

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
BOARD MEETING  
185 Court Street  
Binghamton, New York 13901  
Wednesday, June 28, 2017, 12:00 pm**

**SYNOPSIS OF MEETING**

**PRESENT:** T. Kane, W. Howard, J. Bernardo, L. Pinker, J. Stevens, R. Bucci, S. Feehan and J. Rounds

**ABSENT:** D. Marusich

**GUESTS:** Kevin McManus, Deputy County Executive  
John Solak, Binghamton Resident  
Jeff Platsky, Press & Sun Bulletin

**STAFF:** K. McLaughlin, S. Duncan, N. Abbadessa and G. Bernardo

**COUNSEL:** J. Meagher

**PRESIDING:** T. Kane

Mr. Kane called the meeting to order at 12:00 p.m.

**ITEM #1. APPROVE MINUTES FOR THE MAY 17, 2017 BOARD MEETING:** Mr. Kane requested approval of the minutes for the May 17, 2017 Board Meeting. Mr. Rounds stated during the Broome Culinary Realty, LLC discussion he had asked if prevailing wages would apply to the project. He said this question was not in the minutes and would like them changed to reflect his question. Mr. Kane asked Ms. Abbadessa to have the May 17, 2017 minutes reflect this change.

**MOTION:** Resolution to approve the May 17, 2017 Board Meeting minutes with the above correction.

On a MOTION by Mr. Howard, seconded by Mr. Rounds, the MOTION CARRIED UNANIMOUSLY.

**ITEM #2. PUBLIC COMMENT:** Mr. Solak stated he cannot believe the Agency is subsidizing the gas industry and letting them receive a PILOT. He said this is not what the public was promised. Mr. Solak said the Stack family should not receive a Community Development Block Grant. He feels it is absurd since they have so much money to begin with. He feels the Dick's Sporting Goods project is a sham transaction.

**MOTION:** No motion necessary.

**ITEM #3. EXECUTIVE DIRECTOR'S REPORT:** Mr. McLaughlin stated Ms. Duncan had passed out the 2<sup>nd</sup> quarter Marketing Report. The Agency continues working on workforce and the private sector is completely engaged. Several sub-committees have been formed and are working diligently. Mr. McLaughlin thanked the Board for their continuous support. He said the Agency's new office building is

progressing nicely. He is hopeful to have the September Board meeting there. Bob Joseph from WNBC interviewed Ms. Duncan and Mr. McLaughlin last week to discuss current projects the Agency has been working on. Mr. McLaughlin stated the staff is working on a grant application so a feasible study can be completed at the former BAE site. The Agency will not take the property over from the Air Force until everything has been set and cleared.

**MOTION:** No motion necessary.

**ITEM #4. LOAN FUNDS AVAILABILITY AS OF MAY 31, 2017:** The Loan Funds Availability report was presented to the Board. The balances available to lend are \$411,128.89(STEED) and \$446,303.50 (BDF). No comments were made. Mr. Gray was not present at the meeting. Mr. Stevens spoke on Mr. Gray's behalf and stated Mr. Gray has been working on a few loan deals.

**MOTION:** No motion necessary.

**ITEM #5 RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR, ON BEHALF OF THE AGENCY, TO ACCEPT A PROPOSAL FROM, AND ENTER AN AGREEMENT WITH, JAX SIGNS AND NEON, INC. FOR THE CONSTRUCTION OF TWO SIGNS TO BE LOCATED AT THE BROOME CORPORATE PARK (SIGN #1 TO BE 9'5" X 19' 6") (SIGN #2 TO BE 75" X 153.):** Ms. Duncan said when the Agency rebrand took place the signage at the Corporate Park was never updated. Mr. McLaughlin stated money was set aside to have the signs updated and replaced.

**MOTION:** To approve a resolution authorizing the executive director, on behalf of the Agency, to accept a proposal from, and enter an agreement with, Jax Signs and Neon, Inc. for the construction of two signs to be located at the Broome Corporate Park (sign #1 to be 9'5" x 19' 6") (sign #2 to be 75" x 153."). On a MOTION by Mr. Stevens, seconded by Mr. Howard, the MOTION CARRIED UNANIMOUSLY.

**ITEM #6. RESOLUTION AUTHORIZING A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE RENOVATION AND EQUIPPING OF 78 EXCHANGE STREET IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK, APPOINTING BROOME CULINARY REALTY, LLC (THE "COMPANY") AGENT OF THE AGENCY FOR THE PURPOSE OF RENOVATING AND EQUIPPING THE PROJECT AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT THERETO, INCLUDING A PAYMENT IN LIEU OF TAX AGREEMENT DEVIATING FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY:** Mr. McLaughlin stated the project involves extensive renovation of the historic Carnegie Library into the SUNY Broome Culinary Arts Center. A public hearing was held on June 16, 2017 and no one attended. He said in order to take advantage of two major tax credits, the New Market Tax Credit and the Historical Tax Credit SUNY Broome needed to form an LLC and request a PILOT. As a result the college will receive about \$5 million dollars between the two tax credits. The building is not on the tax rolls now and SUNY Broome would like to keep the deviated PILOT at zero for seven years. After the PILOT ends the building will be turned over to the County. The Agency received a letter of support for the PILOT from the Mayor of

Binghamton and City Council. Mr. McLaughlin and the Governance Committee recommend approval of this PILOT application.

**MOTION:** To approve a resolution authorizing a Lease/Leaseback transaction to facilitate the renovation and equipping of 78 Exchange Street in the City of Binghamton, Broome County, New York, appointing Broome Culinary Realty, LLC (The "Company") agent of the Agency for the purpose of renovating and equipping the project and authorizing the execution and delivery of certain documents with respect thereto, including a Payment In Lieu Of Tax Agreement deviating from the Agency's Uniform Tax Exemption Policy. On a MOTION by Mr. Stevens, seconded by Mr. Bernardo, the MOTION CARRIED UNANIMOUSLY.

**ITEM #7. RESOLUTION AUTHORIZING A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE CONSTRUCTION AND EQUIPPING OF A NATURAL GAS DISTRIBUTION SYSTEM LOCATED ON VARIOUS PARCELS OF REAL ESTATE IN THE VILLAGE AND TOWN OF WINDSOR, BROOME COUNTY, NEW YORK, APPOINTING LEATHERSTOCKING GAS COMPANY, LLC (THE "COMPANY") AGENT OF THE AGENCY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING THE PROJECT, AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT THERETO, INCLUDING A PAYMENT IN LIEU OF TAX AGREEMENT DEVIATING FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY:** Mr. McLaughlin stated Leatherstocking Gas Company, LLC is constructing a natural gas distribution system at the request of the Town and Village of Windsor. The distribution system will run through the entire town and village and will provide tremendous savings to everyone who resides in Windsor, especially the school district. This project has been in the works for at least three years. The Agency received a letter of support for the PILOT from the Town of Windsor. Mr. McLaughlin stated the Public Service Commission is mandating Leatherstocking Gas Company have a PILOT in the amount of \$3000 a year for ten years. A Public Hearing took place as well. Mr. Bucci asked in order for the project to progress the Board must follow the request from the Public Service Commission. Mr. McLaughlin stated yes. Mr. Kane asked what the value of the PILOT is to the developer. Mr. McLaughlin stated \$800,000 over ten years. Mr. McLaughlin and the Governance Committee recommend approval of this PILOT application.

**MOTION:** To approve a resolution authorizing a Lease/Leaseback transaction to facilitate the construction and equipping of a natural gas distribution system located on various parcels of real estate in the Village and Town of Windsor, Broome County, New York, appointing Leatherstocking Gas Company, LLC (The "Company") agent of the Agency for the purpose of constructing and equipping the project, and authorizing the execution and delivery of certain documents with respect thereto, including a Payment In Lieu of Tax Agreement deviating from the Agency's Uniform Tax Exemption Policy. On a MOTION by Mr. Bernardo, seconded by Mr. Howard, Mr. Feehan abstained, the MOTION CARRIED.

**ITEM #8. RESOLUTION ACCEPTING AN APPLICATION FROM M. B. YONATY DEVELOPMENT, LLC FOR A**

**LEASE/LEASEBACK TRANSACTION TO FACILITATE THE FINANCING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A COMMERCIAL AND MIXED USE HOUSING PROJECT AT 70-72 COURT STREET IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK AND AUTHORIZING THE AGENCY TO SET AND CONDUCT A PUBLIC HEARING WITH RESPECT THERETO:** Mr. McLaughlin stated this project was announced today by the Mayor of Binghamton and Mark Yonaty. The City has negotiated a PILOT agreement with Mr. Yonaty. The project entails construction of a four to five story mixed use building with market rate residential apartments on the upper floors and commercial space on the ground floor. Mr. McLaughlin feels this is a great project for downtown Binghamton. He said City Council still needs to approve the transfer of the land to Mr. Yonaty. Once this happens it will allow the Agency approval for the PILOT. Mr. Rounds said "is Mr. Yonaty not going to create any jobs other than construction". Mr. McLaughlin said the bottom floor will be commercial and obviously jobs will be created by retailers who rent the space. He said Mr. Yonaty will not know how many jobs will be created because he doesn't know who will be renting from him so the Agency cannot hold him accountable. Mr. McLaughlin said this is why he put zero on his application. Mr. Stevens asked where all the tenants will park. Mr. McLaughlin and Mr. Meagher said parking will be discussed by the Planning Commission. M.B. Yonaty Development, LLC is requesting the acceptance of their PILOT application and to set a public hearing.

**MOTION:** To approve a resolution accepting an application from M. B. Yonaty Development, LLC for a Lease/Leaseback transaction to facilitate the financing of the acquisition, construction and equipping of a commercial and mixed use housing project at 70-72 Court Street in the City of Binghamton, Broome County, New York and authorizing the Agency to set and conduct a public hearing with respect thereto. On a MOTION by Mr. Stevens, seconded by Mr. Pinker, the MOTION CARRIED UNANIMOUSLY.

**ITEM #9. RESOLUTION TO APPROVE THE EXECUTION OF A SUB-RECIPIENT AGREEMENT BETWEEN THE TOWN OF CONKLIN AND BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING PROVIDING ASSISTANCE TO DICK'S MERCHANDISING & SUPPLY CHAIN, INC:** Mr. McLaughlin stated part of the incentive package that was proposed by New York State to Dick's Sporting Goods was a \$750,000 grant. He said instead of the Town of Conklin administering the grant the Agency will do it. The administrative fee will be split between the town and the Agency. Mr. McLaughlin said this is nothing more than a pass through of funds. The Agency will not use any of its own money. As Dick's Sporting Goods completes the requirements of the grant, which is the creation of jobs that is when they will be entitled to the \$750,000. There will not be any risk to the Agency. Mr. Rounds asked who monitors the requirements. Mr. McLaughlin said a certain number of jobs must be created and Dick's Sporting Goods needs to prove this to New York State. Once this information has been supplied to the state and they are satisfied they will then release the funds.

**MOTION:** To approve the execution of a Sub-recipient Agreement between the Town of Conklin and Broome County Industrial Development Agency for Community Development Block Grant Funding providing assistance to Dick's Merchandising & Supply Chain, Inc. On a MOTION by Mr. Pinker, seconded by Mr. Bucci, Mr. Feehan abstained, the MOTION CARRIED.

**ITEM #10. RESOLUTION TO APPROVE THE EXECUTION OF AN AGREEMENT BETWEEN THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY AND DICK'S MERCHANDISING & SUPPLY CHAIN, INC. FOR THE IMPLANTATION OF A COMMUNITY DEVELOPMENT BLOCK GRANT:** Mr. McLaughlin said this resolution goes along with the previous resolution. All the same applies.

**MOTION:** To approve the execution of an agreement between the Broome County Industrial Development Agency and Dick's Merchandising & Supply Chain, Inc. for the implantation of a Community Development Block Grant. On a MOTION by Mr. Stevens, seconded by Mr. Bucci, Mr. Feehan abstained, the MOTION CARRIED.

**ITEM #11. ADJOURNMENT:** Mr. Kane requested a motion for adjournment.

**MOTION:** To adjourn the meeting. On a MOTION by Mr. Bucci, seconded by Mr. Pinker, the MOTION CARRIED UNANIMOUSLY, and the meeting was adjourned at 12:28 p.m.

The next meeting of the BCIDA Board of Directors is scheduled for Wednesday, July 19, 2017 at 12:00 p.m. at the Broome County Public Library, 185 Court Street, Binghamton, NY.