

**FINAL RESOLUTION**  
*(2-4 Market Street Corning, LLC)*

A regular meeting of the Steuben County Industrial Development Agency was convened on Thursday, October 24, 2019.

The following resolution was duly offered and seconded, to wit:

Resolution No. 10/2019 - 49

RESOLUTION OF THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY (i) ACKNOWLEDGING THE PUBLIC HEARING HELD ON OCTOBER 16, 2019 WITH RESPECT TO THE PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE PROVISION OF FINANCIAL ASSISTANCE TO 2-4 MARKET STREET CORNING, LLC IN EXCESS OF \$100,000; (iii) MAKING ADDITIONAL FINDINGS UNDER SECTION 862 OF THE ACT (AS DEFINED BELOW); AND (iv) RATIFYING THE EXECUTION AND DELIVERY OF THE PROJECT DOCUMENTS (AS DEFINED BELOW).

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 178 of the Laws of 1972 of the State of New York, as amended (collectively called the "Act"), the **STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **2-4 MARKET STREET CORNING, LLC**, for itself or on behalf of an entity to be formed by it or on its behalf (collectively, the "Company"), previously submitted an application (the "Application"), a copy of which is on file with the Agency, requesting the Agency's assistance with respect to a certain project (the "Project"), consisting of: (i) the acquisition by the Agency of a leasehold interest in certain property located at 2-4 Market Street in the City of Corning, Steuben County, New York (the "Land"), and the existing approximately 10,500 square-foot vacant building located thereon formerly known as "Tony R's Steakhouse" (the "Existing Improvements"); (ii) the renovation of the Existing Improvements for lease to FLX Table, a restaurant group, to be used for (a) retail wine and beer sales, (b) a modern American bistro, and (c) a wood fired grill (collectively, the "Improvements"); and (iii) the acquisition and installation by the Company in and around the Improvements of certain items of equipment and other tangible personal property to undertake the Project (the "Equipment"; and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); and

WHEREAS, by resolution adopted by the Agency on September 26, 2019 (the "Inducement Resolution"), the Agency accepted the Company's Application and, among other things, (i) described the Financial Assistance (as defined in the Inducement Resolution) being contemplated by the Agency, (ii) authorized the Agency to hold a public hearing, (iii) made a

determination under New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively referred to as "SEQRA"), and (iv) authorized the negotiation, execution and delivery of the Project Agreement, the Lease Agreement, the Leaseback Agreement, the Tax Agreement, the Mortgage and related documents (as each is defined in the Inducement Resolution; and, collectively, the "Project Documents"); *provided, however*, that no Financial Assistance in excess of \$100,000 was provided to the Company until the Agency (a) held a public hearing, (b) made additional findings under Section 862 of the Act and (c) obtained confirmation of the Project from the chief executive officer for whose benefit the Agency was created; and

WHEREAS, pursuant to Section 859-a of the Act, on Wednesday, October 16, 2019, at 10:00 a.m., local time, at the Corning City Hall, 500 Civic Center Plaza, Second Floor Council Chambers, Corning, New York 14830, the Agency held a public hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency (the "Public Hearing") whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views; and a copy of the minutes of the Public Hearing along with the notice of the Public Hearing published and forwarded to the affected tax jurisdictions at least ten (10) days prior to the Public Hearing are attached hereto as Exhibit A; and

WHEREAS, the Agency desires to adopt a resolution (i) acknowledging that the Public Hearing was held in compliance with the Act, (ii) authorizing the Financial Assistance in excess of \$100,000 and (iii) making additional findings under Section 862 of the Act; and

WHEREAS, the Project Documents were previously negotiated, executed and delivered and are presented at this meeting for ratification; *provided, however*, the provision of Financial Assistance to the Company in excess of \$100,000 is subject to the approval of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Public Hearing held by the Agency on Wednesday, October 16, 2019, at 10:00 a.m., local time, at the Corning City Hall, 500 Civic Center Plaza, Second Floor Council Chambers, Corning, New York 14830, concerning the Project and the proposed Financial Assistance being contemplated by the Agency was duly held in accordance with the Act, including, but not limited to, the giving of at least ten (10) days published notice of the Public Hearing (such notice also provided to the chief executive officer of each affected tax jurisdiction), affording interested parties a reasonable opportunity, both orally and in writing, to present their views with respect to the Project.

Section 2. Pursuant to Section 862 of the Act, the Project constitutes a "retail" project and based on representations made by the Company to the Agency, the Agency hereby finds (1) that the predominant purpose of Project is to make available a unique business enterprise and major retail restaurant destination which would not, but for the Project, be reasonably accessible to the residents of the communities within which the Project is located, including, but not limited to, the City of Corning, New York, and (2) that the undertaking of the Project will serve the public

purposes of the Act by preserving permanent, private sector jobs and/or increasing the overall number of permanent, private sector jobs in the State of New York.

Section 3. Pursuant to Section 862(2)(c) of the Act, the chief executive officer of the Steuben County Legislature provided written confirmation of (i) the Agency's finding that the predominate purpose of the Project is to make available the provision of goods and services which would not, but for the Project, be reasonably accessible to the residents of the communities within which the Project is located, including, but not limited to, the City of Corning, New York, (ii) the Agency's finding that the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and/or increasing the overall number of permanent sector jobs in the State of New York and (iii) the Agency's proposed action in connection with the Project.

Section 4. The Agency is hereby authorized to provide Financial Assistance to the Company in excess of \$100,000.

Section 5. The Agency acknowledges, approves and ratifies the prior execution and delivery of the Project Documents.

Section 6. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 7. These Resolutions shall take effect immediately.

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

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Michael Nisbet	[ ✓ ]	[ ]	[ ]	[ ]
Joseph Hauryski	[ ✓ ]	[ ]	[ ]	[ ]
Katherine Douglas	[ ✓ ]	[ ]	[ ]	[ ]
Anthony Russo	[ ✓ ]	[ ]	[ ]	[ ]
Michael Doyle	[ ✓ ]	[ ]	[ ]	[ ]
Christine Sharkey	[ ✓ ]	[ ]	[ ]	[ ]
Mark Alger	[ ✓ ]	[ ]	[ ]	[ ]

The Resolutions were thereupon duly adopted.

**SECRETARY'S CERTIFICATION**  
(2-4 Market Street Corning, LLC Project)

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

I, the undersigned, Secretary of the Steuben County Industrial Development Agency, DO  
HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Steuben  
County Industrial Development Agency (the "Agency"), including the resolution contained  
therein, held on October 24, 2019, with the original thereof on file in the office of the Agency,  
and that the same is a true and correct copy of the proceedings of the Agency and of such  
resolution set forth therein and of the whole of said original insofar as the same related to the  
subject matters therein referred to.

I FURTHER CERTIFY, that all members of the Agency had due notice of said meeting,  
that said meeting was in all respects duly held and that, pursuant to Article 7 of the Public  
Officers Law (Open Meetings Law), said meeting was open to the general public, and that public  
notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present  
throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force  
and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said  
Agency this 24 day of October, 2019.



  
Secretary

**Exhibit A**

[Notice Documents]