

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BOARD MEETING
185 Court Street
Binghamton, New York 13901
Wednesday, July 20, 2016, 12:00 pm**

SYNOPSIS OF MEETING

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

ABSENT: None

GUESTS: Rich David, Mayor of Binghamton
Jared Kraham, Deputy Mayor of Binghamton
John Solak, City of Binghamton Resident

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

COUNSEL: J. Meagher

PRESIDING: T. Kane

Chairman Kane called the meeting to order at 12:03 p.m.

ITEM #1. APPROVE MINUTES FOR THE JUNE 15, 2016 BOARD MEETING: Chairman Kane requested approval of the minutes for the June 15, 2016 Board Meeting.

MOTION: Resolution to approve the June 15, 2016 Board Meeting minutes. On a MOTION by Ms. Marusich, seconded by Mr. Stevens, the MOTION CARRIED. Mr. Howard and Mr. Rounds recused themselves from voting as they were not in attendance at the June Board Meeting.

ITEM #2. PUBLIC COMMENT: Mr. Solak said he was skeptical from the beginning with the Agency's loan to Mountain Fresh Dairy. He would like to know why Mountain Fresh Dairy has not opened yet. Mr. Solak would also like to know why the loan was so over collateralized. He stated the Board of the IDA should call the loan. Mr. Solak feels there is something wrong with the company and the whole project is a scam.

MOTION: No motion necessary.

ITEM #3. EXECUTIVE DIRECTOR'S REPORT: Mr. McLaughlin thanked the Board for coming to the announcement for the Dick's Sporting Goods project. He stated there will be an actual ground breaking in August at the site. Mr. McLaughlin and Mr. Kane had a meeting with Senator Akshar about the Agency's One-Stop building. He said the meeting was well received and the Senator is in full support of the project. Mr. McLaughlin had the pleasure of meeting the Chairman of the Federal Reserve when he was in Binghamton. He told the Board the Emerson building, which is located in the Charles Business Park, will

be empty in the next couple of months. The Agency has no involvement in the building anymore, but Mr. McLaughlin stated the Agency would help out wherever it can. Ms. Duncan and staff have been working on 4 to 5 CFA's to help companies in any way they can before the July 29th deadline. Mr. McLaughlin met with a gentleman to discuss a possible windfarm in Windsor, a brief discussion took place. The Board received packets that had all the new Best Practices. Mr. McLaughlin asked the Board to review the practices and if they had any questions to let the Agency staff know. He feels if the Board is comfortable with the practices than the Governance Committee will not need to meet. A resolution will be on the agenda for the August Board Meeting. Ms. Marusich stated she was reading comments on Facebook regarding the Dick's Sporting Goods project. She wanted the Board to know the community had an issue with transportation going to the Corporate Park. Ms. Marusich would like the County and Dick's to make sure they have a plan to address any transportation issues. Mr. Bernardo stated he and the County Executive have already addressed this issue. Ms. Marusich wanted to let Mr. McLaughlin know what a great job he did putting the Dick's project together.

MOTION: No motion necessary.

ITEM #4. THE AGENCY'S ONE-STOP FACILITY UPDATE: Ms. Duncan stated again all proper documentation and procedures have been followed and sent to DASNY. She met with Fahs to review the budget and start a timeline for construction. Ms. Duncan handed out the construction budget to the Board. The budget showed the complete breakdown of construction for the One-Stop Facility. Ms. Duncan, Mr. Gray, Mr. McLaughlin and a few members of the Agency Board met with a few members of the Chamber and its Board to discuss related costs for the One-Stop. Mr. Feehan had a concern about the SUNY Broome sign that is located on the corner of Lt. Vanwinkle Drive. He feels the sign may block the Agency's One-Stop facility and maybe the County could get involved with trying to relocate the sign. A discussion took place. Mr. Kane asked if there was new news with the transfer of the library to SUNY Broome. Ms. Duncan stated the transfer should be completed soon.

MOTION: No motion necessary.

ITEM #5. LOAN FUNDS AVAILABILITY AS OF JUNE 30, 2016: Mr. Gray presented the Loan Funds Availability report to the Board. The balances available to lend are \$490,263.90 (STEED) and \$209,385.88 (BDF). Mr. Gray stated he is working with five serious companies who could potentially receive a loan from the Agency. He said if this happens it will result in a major reduction in both the STEED and BDF loan fund balances. Mr. Feehan asked Mr. Gray to explain the loan that was approved for Mountain Fresh Dairy. Mr. Gray gave a brief synopsis on his communications with Mountain Fresh Dairy. He told the Board their loan is current and they have never missed a payment. Mr. Gray is extremely confident if something does go wrong with the project the collateral the Agency has is more than adequate to cover their loan and the BLDC's.

MOTION: No motion necessary.

ITEM #6. RESOLUTION TO ACCEPT THE SUCCESSION PLAN FOR THE EXECUTIVE DIRECTOR OF THE

AGENCY: Mr. McLaughlin explained the Succession Plan goes back to previous Board members. They wanted a plan in place for Mr. McLaughlin's departure from the IDA. The plan was sent to the Personnel Committee and they felt it covered every action and step needed to make a smooth transition when Mr. McLaughlin decides to retire. The Personnel Committee is making a recommendation for approval of the Succession Plan. The Board was given a copy for review as well.

MOTION: To Approve a Resolution for the Succession Plan of the Executive Director of The Agency. On a MOTION by Mr. Howard, seconded by Ms. Marusich, the MOTION CARRIED.

ITEM #7. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A LEASE WITH THE

ROGERS SERVICE GROUP FOR APPROXIMATELY 30,000 SF IN THE L-3 BUILDING: Mr. McLaughlin stated he was contacted by Rogers Service Group who was in need of space for storage. He explained Rogers's holds equipment for The Raymond Corporation. They had run out of space and needed a facility quickly to hold all of the extra equipment. Mr. McLaughlin said the Agency had 30,000 sqft in the L-3 Building to lease out. He said the lease is on a month to month basis. Ms. Marusich advised the Board that she reached out to Mr. McLaughlin and asked what the proper procedure was when it came to leasing property. She had not had experience with leases being approved before it went to the Agency's Board of Directors. Ms. Marusich said Mr. McLaughlin made her feel comfortable with the situation but she doesn't feel it is good practice to approve lease agreements without the Board of Director's awareness. Mr. McLaughlin stated this was an odd situation and was very time sensitive. Mr. Feehan asked if \$4.00 per sqft was a fair market price. Mr. McLaughlin said he reached out to Maureen Wilson from Pyramid Brokerage and she said it was a very fair price, actually below market. Mr. McLaughlin also stated the space is completely unfinished. Mr. Feehan asked if there was someone else interested in the space and they wanted to utilize it long term could the IDA remove Rogers. Mr. McLaughlin said yes.

MOTION: Resolution Authorizing the Executive Director to Enter into a Lease with the Rogers Service Group for Approximately 30,000 sf in the L-3 Building. On a MOTION by Mr. Stevens, seconded by Mr. Bernardo, the MOTION CARRIED UNANIMOUSLY.

ITEM #8. REVIEW OF THE PILOT AND BOND REPORT: Mr. Gray stated this report is an annual report requested by the Board. The report assesses project progress toward achieving goals such as investment, job retention and job creation. A lively discussion occurred. Mr. Gray said as of August 17, 2016 when the Best Practices are approved the new Application for Benefits will go into effect. At that time applicants will be held responsible and liable for what is stated on their Application. If the applicant is not meeting the requirements the Board of Directors can recapture the PILOT at any time.

MOTION: No motion necessary.

ITEM #9. EXECUTIVE SESSION: TO DISCUSS THE PROPOSED ACQUISITION AND SALE OF REAL PROPERTY FOR THE BCIDA:

MOTION: To convene to Executive Session at 12:59 p.m. On a MOTION by Mr. Rounds, seconded by Ms. Marusich, the MOTION CARRIED UNANIMOUSLY.

ITEM #10. RECONVENE TO PUBLIC SESSION:

MOTION: To reconvene back to public session at 1:32 p.m. On a MOTION by Mr. Stevens, seconded by Mr. Bernardo, the MOTION CARRIED UNANIMOUSLY.

ITEM #11. RESOLUTION AUTHORIZING THE AGENCY TO GRANT AN OPTION TO THE CITY OF BINGHAMTON TO PURCHASE CHARLES STREET BUSINESS PARK:

MOTION: To approve a resolution authorizing the Agency to grant an option to the city of Binghamton to purchase Charles Street Business Park. On a MOTION by Mr. Bernardo, seconded by Mr. Pinker, the MOTION CARRIED. Ms. Marusich opposed.

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

MOTION: To adjourn the meeting. On a MOTION by Mr. Stevens, seconded by Mr. Bernardo, the MOTION CARRIED UNANIMOUSLY, and the meeting was adjourned at 1:33 p.m.

The next meeting of the BCIDA Board of Directors is scheduled for Wednesday August 17, 2016 at 12:00 p.m. at the Broome County Public Library, 185 Court Street, Binghamton, NY.