

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
BOARD MEETING  
185 Court Street  
Binghamton, New York 13901  
Wednesday, July 19, 2017, 12:00 pm**

**SYNOPSIS OF MEETING**

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

**ABSENT:**

**GUESTS:** Dai Korba, Village of Johnson City  
Jeff Platsky, Press & Sun Bulletin

**STAFF:** K. McLaughlin, T. Gray, S. Duncan, C. Campon, 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 JUNE 28, 2017 BOARD MEETING:** Mr. Kane requested approval of the minutes for the June 28, 2017 Board Meeting. Mr. Stevens asked when there is a resolution requesting a PILOT he would like the minutes to reflect the term of the PILOT.

**MOTION:** Resolution to approve the June 28, 2017 Board Meeting minutes. On a MOTION by Mr. Stevens, seconded by Mr. Rounds, Ms. Marusich abstained, the MOTION CARRIED.

**ITEM #2. PUBLIC COMMENT:** Dai Korba, a grant writer for the Village of Johnson City explained the Main Street Consolidated Funding Application she is in the process of writing for the Village of Johnson City. Ms. Korba is seeking a letter of support from the Agency and its Board Members to include in her grant submission.

**MOTION:** No motion necessary.

**ITEM #3. EXECUTIVE DIRECTOR'S REPORT:** Mr. McLaughlin stated the Agency's new building is progressing nicely. He said the process with DASNY has been smooth and the Agency has been receiving reimbursement checks in a timely manner. The Agency has yet to use the line of credit from NBT. Mr. Kane asked if the Board of Directors could have a tour of the new building in late August. Mr. McLaughlin said yes and he will set it up and let them all know the date. The Agency's workforce initiative is still continuing. He thanked Mr. Feehan and Ms. Marusich for their participation. A small news conference was held at Midway Lanes to showcase the Agency's Small Business Incentive Program. The program was

well received by all. Mr. McLaughlin attended the REDC meeting held in Ithaca last week. At this meeting presentations were made from Endicott, Ithaca and Watkins Glen for the Downtown Revitalization Competition. Mr. McLaughlin stated all the presentations were great. A Public Hearing was held for M.B. Yonaty Development, LLC, no one from the public attended. Ms. Campon will attend classes held by the National Development Council in August. Ms. Marusich asked if Mr. McLaughlin could update the Board on the old BAE site at the next meeting. Mr. McLaughlin stated he could tell them now. He received an email stating the environmental clearances will not be complete in time. The Airforce is asking the Agency to continue with the contract of deed through the end of the year. Mr. McLaughlin said the entire building is down, grass has been planted and is growing, and a fence has been put up. He said the Agency is somewhat maintaining the property, mowing the grass in front on the fence. Senator Schumer put the Agency in touch with the Department of Defense. Ms. Duncan submitted an application to them for funds to have a feasibility study completed on the property. Ms. Marusich asked if Mr. McLaughlin would consider using the study that was completed by the state four years ago. Mr. McLaughlin said yes. Mr. Bernardo asked what the yearly cost to maintain the property is. Mr. McLaughlin said right now the only cost is to maintain the grass outside of the fence. This is done on an as needed basis and costs the Agency \$400. Mr. Stevens asked for a Workforce update presentation. Ms. Duncan stated at the Agency's Board Retreat in September Susan Payne will present updates on the Workforce and Housing initiatives. Mr. McLaughlin asked if anyone from the Board had questions pertaining to the Agency's Internal Financial Report. No comments were made.

**MOTION:** No motion necessary.

**ITEM #4. LOAN FUNDS AVAILABILITY AS OF JUNE 30, 2017:** The Loan Funds Availability report was presented to the Board. The balances available to lend are \$460,900.96 (STEED) and \$454,655.22 (BDF). No comments were made. Mr. Gray stated he is working on five potential loan requests. Four locally and one in Ithaca. He said if all of these potential loans go through the Agency will not have any more funds to lend.

**MOTION:** No motion necessary.

**ITEM #5. RESOLUTION AUTHORIZING A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF 70-72 COURT STREET APPOINTING M. B. YONATY DEVELOPMENT, LLC (THE "COMPANY"), AGENT OF THE AGENCY FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING, AND LEASING 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 asked for this resolution to be tabled until the August Board Meeting. The Agency has not yet received a letter of support from the City of Binghamton.

**ITEM #6. APPROVAL OF AN AMENDMENT TO THE AGENCY'S PURCHASING POLICY:** Mr. Gray stated last month the Agency received a Policy Guidance from the Authorities Budget Office in regard to Procurement guidelines as it related to minority and woman owned business enterprises. He said the Agency discussed how to implement Article 15-A of the Executive Law into the Agency's policy guidelines. Mr. Gray and staff felt the additional language that was outlined in red and given to the Board would adequately address the ABO's Policy Guidance. Mr. Rounds asked if thirty percent of the contracts were required to be MWBE. Mr. McLaughlin said that is the requirement at Empire State Development, for most other state agencies it is five to ten percent. Ms. Marusich asked if you prove the lack of response are you still held to that percentage. Mr. Kane stated yes sometimes.

**MOTION:** To approve an amendment to the Agency's Purchasing Policy. On a MOTION by Mr. Feehan, seconded by Ms. Marusich, the MOTION CARRIED UNANIMOUSLY.

**ITEM #7. RESOLUTION EXPRESSING THE AGENCY SUPPORT FOR THE VILLAGE OF JOHNSON CITY CONSOLIDATED FUNDING APPLICATION FOR A 2017 MAIN STREET GRANT THROUGH THE NEW YORK STATE OFFICE OF HOMES AND COMMUNITY RENEWAL:** Ms. Korba explained the Main Street Consolidated Funding Application she is in the process of writing for the Village of Johnson City. Ms. Korba is seeking support from the Agency and its Board Members to include in her submission. A brief discussion took place.

**MOTION:** To approve a resolution expressing the Agency support for the Village of Johnson City Consolidated Funding application for a 2017 Main Street grant through the New York State Office of Homes and Community Renewal. On a MOTION by Mr. Pinker, seconded by Mr. Stevens, the MOTION CARRIED UNANIMOUSLY.

**ITEM #8. RESOLUTION ACCEPTING THE APPLICATION OF DICK'S MERCHANDISING & SPORTING GOODS, INC. TO MODIFY A 2016 PILOT AGREEMENT, COVERING PREMISES LOCATED IN THE TOWN OF CONKLIN, BROOME COUNTY, NEW YORK, TO INCORPORATE AN ADDITION OF 245,000 SQUARE FEET OF BUILDING SPACE, TO AMEND THE SALES TAX EXEMPTION RELATING THERETO BY INCREASING IT BY AN AMOUNT OF \$4,700,000.00, AND TO AUTHORIZE THE EXECUTIVE DIRECTOR TO SET AND HOLD A PUBLIC HEARING WITH RESPECT THERETO:** Mr. McLaughlin stated Dick's Sporting Goods Inc., is proposing to expand its 676,000 sqft Conklin, NY Distribution Center (currently under construction). When the initial project was approved last July it actually was approved for 900,000+ sqft. DSG felt since the contractors were already on site and their business is doing well they would expand the facility. DSG is requesting that the \$61 million expansion be incorporated into the existing PILOT. The expansion will create 60 additional jobs over and above what Dick's has already committed too. DSG will go before the Town of Conklin to discuss site plan review and additional matters. Dick's Merchandising & Sporting Goods is asking for the acceptance of their application for a thirty year deviated PILOT and to set a public hearing.

**MOTION:** To approve a resolution accepting the application of Dick's Merchandising & Sporting Goods, Inc. to modify a 2016 PILOT agreement, covering premises located in the Town of Conklin, Broome County, New York, to incorporate an addition of 245,000 square feet of building space, to amend the Sales Tax Exemption relating thereto by increasing it by an amount of \$4,700,000.00, and to authorize the executive director to set and hold a Public Hearing with respect thereto. On a MOTION by Mr. Bernardo, seconded by Mr. Bucci, Mr. Feehan abstained, the MOTION CARRIED.

**ITEM #9. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR, ON BEHALF OF THE AGENCY, TO ENTER INTO A LEASE EXTENSION AGREEMENT REGARDING THE CONTRACT OF DEED WITH THE UNITED STATES OF AMERICA FOR PROPERTY LOCATED IN THE VILLAGE OF JOHNSON CITY, BROOME COUNTY, NEW YORK FOR A PERIOD OF THREE (3) MONTHS COMMENCING OCTOBER 1, 2017 AND ENDING ON DECEMBER 31, 2017:** Mr. Meagher provided information to the Board of Directors pertaining to the contract of deed with the Air Force that will expire at the end of September on the former BAE site. He stated the Air Force would like to extend this contract until the end of the year with no changes. A brief discussion took place.

**MOTION:** To approve a resolution authorizing the executive director, on behalf of the agency, to enter into a lease extension agreement regarding the contract of deed with the United States of America for property located in the Village of Johnson City, Broome County, New York for a period of three (3) months commencing October 1, 2017 and ending on December 31, 2017. On a MOTION by Mr. Feehan, seconded by Mr. Stevens, the MOTION CARRIED UNANIMOUSLY.

**ITEM #10. EXECUTIVE SESSION: TO DISCUSS THE PROPOSED ACQUISITION AND SALE OF REAL PROPERTY FOR THE BCIDA AND PERSONNEL MATTERS:**

**MOTION:** To convene to Executive Session at 12:47 pm. On a MOTION by Mr. Stevens, seconded by Mr. Feehan, the MOTION CARRIED UNANIMOUSLY.

**ITEM #11. RECONVENE TO PUBLIC SESSION:**

**MOTION:** To reconvene back to public session at 1:26 pm. On a MOTION by Ms. Marusich, seconded by Mr. Bucci, the MOTION CARRIED UNANIMOUSLY.

**ITEM #12. ADJOURNMENT:** Mr. Kane requested a motion for adjournment.

**MOTION:** To adjourn the meeting. On a MOTION by Ms. Marusich, seconded by Mr. Stevens, the MOTION CARRIED UNANIMOUSLY, and the meeting was adjourned at 1.27 p.m.

The next meeting of the BCIDA Board of Directors is scheduled for Tuesday, August 15, 2017 at 12:00 p.m. at the Broome County Public Library, 185 Court Street, Binghamton, NY.