

**PRELIMINARY INDUCEMENT RESOLUTION DATED JUNE 15, 2022**

**PRELIMINARY INDUCEMENT RESOLUTION OF THE TOWN OF BABYLON INDUSTRIAL DEVELOPMENT AGENCY RELATING TO THE GRANTING OF PRELIMINARY APPROVAL TO EDUCATIONAL BUS TRANSPORTATION INC., E.B.T. INC. AND BABYLON BUS LOT PROPERTY LLC IN CONNECTION WITH THE POTENTIAL GRANT OF CERTAIN FINANCIAL ASSISTANCE**

**WHEREAS**, Educational Bus Transportation, Inc. and E.B.T. Inc., and its successors and assigns respectively (together, the “**Company**”) and Babylon Bus Lot Property LLC and its successors and assigns (the “**Owner**”) have preliminarily informed officials of the Agency about, and have expressed the desire to enter into negotiations with, officials of the Agency with respect to a project (the “**Project**”) consisting of (i) the acquisition of additional facilities to be located on that certain approximately 1.6 acre lot, piece or parcel of land generally known as 51 Lamar Street in West Babylon, New York 11704, (ii) the acquisition, renovation and equipping of an approximately 8,000 square foot existing facility and the acquisition and construction of an approximately 16,000 square foot addition thereto all located or to be located on that certain approximately 1.5 acre lot, piece or parcel of land generally known as 115, 117 and 119 Lamar Street in West Babylon, New York 11704, and (iii) the acquisition of a leasehold interest and the acquisition, construction and equipping of an approximately 3,000 square foot commercial facility to be located on that certain approximately 5.5 acre lot, piece or parcel of land generally known as 1000 Straight Path, at or about 108-124 Edison Avenue in West Babylon, New York 11704 (collectively, the “**Facility**”), which additional facilities will be in addition to the Company’s existing facilities located at 55, 59, 63, 73 and 85 Lamar Street and located at 48, 52, 70 and 76 Mahan Street in West Babylon (collectively, the “**Existing Facilities**”) and will include the consolidation of several existing tax lots into one tax lot with respect to the Existing Facilities and the 51 Lamar Street parcel, all for use by the Company as a bus depot and maintenance facility for the Company’s school bus, transit bus, motor coach and maintenance operations; and

**WHEREAS**, the Existing Facilities, are the subject of a straight lease transaction between the Owner and the Agency (the “**Existing Straight Lease**”) pursuant to a Company Lease Agreement, Lease Agreement and Sublease Agreement each dated March 24, 2016, which Existing Straight Lease will be amended and restated pursuant to the Project; and

**WHEREAS**, the Owner has submitted a preliminary Project Application (the “**Project Application**”) to the Agency to initiate the accomplishment of the above; and

**WHEREAS**, the Company and the Existing Facilities are a significant employer of the Town of Babylon and pursuant to the preliminary Project Application, representatives of the Owner and the Company have indicated that the Project and the Facility will result in the retention and expansion of employment within the Town of Babylon; and

**WHEREAS**, based upon further review of the preliminary Project Application, the Agency intends to determine whether financial assistance shall be provided by the Agency in order to induce the Owner and the Company to proceed with the proposed Project; and

**WHEREAS**, the Owner and the Company are obtaining and compiling all information necessary to allow the Agency to make such determination; and

**NOW, THEREFORE, BE IT RESOLVED** by the Agency as follows:

**Section 1.** The proposed Project and the Facility would, if approved by the Agency, be in furtherance of the policy of fostering economic development in the Town in accordance with the Article 18-A and Section 907-a of the General Municipal Law of the State of New York.

**Section 2.** The officers of the Agency and other appropriate officials of the Agency and its agents and employees are hereby authorized and directed to take whatever steps may be necessary to implement the provision of this preliminary resolution including compiling and reviewing requisite information to determine whether financial assistance shall be provided by the Agency for the proposed Project.

**Section 3.** Nothing herein shall be construed as committing the Agency to undertake or approve the Project or to provide financial assistance for the Project.

**Section 4.** Any expenses incurred by the Agency with respect to the proposed Project shall be paid by the Owner and the Company. The Owner and the Company will agree to pay such expenses and further agree to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the proposed Project.

**Section 5.** This preliminary resolution shall take effect immediately.

