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IN THE MATTER OF A
NOTICE OF PUBLIC HEARING

RE: 2 ENDO BOULEVARD, LLC

-----X

350 Front Street
Hempstead, New York

August 23, 2017
9:30 a.m.

B E F O R E:
FREDERICK E. PAROLA, Executive Director
MICHAEL LODATO, Deputy Agency Administrator

Dolly Fevola,
Court Reporter

A P P E A R A N C E S :

TOWN OF HEMPSTEAD INDUSTRIAL
DEVELOPMENT AGENCY
350 Front Street
Hempstead, New York 11550
BY: FREDERICK E. PAROLA, ESQ.

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1 HEARING OFFICER PAROLA: My
2 name is Fred Parola, Executive
3 Director of the Industrial
4 Development Agency of the Town of
5 Hempstead. It is the 23rd day of
6 August, 2017. I'm observing it's
7 9:30 a.m.

8
9 This is a public hearing with
10 respect to Richner Communications
11 applying for certain benefits and
12 pursuant to a court decision
13 affecting the pilot. With me is
14 Mike Lodato, Deputy Agency
15 Administrator.

16 I will now read the Notice of
17 Public Hearing.

18 Notice is hereby given that a
19 public hearing pursuant to Title 1
20 of Article 18-A of the New York
21 State General Municipal Law will be
22 held by the Town of Hempstead
23 Industrial Development Agency ("the
24 Agency") on the 23rd day of August,
25 2017, at 9:30 a.m., local time, at

1
2 the offices of the Agency, 350 Front
3 Street, 2nd Floor, Hempstead, New
4 York 11550 in connection with the
5 following matters:

6 The Agency previously entered
7 into a transaction on behalf of 2
8 Endo Boulevard, LLC, a limited
9 liability company duly organized and
10 validly existing under the laws of
11 the State of New York (the
12 "Company"), consisting of the
13 acquisition of an approximately 1.86
14 acre parcel of land located at 2
15 Endo Boulevard in the Town of
16 Hempstead, Nassau County, New York
17 and the renovation and equipping of
18 an existing approximately 80,000
19 square foot building located
20 thereon, (collectively the "Original
21 Facility"), which Original Facility
22 was leased by the Agency to the
23 Company, and subleased in part by
24 the Company to, and used in part by
25 Richner Communications, Inc., a

1
2 business corporation duly organized
3 and validly existing under the laws
4 of the State of New York ("Richner
5 Communications"), for its printing,
6 publishing and communications
7 operations, and subleased in part by
8 the Company to, and used by ZLK
9 Storage, LLC, a limited liability
10 company duly organized and validly
11 existing under the Laws of the State
12 of New York ("ZLK Storage"; and
13 together with Richner
14 Communications, the "Sublessees"),
15 as a warehouse operation for
16 document storage and other warehouse
17 uses and as a self-storage facility.

18 The Agency previously provided
19 assistance to the Company and
20 Sublessees in financing certain
21 renovations, improvements and
22 equipping of the Original Facility,
23 including but not limited to
24 installing a new roof with solar
25 panels, making building improvements

1
2 and upgrading equipment at the
3 printer/publisher facility (the
4 "2016 Facility"; and together with
5 the Original Facility, the
6 "Facility"), and consented to an
7 extension of real property tax
8 abatements and the term of the
9 documents executed in connection
10 with the Original Facility for an
11 additional five (5) years as set
12 forth in an Amended and Restated
13 Lease and Project Agreement,
14 originally dated as of September 1,
15 2004 and as amended and restated as
16 of August 1, 2016. At the end of
17 the lease term as such may be
18 extended, the Company will purchase
19 the Facility from the Agency. The
20 Facility will be initially owned,
21 operated and/or managed by the
22 Company.

23 The tax status of the Facility,
24 and the real property tax abatements
25 granted pursuant to the Amended and

1 Restated Lease and Project Agreement
2 have been the subject of a
3 proceeding filed by Richner
4 Communications, Inc. and 2 Endo
5 Boulevard LLC as Petitioners against
6 Town of Hempstead, Donald X. Clavin,
7 Jr. In his capacity as Receiver of
8 Taxes for the Town of Hempstead,
9 Nassau County Department of
10 Assessment, Nassau County Assessment
11 Review Commission and the Town of
12 Hempstead Industrial Development
13 Agency, as Respondents, in Supreme
14 Court of the State of New York,
15 County of Nassau, pursuant to
16 Article 78 of the Civil Practice Law
17 and Rules (the "Article 78
18 Proceeding"). In settlement of the
19 Article 78 proceedings, the parties
20 will enter into a Stipulation of
21 Settlement, ordered by the Court
22 (the "Stipulation Settlement"). The
23 Stipulation of Settlement provides
24 that the Agency, the Company and
25

1
2 Sublessees will enter into a new
3 extended and revised
4 payment-in-lieu-of-taxes agreement
5 to give the Company and the
6 Sublessees an adjusted five year
7 real property tax abatement to
8 reflect the settlement.

9 The Agency contemplates that it
10 will provide financial assistance to
11 the Company and the Sublessees in
12 the form of the adjusted and
13 extended abatement of real property
14 taxes, consistent with the policies
15 of the Agency and pursuant to the
16 Stipulation of Settlement, and sales
17 and use tax exemptions, consistent
18 with the policies of the Agency.

19 A representative of the Agency
20 will, at the above-stated time and
21 place, hear and accept written
22 comments from all persons with views
23 in favor of or opposed to the
24 proposed financial assistance to the
25 Company and the Sublessees. At the

1 hearing, all persons will have the
2 opportunity to review he application
3 for financial assistance filed by
4 the Company and the Sublessees with
5 the Agency and an analysis of the
6 costs and benefits of the proposed
7 Facility.
8

9 Dated: August 12, 2017. Town
10 of Hempstead Industrial Development
11 Agency by Frederick E. Parola,
12 Executive Director, Chief Executive
13 Officer.

14 I would note for the record
15 that a gentleman is here from a law
16 firm. Please identify yourself.

17 MR. McALVIN: Michael McAlvin
18 from the Law Firm of Ingerman Smith.
19 We're the attorneys for Uniondale
20 School District.

21 HEARING OFFICER PAROLA: Would
22 you like to be heard, sir?

23 MR. McALVIN: Yes. We received
24 some of the information relative to
25 this. We're here gathering facts on

1
2 behalf of our client and we reserve
3 the right to submit comments
4 relative to the public hearing
5 obviously before the Board makes its
6 decision.

7 HEARING OFFICER PAROLA: You
8 know, this is a result of double
9 billing. Richner had terminated, in
10 essence, and because of the County
11 roll situation they got double
12 billed so they had to pay the County
13 tax and they paid the pilot. So
14 they went to court with their
15 counsel who is Dan Deegan with
16 Forchelli, Curto, and pursuant to an
17 agreement with the court, the IDA
18 entered into an agreement and an
19 order pursuant to that altering the
20 pilot to reflect the fact that they
21 had doubled billed. I think the
22 pilot has five years to go. I
23 believe it's five years more on the
24 pilot and you're welcome to see that
25 if you would like to see the

1
2 agreement.

3 MR. McALVIN: To my knowledge,
4 the impact, if any, is minimal on
5 the school district.

6 HEARING OFFICER PAROLA: Yes,
7 it is. It's not a high-priced
8 entity and one of the reasons the
9 Board did this business is it is
10 actually the last commercial printer
11 in Nassau County. They have all
12 gone to New Jersey, Pennsylvania.
13 Even Newsday is not printing any
14 longer in Nassau/Suffolk. I think
15 they take it from Pennsylvania.
16 That was one of the compelling
17 reasons why the Board felt it was
18 important to keep the business here.

19 Off the record while we await
20 any further witnesses.

21 (Whereupon, a brief recess was
22 taken.)

23 HEARING OFFICER PAROLA:
24 Observing that it is 10:02 and that
25 other than our discussion with the

1
2 law firm, Michael McAlvin
3 representing the Uniondale School
4 District, there were no other
5 witnesses seeking input into this
6 application for benefits; therefore,
7 I declare this hearing closed sine
8 die.

9 (Time noted: 10:03 a.m.)

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CERTIFICATION

I, DOLLY FEVOLA, a Notary Public in
and for the State of New York, do hereby certify:

THAT the within transcript is a true record
of my stenographic notes.

I further certify that I am not related,
either by blood or marriage, to any of the parties
to this action; and

THAT I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 23rd day of August, 2017.

DOLLY FEVOLA

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