

NOTICE OF PUBLIC HEARING  
ON PROPOSED PROJECT  
AND FINANCIAL ASSISTANCE  
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by the Ulster County Industrial Development Agency (the "Agency") on the 29th day of November, 2016 at 7:00 o'clock p.m., local time, in the Legislative Chambers of the County Legislature, 6th Floor, in the Ulster County Office Building located at 244 Fair Street in the City of Kingston, Ulster County, New York in connection with the following matters:

Bardavon 1869 Opera House, Inc., a New York not-for-profit corporation (the "Applicant"), has presented an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") for the benefit of UPAC LLC, a New York limited liability company (the "Company"), said Project consisting of the following: (A) (1) the acquisition of an interest in a parcel of land containing approximately 12,750 square feet located at 601 Broadway (Tax Map # 56.109-3-19) in the City of Kingston, Ulster County, New York (the "Land"), together with the existing theater/entertainment facility located thereon containing in the aggregate approximately 34,100 square feet of space (collectively, the "Facility"), (2) the reconstruction and renovation of the Facility and (3) the acquisition and installation therein and thereon of certain machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company, managed by the Applicant and operated as a theater/entertainment facility and any directly or indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency.

The Agency is considering whether (A) to undertake the Project, and (B) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Agency with respect to the Project in the office of the County Clerk of Ulster County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project, (3) exemption from sales taxes relating to the acquisition, reconstruction, renovation and installation of the Project Facility, and (4) exemption from real property taxes (but not including special assessments and special ad valorem levies), if any, with respect to the Project Facility. The Company has, pursuant to the Application, requested that the Project Facility be exempt from real property taxation and not subject to any payments in lieu of real property taxes. In accordance with the provisions of the Agency's uniform tax exemption policy, the Company will seek the approval of the governing boards of Ulster County, the City of Kingston and the Kingston City School District with respect to the terms and amounts of any payments in lieu of real property taxes to be paid with respect to the Project Facility prior to the Agency granting this portion of the Financial Assistance.

If the Agency determines to proceed with the Project, the Project Facility will be acquired, reconstructed, renovated and installed by the Agency and will be leased (with an obligation to purchase) or sold by the Agency to the Company or its designee pursuant to a project agreement (the "Agreement") requiring that the Company or its designee make certain payments to the Agency.

The Agency has not yet made a determination pursuant to Article 8 of the Environmental Conservation Law (the "SEQR Act") regarding the potential environmental impact of the Project.

The Agency will at said time and place hear all persons with views on either the location, nature of the proposed Project, or the Financial Assistance being contemplated by the Agency in connection with the proposed Project. A copy of the Application filed by the Company with the Agency with respect to the Project, including an analysis of the costs and benefits of the Project, is available for public inspection during business hours at the offices of the Agency. A transcript or summary report of the hearing will be made available to the members of the Agency.

Additional information can be obtained from, and written comments may be addressed to: Suzanne Holt, Director, Office of Economic Development, Ulster County Industrial Development Agency, P.O. Box 1800, 244 Fair Street, Kingston, New York 12402; Telephone: (845) 340-3556.

Dated: November 14, 2016.

ULSTER COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY

BY: s/ Michael Horodyski  
Chairman