

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BOARD MEETING
185 Court Street
Binghamton, New York 13901
Friday, April 11, 2014, 12:00 pm**

SYNOPSIS OF MEETING

PRESENT: J. Davis, W. Howard, T. Kane, R. Keibel, R. Nielsen, D. Preston, D. Reynolds, J. Rounds and J. Stevens

ABSENT: None

GUESTS: John Bernardo, Broome County Deputy Executive
Jerry Marinich, Broome County Legislative Chairman
Aaron Martin, Broome County Legislative Clerk
Emmanuel Priest, Office of Senator Thomas Libous
Patrick Doyle, BCIDA Business Development Consultant
Jeff Smetana, Newman Development Group
Howard Rittberg, Levine Gouldin & Thompson
Brian Rose, Binghamton University Student Affairs
Steven Howe, Press & Sun Bulletin
Jeremy Brotz, Carpenters Local #277
Scott Colton, Carpenters Local #277
Dan Richardson, Roofers Local #203
John Solak, Broome County Resident

STAFF: K. McLaughlin, S. Duncan, T. Gray and C. Campon

COUNSEL: J. Meagher

PRESIDING: T. Kane

Mr. Kane called the meeting to order at 12:05 p.m.

ITEM #1. APPROVE MINUTES FOR THE MARCH 14, 2014 BOARD MEETING: Mr. Kane requested approval of the minutes for the March 14, 2014 Board meeting.

MOTION: Resolution to approve the March 14, 2014 Board meeting minutes. On a MOTION by Mr. Davis, seconded by Mr. Keibel, the MOTION CARRIED.

ITEM #2. PUBLIC COMMENT: Mr. John Solak took issue with the conversation regarding the Agency's purchase of property in the Broome Corporate Park that took place in Executive Session at the December 2013 board meeting. He said the item was not specifically labeled as a purchase on the meeting agenda. Mr. Solak made a FOIL request to the Agency for related correspondence, and he said he found little interaction between the seller and the Agency. Mr. Solak feels the purchase was a transfer of wealth. Mr. Solak felt Ms. Preston and Mr. Nielsen should abstain from today's vote on the resolution for the Vestal Park student housing project because Ms. Preston and Senator Libous, who Mr. Nielsen is lead

counsel for, receive contributions from Mr. Marc Newman, who is one of the principals on the Vestal Park project.

MOTION: No motion necessary.

ITEM #3. EXECUTIVE DIRECTOR'S REPORT: Mr. McLaughlin said he has received the survey to combine the parcels of the Southern Tier High Tech Incubator. Mr. Meagher will begin the process of leasing the land to Binghamton University. Mr. McLaughlin said he sent out an RFP for public relations services to 14 firms. Mr. McLaughlin said the Agency is working with the Broome County Land Bank on the redevelopment of 50 Front Street. An RFP has been sent to potential developers. Mr. McLaughlin said the dam reconstruction at the Broome Corporate Park had been put on hold while the Town of Conklin explored options to use the land for flood mitigation. None of the options turned out to be viable, so the Agency is moving forward with engineers at O'Brien & Gere on the dam reconstruction. Mr. McLaughlin said he's received good feedback from the BCIDA breakfast event in March. He is going to do a similar presentation for SUNY BEST in June and for the Broome County Board of Realtors in August. Mr. McLaughlin said the strategic plan requires review and revision of the Agency's policies. The staff has worked on revising existing policies, and those will go before the Governance Committee for review at their May meeting. The Personnel Committee will review and update job descriptions at its upcoming meeting.

MOTION: No motion necessary.

ITEM #4. LOAN FUNDS AVAILABILITY AS OF MARCH 31, 2014: Mr. Gray presented the Loan Funds Availability report to the Board. The balances available to lend are \$334,937.24 (STEED) and \$849,654.52 (BDF). Mr. Gray said he is in talks with four strong potential borrowers.

MOTION: No motion necessary.

NEW BUSINESS

ITEM #5. RESOLUTION AUTHORIZING A SALE OR LEASE AND LEASEBACK TRANSACTION TO FACILITATE THE FINANCING OF THE CONSTRUCTION AND EQUIPPING OF A STUDENT HOUSING AND RETAIL SHOPPING CENTER LOCATED AT 300 PLAZA DRIVE IN THE TOWN OF VESTAL, BROOME COUNTY, NEW YORK: Mr. McLaughlin said the Agency received and accepted the application last month. The public hearing was held on April 8, 2014. The board received the hearing transcript as soon as it was completed. Mr. Jeff Smetana of Newman Development and Mr. Howard Rittberg, the attorney representing the project, gave an overview of the student housing project. When the NCI and AIG call centers that were previously located in the Vestal Park plaza planned to relocate, Newman Development looked to fill the space but found no retail or commercial opportunities. Following the success of the Newman Development student housing complex at Twin River Commons in downtown Binghamton, they wanted to do another student housing project. The IDA agreement will result in the project paying more in PILOTS than the tax amounts on the existing buildings and properties. A cumulative \$47 million

will be paid over a 30 year term; \$9 million over the tax rate on the existing property. Newman Development has a strong commitment and history of using local labor. Mr. Rounds asked if prefabricated modulars would be used? Mr. Smetana said they would not. Mr. Howard disclosed that his company would be bidding on construction work that is involved in the project. Mr. Meagher said the disclosure would be noted, but it does not prevent Mr. Howard from voting. Mr. Nielsen said student housing projects have a strong community benefit because they help grow one of the area's top industries. He said the project will have a positive effect for the University as well as retail. Mr. Rounds said in the future he would like to see the public hearing transcript further in advance of the board meeting. Mr. McLaughlin said public hearings will be scheduled further in advance of board meetings going forward. Mr. Nielsen suggested adding protocol for meetings and meeting postings in the discussion of revisions to the Agency's bylaws.

MOTION: To approve the resolution authorizing a sale or lease and leaseback transaction to facilitate the financing of the construction and equipping of a student housing and retail center at 300 Plaza Drive, Vestal, NY. On a MOTION by Mr. Nielsen, seconded by Ms. Preston, the MOTION CARRIED UNANIMOUSLY.

ITEM #6. REAL ESTATE SERVICES CONTRACT: Mr. McLaughlin said he sent out an RFP for real estate services and reviewed two of the proposals with the staff. After review, he recommends Cushman & Wakefield from Binghamton to the board.

MOTION: To authorize the Executive Director to enter into contract Cushman & Wakefield for real estate services. On a MOTION by Mr. Nielsen, seconded by Ms. Preston, the MOTION CARRIED UNANIMOUSLY.

ITEM #7. RESOLUTION TO EXTEND THE CONTRACT WITH RUTH FIATO FOR PROFESSIONAL SERVICES: Mr. McLaughlin said Ruth Fiato's original contract expiration was March 31, 2014 or up to \$1,500 in services. Since only \$540 of the authorized \$1,500 has been expended to date, and the financials are still in the process of being completed for 2013 year end, Mr. McLaughlin recommended extending the contract to December 31, 2014 or \$1,500.

MOTION: To extend the contract with Ruth Fiato for consulting services. On a MOTION by Mr. Howard, seconded by Ms. Preston, the MOTION CARRIED UNANIMOUSLY.

Mr. Nielsen suggested setting up an online portal for sharing documents and board packets between the board and staff. Mr. Kane cautioned the risk of its use being considered a meeting if there was a lot of back and forth discussion.

Mr. McLaughlin said the strategic plan includes relocation of the IDA's office. He plans to follow up with a real estate firm to discuss options. Mr. McLaughlin said he would like feedback from the board with criteria for the space needed. He mentioned that it would also depend on if the new office will be just IDA or an economic development one-stop. Mr. Nielsen said the one-stop has appeal and opportunity for other organizations that could co-locate full time or even part time. Ms. Preston said she feels the

office needs to be in downtown Binghamton for proximity to economic development organizations, banks, law firms and planning departments. Mr. McLaughlin said he will get some suggestions to the board at the next meeting.

ITEM #8. ADJOURNMENT: Mr. Kane requested a motion for adjournment.

MOTION: To adjourn the meeting. On a MOTION by Mr. Stevens, seconded by Mr. Nielsen, the MOTION CARRIED UNANIMOUSLY, and the meeting was adjourned at 12:49 p.m.

The next meeting of the BCIDA Board of Directors is scheduled for May 9, 2014 at 12:00 p.m. at the Broome County Public Library, 185 Court Street, Binghamton, NY.