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In The Matter of a Notice of
Public Hearing
RE: COLUMBIA 72 ALBANY REALTY, LLC
-----X

144 West Merrick Road
Freeport, New York

September 24, 2015
10:00 a.m.

B E F O R E:
FREDERICK E. PAROLA, Hearing Officer

Dolly Fevola,
Court Reporter

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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, CEO

ALSO PRESENT:

RACHEL LAZARUS
VALCIA MICELI
VILMA LANCASTER
ROBERT KENNEDY, MAYOR
ANTHONY J. MILLER, FREEPORT UFSD
DR. PETER CHAMBERS, VOF

HEARING OFFICER PAROLA:

Observing it's 1:05, my name is Fred Parola, Town of Hempstead Industrial Development Agency. This is a hearing with respect to Columbia 72 Albany Realty looking for certain benefits from the Town of Hempstead IDA. I'll submit the Notice of Public Hearing.

Notice is hereby given that a public hearing pursuant to Title 1 of Article 18-A of the New York State General Municipal Law will be held by the Town of Hempstead Industrial Development Agency (the "Agency") on the 24th day of September, 2015, at 10:00 a.m., local time, at Freeport Memorial Library, 144 West Merrick Road, Freeport, New York in connection with the following matters:

Columbia 72 Albany Realty, LLC, a limited liability company, organized and existing under the

1 laws of the State of New York, on
2 behalf of itself and/or the
3 principals of Columbia 72 Albany
4 Realty, LLC and/or an entity formed
5 or to be formed on behalf of any of
6 the foregoing (the "Company") and
7 Columbia Equipment Co., Inc., a
8 business corporation, organized and
9 existing under the laws of the State
10 of New York, on behalf of any of the
11 foregoing (the "Sublessee"), have
12 applied to the Agency to enter into
13 a transaction in which the Agency
14 will assist in (a) the acquisition
15 of approximately 1,056 acres of land
16 located at 72-88 Albany Avenue and
17 118-22 Albany Avenue, Village of
18 Freeport, Town of Hempstead, Nassau
19 County, New York (the "Land"), and
20 the renovation of an existing
21 two-story square feet, each located
22 thereon, together with the
23 construction of a parking lot (the
24 "Improvements"), and the acquisition
25

1
2 and installation therein of certain
3 equipment not part of the Equipment
4 (as such term is defined herein) and
5 personal property (the "Facility
6 Equipment"; and together with the
7 Land and the Improvements, the
8 "Company Facility"), which Company
9 Facility is to be leased and
10 subleased by the Agency to the
11 Company and further subleased by the
12 Company to the Sublessee; and (b)
13 the acquisition and installation of
14 certain equipment and personal
15 property (the "Equipment"; and
16 together with the Company Facility,
17 the "Facility"), which Equipment is
18 to be leased by the Agency to the
19 Sublessee and which Facility is to
20 be used by the Sublessee for its
21 primary use as a manufacturer of
22 prefabricated bus, smoking and
23 parking shelters. The Company
24 Facility will be initially owned,
25 operated and/or managed by the

1
2 Company. The Equipment will be
3 initially owned, operated and/or
4 managed by the Sublessee.

5 The Agency contemplates that it
6 will provide financial assistance to
7 the Company and the Sublessee in the
8 form of exemptions from mortgage
9 recording taxes in connection with
10 the financing or any subsequent
11 refinancing of the Facility,
12 exemptions from sales and use taxes
13 and abatement of real property
14 taxes, consistent with the policies
15 of the Agency.

16 A representative of the Agency
17 will, at the above-stated time and
18 place, hear and accept written
19 comments from all persons with views
20 in favor of or opposed to either the
21 proposed financial assistance to the
22 Company and the Sublessee or the
23 location or nature of the Facility.
24 At the hearing, all persons will
25 have the opportunity to review the

1
2 application for financial assistance
3 filed by the Company and the
4 Sublessee with the Agency and an
5 analysis of the costs and benefits
6 of the proposed Facility.

7 Dated September 12, 2015. Town
8 of Hempstead Industrial Development
9 Agency by Frederick E. Parola,
10 Executive Director and Chief
11 Executive Officer.

12 Is there anyone that wishes to
13 be heard? Please step forward.

14 MR. EGEN: Tom Egen. I'd like
15 to know what the whole gist of the
16 hearing is. I read about it last
17 night and I'm looking for some more
18 information on what is being
19 requested here.

20 HEARING OFFICER PAROLA: Okay.
21 It's a company that's relocating to
22 Freeport. They're looking for
23 certain property tax mortgage,
24 recording tax and sales tax
25 benefits.

1
2 MR. EGEN: Thank you.

3 Just another quick question.
4 How does that directly relate to
5 Village tax and Town taxes?

6 HEARING OFFICER PAROLA: All
7 taxes are proportional. They would
8 be with respect to each calendar
9 year. So if you pay 30 percent
10 Village taxes in one year and then
11 31 percent in the next year, it's
12 accordingly adjusted based upon --
13 and we won't know that, quite
14 obviously -- based upon the relative
15 relationship between the various
16 levels of government, general tax,
17 school and Village in this case.

18 So what we do is, because we're
19 sensitive, especially to villages
20 that really feel the impact in
21 school districts to some extent, if
22 it's a larger project, we try to
23 take the existing tax as it's
24 currently set --

25 MR. EGEN: Okay.

HEARING OFFICER PAROLA: --

unless we have a decision or an opinion from a certiorari lawyer of one of five or six firms that we'll accept as experts in the area that basically says, if we bring a certiorari, based upon our expertise, reasonably believe that the taxes which are \$100,000, we believe will be down to \$80,000.

So we'll take the \$80,000 as the baseline for the first year. We'll freeze that for three years and then we usually go up in small amounts, one-and-a-quarter percent, one-and-a-half percent, to the top of like 2 percent at the end of the 10 years, at which time, in this case, the pilot, which we call payment in lieu of taxes, terminates.

MR. EGEN: So you're looking to do this for a three-year term?

HEARING OFFICER PAROLA:

1
2 Ten years. It's frozen for three
3 and then small impacts between four
4 to 10.

5 MR. EGEN: Proportioned as time
6 goes by.

7 HEARING OFFICER PAROLA: Yes,
8 sir. Yes. And it's an incentive.
9 Part of the law requires that but
10 for the IDA the chances are the
11 project would not go forward because
12 the Applicant could not afford to do
13 so. You know what our tax base is
14 like.

15 But we look, obviously, for
16 jobs, relocating. We always press
17 that as they need new folks, we urge
18 them to try to look locally first if
19 they can so that we hire local folks
20 as best we can --

21 MR. EGEN: Thank you.

22 HEARING OFFICER PAROLA -- so
23 we're pretty sensitive to that. And
24 certain areas, I'll just mention,
25 for example, Babylon IDA, they'll

1
2 cut taxes in half. County has done
3 things like that also. We never do
4 that. We just would never do that
5 and we've turned business away when
6 they wanted a pilot that we thought
7 was a give-away.

8 I'll mention it's the Marriott.
9 It's public knowledge. We gave the
10 Marriott, which is up in
11 Uniondale -- they began with us,
12 they filed with us, we got to public
13 hearing. When we had the public
14 hearing scheduled, we terminated
15 them for consideration because they
16 wanted a pilot that we felt was
17 egregious. And County IDA -- not
18 that I'm bad-mouthing anybody -- but
19 County IDA actually did the project.

20 MR. EGEN: Now, with that, the
21 assessment comes from the County,
22 correct?

23 HEARING OFFICER PAROLA:
24 Correct. The County Assessor's
25 Office, yes. We don't use

1
2 assessments for the most part. We
3 try to use the valuation of the
4 property.

5 So, for example, a purchase
6 price, and when you get involved
7 with a business, you know, the
8 assessment and such things are
9 somewhat based upon income and full
10 tenancy, et cetera, but we try to
11 use the purchase price as the best
12 indicia as to what the value of the
13 land is, and a willing buyer, a
14 willing seller, that seems to be
15 reasonable. That's what we try to
16 use as a baseline if we're not sure
17 what the taxes will be or there's
18 something out of line, especially if
19 there is a pending certiorari to the
20 taxes that are currently existing.

21 MR. EGEN: If a property is
22 valued as such and such, does the
23 County change the assessment on the
24 property?

25 HEARING OFFICER PAROLA: Good

1
2 question. What they'll do is --
3 property actually comes off the tax
4 rolls for the period of time that
5 the payment in lieu of taxes is in
6 effect for those 10 years. The
7 County, though, will record what the
8 taxes would be in most cases. Even
9 though they're not getting that
10 amount, they will -- you can go
11 there, I believe, and get what the
12 taxes would otherwise be; so they do
13 maintain that.

14 But administratively, in terms
15 of the way the mechanics work, the
16 property comes off the tax rolls and
17 the payments are still made -- We
18 work through the Town of Hempstead.
19 We only have a small staff of five
20 people. We have 82 projects. So
21 with the amount of taxes, especially
22 with the Village, you get Village
23 taxes twice a year, you get Town
24 taxes twice a year, the general tax
25 twice a year, you got the school

1
2 taxes twice a year, so we administer
3 it through the Town. The Town
4 Comptroller's Office they submit the
5 checks to our office. We record it
6 and we give it to the Town and then
7 the Town does the mechanics, does
8 the reimbursement to each of the
9 various jurisdictions each year.

10 As I said, we know what the
11 bottom line is going to be, but we
12 can't establish in say, year four,
13 what the Village is going to get
14 because, you know, especially school
15 taxes may bounce a little bit. It's
16 irrelative. I mean probably within
17 a percentage point or so, hopefully
18 each year.

19 And we look for stability,
20 quite obviously. The last thing you
21 want to see is -- and that's why,
22 again, I go back to my first point
23 about trying not to cut the taxes
24 dramatically because there's -- we
25 have the Mayor here, you have the

1
2 Village folks -- nothing worse than
3 losing a major parcel that generates
4 dollars and then all off a sudden
5 you have, God help you, \$400,000 to
6 make up, you know. You want to kill
7 yourself.

8 MR. EGEN: Now, if this sort of
9 situation comes in, what is it,
10 basically the government, the Agency
11 subsidizes the Village for that tax
12 money that is lost?

13 HEARING OFFICER PAROLA: No,
14 the IDA doesn't get on the hook for
15 anything.

16 MAYOR KENNEDY: That sounds
17 good, though.

18 HEARING OFFICER PAROLA: We
19 would be out of business very
20 quickly. No. It all runs through
21 the billing. Just as you regularly
22 bill directly, literally, from the
23 owner of the property to the Town,
24 they pay that tax and they pay each
25 one; Village, Town, general.

1
2 And we've had situations where,
3 shame on us or shame on them, I
4 should say, where they don't pay
5 their taxes. We've terminated,
6 unfortunately, one in Freeport
7 recently we had to terminate because
8 they had major death and we had to
9 terminate them, which was sad
10 because they really needed the
11 assistance, but they were not paying
12 their taxes. That's happened other
13 times too.

14 I never quite get that. You're
15 getting a benefit from government,
16 but things happen. You know, you
17 get behind, life is tough. I assure
18 you we call them weekly, beg them to
19 call me. And I'm the bad guy.
20 First my staff does it. It's the
21 Tom and Jerry, the whole police
22 thing, but they call and we send
23 letters and then I finally go in and
24 say, look, here's the deal, you're
25 on for our next meeting and you're

1
2 on to be terminated. You're welcome
3 to show up with a check or welcome
4 with an excuse, but if we hear
5 nothing, you're terminated. And it
6 happens.

7 MR. EGEN: That's the right way
8 it should be.

9 MAYOR KENNEDY: If I could just
10 say something.

11 HEARING OFFICER PAROLA: Please
12 Mayor. Thank you for coming.

13 MAYOR KENNEDY: The real intent
14 of a business is to take an
15 unoccupied building, bring business
16 in from another county or another
17 state, bring more employees into the
18 Village, have more sales tax, bring
19 rippling businesses to the Village
20 or to the Town and to bring more
21 industrial or businesses into the
22 area. I'd rather that than have a
23 vacant building. So we'll negotiate
24 something on the revenue that we're
25 expecting in our taxes and make it

1
2 up in other ways.

3 HEARING OFFICER PAROLA: Now,
4 you're the principals, right? Are
5 you the principals?

6 MS. LAZARUS: I am.

7 HEARING OFFICER PAROLA: They
8 asked me a little bit about the
9 business. Would you like to
10 comment?

11 MS. LAZARUS: Rachel Lazarus.
12 I'm the president of Columbia
13 Equipment. So we are the company
14 that's moved into 72 Albany. The
15 building that we moved into, as the
16 Mayor mentioned, was previously
17 unoccupied for close to a year. It
18 used to be a laundromat and it was
19 closed suddenly and sat vacant for
20 almost a year.

21 I purchased this company back
22 in January. It was located in
23 Jamaica, Queens and we manufacture
24 bus shelters and smoking shelters
25 and all kinds of shelters, and we

1
2 found this vacant building and it
3 suited our needs pretty perfectly
4 and we were attracted to the
5 benefits of the Village of Freeport
6 electric and Freeport water, and
7 it's just really a perfect fit for
8 our business and we're looking to
9 grow.

10 We've hired some people who
11 live in Freeport. We're looking to
12 hire more. And we feel it's a great
13 fit and the benefits that we're
14 hoping to get from the IDA will help
15 us be a viable business and we hope
16 to grow and have a great
17 relationship with the Village of
18 Freeport and the Town of Hempstead.

19 HEARING OFFICER PAROLA: How
20 many employees do you have
21 currently?

22 MS. LAZARUS: Right now we have
23 seven. We're always hoping to hire
24 more. Once we're settled with, you
25 know, the pilot we'll be able to

1
2 have a better understanding of what
3 revenue is going to be and what we
4 can take on. So we're definitely
5 looking to hire a few more.

6 HEARING OFFICER PAROLA: If I
7 was smart, I would have started with
8 that. That says it all. That's
9 what the Mayor said and that's what
10 I've been trying to articulate. But
11 that's what we're here for to try
12 and bring new business, jobs,
13 economic growth.

14 You know, you put a building
15 here and all of a sudden hopefully
16 you got something around it that's
17 now excitement and new economic
18 activity and new business and they
19 grow and we all profit thereby, I
20 hope.

21 Thank you so much.

22 MS. LAZARUS: Thank you.

23 HEARING OFFICER PAROLA: The
24 Board would consider going out
25 further on that if there's a

1
2 significant change in the operation,
3 so we will go forward. But ten
4 years we find, hopefully, is enough
5 in a formidable period to get
6 yourself moving along, that's why we
7 stabilize the property tax for
8 three years because we've come to
9 believe that you need -- you know,
10 by the time you're operating, you
11 know, you want to get going,
12 three years gives you a level of
13 comfort and hopefully reality that
14 the business is now moving along and
15 you can start raising the taxes.

16 Sometimes in larger projects
17 we'll increase the tax more than
18 like a percentage-and-a half in the
19 fourth year. And if it's a vacant
20 piece of land and we're adding a
21 building, then we'll obviously
22 reflect that and it will really pop
23 maybe 20 percent to reflect the fact
24 that it's not just land only, which
25 usually runs less than 10 percent of

1
2 the total cost of the property,
3 value of the property.

4 MAYOR KENNEDY: Quick question.
5 In the event the owners extend,
6 rebuild additional, during the terms
7 of this pilot program, are there
8 provisions in here that it will
9 expand and put two other buildings
10 up that there would be a review of
11 the pilot and change of the value of
12 this?

13 HEARING OFFICER PAROLA: That's
14 a good question and we just started
15 talking about that. Yes, it would
16 have to be a new application, but
17 the Board would consider, possibly,
18 and again, each case is on its own,
19 but if it was a significant change,
20 the Board might consider an
21 additional maybe five years if
22 they're adding jobs and adding a
23 significant size to the building.

24 MAYOR KENNEDY: Would it affect
25 the current agreement? In other

1
2 words, if they put up a four-story
3 building there --

4 HEARING OFFICER PAROLA: We'd
5 renew it.

6 MAYOR KENNEDY: -- and they
7 don't ask for an application, would
8 the pilot remain the same?

9 HEARING OFFICER PAROLA: No, we
10 would increase the pilot.

11 MAYOR KENNEDY: There is a
12 revision to review the pilot?

13 HEARING OFFICER PAROLA: Yeah,
14 we would reflect the fact that
15 there's been an addition and
16 therefore, although they get
17 benefits, the pilot would probably
18 be extended -- would be extended,
19 but it would also go up to reflect
20 the fact that now they've added
21 greater square footage.

22 Good question.

23 MAYOR KENNEDY: Okay.

24 MS. LANCASTER: For the pilot
25 that would be in effect for this

1
2 year?

3 HEARING OFFICER PAROLA: It
4 will -- Let's see. I think it will
5 take it into next year because with
6 the County roll closing in December,
7 we'd probably pick up the Village
8 tax next year.

9 MS. LANCASTER: Because mine is
10 October 1st.

11 HEARING OFFICER PAROLA: So
12 then it would pick up then and it
13 would pick up -- The first thing
14 that would show up is the first half
15 school in April, I think. It might
16 be second half. It may not make
17 April.

18 MS. LANCASTER: School is
19 October.

20 HEARING OFFICER PAROLA: That
21 would be the first one.

22 MS. LANCASTER: Of this year?

23 HEARING OFFICER PAROLA: Of
24 next year. And then the general
25 tax, 2017. And you, probably in

1
2 October, I believe, yes.

3 MS. LANCASTER: Well, it would
4 be for us September.

5 HEARING OFFICER PAROLA: Okay,
6 September, yes, because the County
7 roll is such that it gets closed out
8 in December and there's -- so it
9 will start --

10 MS. LANCASTER: Because they're
11 right behind us in the collection
12 period. Like, we're March, they're
13 April for the school and, you know,
14 September, October for the school.

15 MS. MICELI: Now, do we get a
16 separate bill like a pilot bill?

17 HEARING OFFICER PAROLA: Yes,
18 you'll get that each month. It will
19 be generated by my office.

20 MS. MICELI: Yes, that's what I
21 needed to know.

22 HEARING OFFICER PAROLA: And it
23 goes out literally the same time as
24 the general taxes go out for the
25 various jurisdictions.

1
2 MAYOR KENNEDY: And if after a
3 bill being sent out and the consumer
4 sending that check to the, I guess,
5 Town of Hempstead --

6 HEARING OFFICER PAROLA: Yes,
7 to us and then the Town.

8 MAYOR KENNEDY -- and then the
9 Town will reimburse the Village.
10 They'll mail out a check
11 specifically for that pilot, this is
12 your portion?

13 HEARING OFFICER PAROLA:
14 Correct. They will issue the check.

15 MS. LANCASTER: But I don't
16 have to wait until October when you
17 do the school as usual?

18 HEARING OFFICER PAROLA: No,
19 you're separate. You'll get your
20 own. Village in its time, school,
21 general in its time, yeah, just as
22 the normal taxing jurisdictions
23 issue their checks.

24 MS. LANCASTER: We've had
25 issues where I'm always, you know,

1
2 in October I have to wait until the
3 school is paid instead of, you know,
4 because ours is September. I should
5 be getting it, you know, in
6 September.

7 HEARING OFFICER PAROLA: Right.

8 Anyone have any additional
9 questions or comments?

10 MS. LANCASTER: In your package
11 you stated about you were going to
12 do painting. You were going to try
13 and bring in --

14 MS. LAZARUS: That is something
15 that we'll explore in a little bit.
16 My background is painting so it's
17 something that I have a lot of
18 experience with, so if we're ready
19 to take that step, I'm confident on
20 how to do it, but right now it's not
21 something that I want to venture in
22 until the business is set up and
23 solid.

24 MS. LANCASTER: Okay.

25 MS. LAZARUS: But something in

1
2 maybe the next three to five.

3 MS. LANCASTER: And your
4 distribution is by trucks?

5 MS. LAZARUS: We have one truck
6 that we do for local installations
7 or repair shelters in the area. We
8 typically use carriers, big 53-foot
9 trucks to do our big deliveries. We
10 don't have that kind -- We don't
11 have a fleet like that.

12 MS. LANCASTER: Okay.

13 HEARING OFFICER PAROLA:
14 Observing it's 10:32 and that there
15 are no additional comments, I want
16 to thank everyone for coming. The
17 time went quickly and I think we
18 explored it pretty well. I'm very
19 excited about this new project and
20 for you moving forward, and I would
21 close this meeting sine die.

22 (Time noted: 10:30 a.m.)
23
24
25

CERTIFICATION

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

THAT the witness whose testimony is herein
before set forth, was duly sworn by me; and

THAT the within transcript is a true record
of the testimony given by said witness.

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 13th day of October, 2015.

DOLLY FEVOLA

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