



**NOTICE LETTER**  
**Notice of Public Hearing**

June 5, 2020

To: The Attached List of Affected Tax Jurisdictions  
Officials Listed on Schedule A

Re: Steuben County Industrial Development Agency and B&H Rail Corp.  
Notice of Public Hearing – Proposed Financial Assistance

Ladies and Gentlemen:

On Friday, June 19, 2020, at 11:00 a.m., local time, at the Agency's offices at 7234 Route 54 North, Bath, New York 14810, local time, the Steuben County Industrial Development Agency (the "Agency") will conduct a public hearing regarding the above-referenced project. Attached is a copy of the Notice of Public Hearing describing the project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Leader* for publication.

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at:

<https://www.steubencountyida.com/docs/wp-content/uploads/2020/06/B-H-Railcorp-Pilot-Extension-Application.pdf>

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will provide public access to provide oral comments, at the time and on the date indicated above, via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718. The Agency also encourages all interested parties to submit written comments to the Agency, which

will be included within the public hearing record. Any written comments may be sent to Steuben County Industrial Development Agency, Attention: Jill Staats, Deputy Director of Operations, 7234 Route 54 North, P.O. Box 393, Bath, New York 14810, and/or via email at [jstaats@steubencountyida.com](mailto:jstaats@steubencountyida.com) **no later than Friday, June 26, 2020.**

The public hearing is being conducted pursuant to Section 859-a of the General Municipal Law. We are providing this notice to you, pursuant to General Municipal Law Section 859-a, as the chief executive officer of an affected tax jurisdiction within which the project is located.

STEUBEN COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY

By: James C. Johnson, Executive Director

Schedule A

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-39***

Steuben County Administrator  
County Office Building  
3 East Pulteney Square  
Bath, New York 14810

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-46***

Steuben County Legislature  
Attn: Chair  
3 East Pulteney Square  
Bath, New York 14810

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-53***

Town of Bath  
Attn: Town Supervisor  
110 Liberty Street  
Bath, New York 14810

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-60***

Town of Erwin  
Attn: Town Supervisor  
310 Town Center Road  
Painted Post, New York 14870

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-77***

Town of Campbell  
Attn: Town Supervisor  
8529 Main Street  
Campbell, New York 14821

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3611-55***

Village of Painted Post  
Attn: Mayor  
261 Steuben Street  
PO Box 110  
Painted Post, New York

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-84***

Village of Savona  
Attn: Mayor  
15 McCoy Street  
PO Box 411  
Savona, New York 14879

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-91***

Campbell-Savona Central School District  
Attn: Superintendent  
8455 County Route 125  
Campbell, New York 14821

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-07***

Corning-Painted Post Area School District  
Attn: Superintendent  
165 Charles Street  
Painted Post, New York 14870

***CERTIFIED MAIL***

***No. 9489-0090-0027-6207-3613-14***

Bath Central School District  
Attn: Superintendent  
25 Ellas Avenue  
Bath, New York 14810

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the "Act") will be held by the Steuben County Industrial Development Agency (the "Agency") on Friday, June 19, 2020, at 11:00 a.m., local time, at the Agency's offices at 7234 Route 54 North, Bath, New York 14810, in connection with the matter described below. **PLEASE NOTE THE SPECIAL PUBLIC HEARING LOGISTICS AND INSTRUCTIONS INCLUDED AT THE END OF THIS NOTICE.**

**B&H RAIL CORP.**, a New York corporation, and the Agency previously entered into a certain lease agreement (the "Lease Agreement"), leaseback agreement (the "Leaseback Agreement") and payment-in-lieu-of-tax agreement (the "Tax Agreement"), as the same have been amended from time to time, in connection with a certain project (the "Project") undertaken by the Agency for the purpose of providing the Company with a partial real property tax abatement structured under the Tax Agreement with respect to: (A) approximately 17.08 miles of rail line (the "Rail Improvements") running between Mile Post PP268.02 ±, 260 feet east of the centerline of Hamilton Street, Painted Post, New York, and Mile Post PP285.1±, Bath, New York (the "Land") and (B) a certain 100' x 400' steel building on the Land used as a transload facility for dry and bulk storage or large quantities of fracking sand and a certain 30' x 225' steel building used as an engine barn with full-length locomotive storage track capable of storing two locomotives (the "Transload Improvements"; and, together with the Rail Improvements and the Land, the "Facility").

The Company has submitted an application (the "Application") to the Agency requesting the Agency's continued assistance with respect to the retention of its leasehold interest in the Facility consisting of the amendment and restatement of the Lease Agreement, Leaseback Agreement and/or Tax Agreement, and such other agreements, documents and certificates relating to the Project necessary to effectuate an eight-year extension of the Tax Agreement and to modify the provisions relating to the Company's obligation to make certain payments under such agreements.

The Agency will retain a leasehold interest in, the Facility and continue to lease the Facility to the Company. The Company or a related entity of the Company will continue to operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of a partial real property tax abatement.

### **PLEASE NOTE SPECIAL PUBLIC HEARING CONDUCT INSTRUCTIONS AND INFORMATION:**

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application, which is also available for viewing on the Agency's website at:

<https://www.steubencountyida.com/docs/wp-content/uploads/2020/06/B-H-Railcorp-Pilot-Extension-Application.pdf>

However, given the ongoing COVID-19 public health crisis and related Executive Orders issued by Governor Andrew M. Cuomo, the Agency will not be able to accommodate any in-person public attendance or participation at this hearing. Nonetheless, and in furtherance of the provisions of Section 859-a of the Act requiring interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project, the Agency will provide public access to provide oral comments, at the time and on the date indicated above, via toll-free conference bridge at (866) 804-5312, passcode 585-419-8718. The Agency also encourages all interested parties to submit written comments to the Agency, which will be included within the public hearing record. Any written comments may be sent to Steuben County Industrial Development Agency, Attention: Jill Staats, Deputy Director of Operations, 7234 Route 54 North, P.O. Box 393, Bath, New York 14810, and/or via email at [jstaats@steubencountyida.com](mailto:jstaats@steubencountyida.com) **no later than Friday, June 26, 2020.**

Dated: June 9, 2020

STEUBEN COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY