:15;32:23				
<b>40 (2)</b> 39:16,18				
<b>48 (1)</b> 24:18				
<b>485b (5)</b> 8:14;32:24,25; 33:16;34:25				
<b>5</b>				
<b>5 (5)</b> 8:3;23:22;34:5; 37:7;45:16				
<b>50 (1)</b> 8:5				
<b>52,000 (2)</b> 14:8,14				
<b>52,716 (1)</b> 4:7				
<b>6</b>				
<b>6 (1)</b> 8:4				
<b>60 (5)</b>				





# Marlboro Central School District

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Michael M. Brooks  
Superintendent of Schools

October 4, 2019

VIA EMAIL: [execdir@ulstercountyida.com](mailto:execdir@ulstercountyida.com)

Ms. Rose Woodworth, Executive Director  
Ulster County Industrial Development Agency  
PO Box 4265  
Kingston, NY 12402

**Re: *Brooklyn Bottling Company of Milton, Inc. – Ulster County IDA:  
Application for Financial Assistance***

Dear Ms. Woodworth:

As Superintendent of Schools of the Marlboro Central School District, I write this letter in response to the application for financial assistance that has been submitted to the Ulster County Industrial Development Agency (UCIDA) by Brooklyn Bottling Company of Milton, Inc.

It is my understanding that Brooklyn Bottling is seeking financial assistance from the UCIDA in the form of a real property tax exemption. It is my further understanding that the exemption sought by Brooklyn Bottling is a 15 year payment-in-lieu-of-tax agreement (PILOT), under which it will make no PILOT payments for the first five years of the term of the PILOT Agreement, and then will make payments according to the attached scale over the remaining ten years.

According to the application, it is estimated that, if the financial assistance is granted, the taxing entities will lose approximately \$942,000 in real property taxes over the term of the PILOT Agreement, nearly 75% of which will be the School District's share.

The lost tax revenues will shift the tax burden onto School District taxpayers. In addition, the payments in lieu of taxes will alter the District's calculation of the annual tax levy limit under New York's property tax cap especially since the payments are scheduled to increase over the duration of the PILOT Agreement. This may further impact the District's finances.

Before the Marlboro Central School District can consider supporting Brooklyn Bottling's request for tax relief, I am seeking clarity from you on three issues related to the PILOT request:

1. Will Brooklyn Bottling be making two payments to the Marlboro Central School District during the 15 year period? The first payment will be the taxes owed based on their assessment for the existing facilities and properties. The second payment would be a PILOT payment according to the attached scale over the 15 year period which reflects only the new expanded properties and facilities.
2. Once the 15 year PILOT expires, will the properties and facilities then be assessed and returned to the regular tax rolls resuming a regular payment of assessed taxes?
3. Given the significant school tax breaks that Brooklyn Bottling will be receiving over the fifteen year period, the School District would like Brooklyn Bottling to consider entering into a community benefit agreement (CBA) over a contemporaneous period during which Brooklyn Bottling might contribute to the School District helping to offset this lost revenue. The School District views a CBA as a potential "win-win" opportunity for a private business such as Brooklyn Bottling to earn good will by giving back to the community within which it is looking to expand its bottling facilities.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Brooks".

Michael Brooks, Superintendent

cc: Board of Education  
Town of Marlborough Supervisor, Al Lanzetta  
Brooklyn Bottling Company of Milton, Inc.

**XII. ESTIMATED VALUE OF INCENTIVES**

\*Values stated have been received from Town of Marlborough

**A) Property Tax Exemption:** Assessor's Office, based on 2018 Marlboro School taxes and 2019 Agency staff will complete this section with the Applicant based on information submitted by the Applicant and the local taxing jurisdiction's Assessor.

- Current assessed full value of the property before Project Improvements: \* \$3,073,300.00
- Estimated assessed value of Project improvements (i.e., increase in value of the property's assessment with the Project improvements) \* \$2,078,400.00
- Estimated new assessed full value of property after Project Improvements \* \$5,151,700.00
- Estimated real property tax rate per dollar of full assessment \* \$42.21/\$1,000.00
- Assumed annual increase in assessment and tax rate 3%

Abatement schedule based on PILOT Points Calculation results 12

Estimated PILOT property tax abatements over 15 years (Calculated as Total without PILOT (C) minus total with PILOT (F)) \$942,455.96

PILOT Year	A Existing Real Property Taxes **	B Estimated Real Property Taxes Without PILOT*	C = A + B Estimated Total Without PILOT	D % of PILOT Exemption, according to Abatement Schedule	E = B x (1-D) Estimated PILOT Payments With PILOT	F = A + E Estimated Total With PILOT
1	\$129,723.99	\$87,729.26	\$217,453.25	100%	0	\$129,723.99
2	\$133,615.71	\$90,361.14	\$223,976.85	100%	0	\$133,615.71
3	\$137,624.18	\$93,071.97	\$230,696.15	100%	0	\$137,624.18
4	\$141,752.90	\$95,864.13	\$237,617.03	100%	0	\$141,752.90
5	\$146,005.49	\$98,740.05	\$244,745.54	100%	0	\$146,005.49
6	\$150,385.65	\$101,702.25	\$252,087.90	75%	\$25,425.56	\$175,811.21
7	\$154,897.22	\$104,753.32	\$259,650.44	75%	\$26,188.33	\$181,085.55
8	\$159,544.14	\$107,895.92	\$267,440.06	75%	\$26,973.98	\$186,518.12
9	\$164,330.46	\$111,132.80	\$275,463.26	50%	\$55,566.40	\$219,896.86
10	\$169,260.37	\$114,466.78	\$283,727.15	50%	\$57,233.39	\$226,493.76
11	\$174,338.18	\$117,900.78	\$292,238.96	40%	\$70,740.47	\$245,078.65
12	\$179,568.33	\$121,437.80	\$301,006.13	30%	\$85,006.46	\$264,574.79
13	\$184,955.38	\$125,080.93	\$310,036.31	20%	\$100,064.74	\$285,020.12
14	\$190,504.04	\$128,833.36	\$319,337.40	10%	\$115,950.02	\$306,454.06
15	\$196,219.16	\$132,698.36	\$328,917.52	5%	\$126,063.44	\$322,282.60
<b>Total</b>	<b>\$2,412,725.20</b>	<b>\$1,631,668.75</b>	<b>\$4,044,393.95</b>		<b>\$689,212.79</b>	<b>\$3,101,937.99</b>

\* The figures in this column assume that the Project is completed as described in the Application and without the involvement of the Agency and, therefore, subject to real property taxes. However, as provided in this Application, the Applicant has certified that it would not undertake the Project without the financial assistance granted by the Agency. Accordingly, this column is prepared solely for the purpose of determining the estimated amount of the real property tax abatement being granted by the Agency.

\*\*The figures in this column are estimated, based on current taxes on property before Project improvements, with an assumed annual increase of 3%; however, the PILOT would not begin until Project improvements are completed, so exact figures are not known.