

MINUTES OF PUBLIC HEARING
ON JUNE 8, 2016

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
(PACEMAKER STEEL AND PIPING CO., INC. and BNGO REALTY LLC Project)

1. Joseph B. Meagher, Esq., Counsel to the Broome County Industrial Development Agency (the "Agency") called the public hearing to order at 12:02 p.m.
2. A stenographic transcript of the public hearing is attached hereto.
3. Mr. Meagher then asked if there were any further comments and, there being none, the public hearing was closed at 12:08 p.m.

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Dated: July 15, 2016

By: 
Joseph B. Meagher, Counsel

PUBLIC HEARING

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STATE OF NEW YORK

MATTER OF THE APPLICATION OF
PACEMAKER STEEL AND PIPING CO., INC.
AND BNGO REALTY, LLC,
FOR FINANCIAL ASSISTANCE IN CONNECTION WITH A
MANUFACTURING AND DISTRIBUTION FACILITY
TO BE LOCATED AT 172 BROAD AVENUE
IN THE CITY OF BINGHAMTON

* * * * *
PUBLIC HEARING;
* * * * *

Held at Broome County Public Library, 185 Court
Street, Binghamton, New York, on the 8th day of
June 2016, commencing at 12:02 PM.

REPORTED BY: PDQ COURT REPORTERS
MICHELE L. KEMAK
Shorthand Reporter
Notary Public
5976 Holtmart Road
Willet, New York 13863
(607) 863-4911

APPEARANCES: JOSEPH B. MEAGHER, ESQ.
Hearing Officer

KEVIN McLAUGHLIN
The Agency
Broome County IDA/LDC
Executive Director

NATALIE ABBADESSA
The Agency
Broome County IDA/LDC
Administrative Assistant

ALSO PRESENT:
CHERYL I. SACCO, ESQ.
Coughlin & Gerhart, LLP

PUBLIC HEARING

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HEARING OFFICER: Good afternoon.
It's now 12:02. My name is Joseph Meagher,
and I'm Counsel to the Broome County
Industrial Development Agency. The Agency
is conducting a hearing pursuant to General
Municipal Law 859A to seek public comment on
an application for financial assistance
submitted by Pacemaker Steel and Piping Co.,
Inc. and BNGO Realty, LLC in connection with
a manufacturing and distribution facility to
be located at 172 Broad Avenue in the City
of Binghamton.

The acceptance of the filing by the
Agency does not infer any position on the
approval or disapproval of the financial
assistance requested. No position will be
taken by the Agency until the public hearing
is concluded.

A copy of the application along with
a cost benefit analysis prepared by the
Agency is available for your review at the
office of the Agency.

Notice of this hearing was published
in the Press & Sun Bulletin on May 25th,
2016.

PUBLIC HEARING

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1 I request that each person wishing to
2 speak state his or her name, and if you are
3 speaking on behalf of an entity or
4 organization, please identify that entity or
5 organization. The hearing will remain open
6 until all public comment is concluded.

7 I'm going to request that the
8 following documents be spread upon the
9 record of these proceedings: The Notice of
10 Public Hearing, the Affidavit of Posting,
11 Affidavit of Mailing, Affidavit of
12 Publication, as well as a copy of the Notice
13 presided -- provided to the taxing
14 authorities of this hearing.

15 I'm going to first request that Kevin
16 McLaughlin, Executive Director of the
17 Agency, explain the benefits that have been
18 requested by Pacemaker Steel and Piping and
19 BNGO Realty, LLC.

20 Kevin.

21 MR. McLAUGHLIN: Thank you, Joe.

22 Pacemaker Steel, through a closely-
23 held entity of BNGO Realty, LLC, has a
24 contract to purchase an existing warehouse
25 at 172 Broad Avenue in the City of

PUBLIC HEARING

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1 Binghamton. The building is approximately
2 47,685 square feet. Pacemaker Steel has an
3 existing manufacturing facility at 2 North
4 Floral Avenue in Binghamton. It will
5 continue to operate that facility while
6 expanding into the 172 Broad Avenue
7 location.

8 Acquiring the new location will allow
9 Pacemaker to add product, offering added
10 value, services, and expand existing product
11 lines, which will allow them to expand their
12 current sales territory for the east and
13 south and expand the customer base.

14 The expansion is projected to create
15 five jobs, but more importantly, Pacemaker's
16 continuing to make a significant investment
17 in Binghamton and Broome County. This
18 investment shows a commitment to continued
19 operations long term in the county.

20 The company is seeking a standard 15-
21 year PILOT that will freeze existing taxes
22 for five years. In years six through ten
23 any tax increase over the frozen level will
24 be abated by 50 percent. And in years
25 eleven through fifteen 25 percent. The

PUBLIC HEARING

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1 company is not seeking any further
2 assistance from the Agency.

3 Thank you.

4 HEARING OFFICER: Does anyone else
5 wish to be heard regarding the project?

6 MS. SACCO: I just want to -- Cheryl
7 Sacco. I just want to clarify: So, years
8 one through five, it's 100 percent taxable
9 as is?

10 MR. McLAUGHLIN: Yes.

11 MS. SACCO: And then years six
12 through ten, 50, and eleven through fifteen,
13 25?

14 MR. McLAUGHLIN: Right.

15 MS. SACCO: That's it. Thank you.

16 HEARING OFFICER: Does anyone else
17 wish to be heard?

18 (Whereupon there was no verbal
19 response)

20 HEARING OFFICER: Hearing no one
21 further, I'm going to draw these proceedings
22 to a conclusion. A copy -- or a transcript
23 of these proceedings will be provided to the
24 members of the Agency for their review prior
25 to a decision being made upon this

PUBLIC HEARING

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application.

(Whereupon the proceedings were
concluded at 12:08 PM)

* * * * *

PUBLIC HEARING

1 STATE OF NEW YORK :

2 COUNTY OF CORTLAND :

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I, MICHELE L. KEMAK, Shorthand Reporter,
do hereby certify that the foregoing is a true and
accurate transcription of the proceedings in the Matter
of a PUBLIC HEARING, held in Binghamton, New York, on
the 8th day of June, 2016.

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MICHELE L. KEMAK
Shorthand Reporter
Notary Public
PDQ Court Reporters
5976 Holtmart Road
Willet, NY 13863
(607) 863-4911

PUBLIC HEARING

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing, pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Broome County Industrial Development Agency (the "Agency") on the 8th day of June, 2016 at 12:00 p.m., noon, local time, at the Broome County Public Library, 185 Court Street, City of Binghamton, Broome County, New York 13901 in connection with the following matters:

Pacemaker Steel and Piping Co., Inc., a corporation organized and existing under the laws of the State of Delaware, (the "Company") and BNGO Realty LLC, a limited liability company organized and existing under the laws of the State of New York, (respectively, the "Company" and the "Owner") (hereinafter, collectively, the "Company") have requested that the Agency assist in the financing of the acquisition, renovation, and equipping of a 47,685+/- square foot building located at 172 Broad Avenue in the City of Binghamton, Broome County, New York to be used as a manufacturing and distribution facility (the "Facility") and the acquisition and installation in the Facility of certain equipment (the "Equipment.") The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire title to or a leasehold interest in the Facility and lease the Facility to the Company. At the end of the lease term, the Agency's interest in the Facility and Equipment will be reconveyed to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of the issuance of an abatement of real property taxes consistent with the policies of the Agency.

A copy of the Company's application to the Agency will be available for review, during regular business hours, at the Agency's offices at 60 Hawley Street, Binghamton, New York 13901.

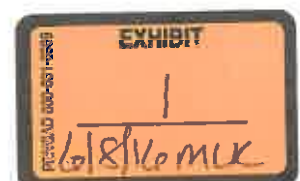
A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility.

Minutes of the hearing will be made available to the County Executive of the County of Broome.

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Dated: May 24, 2016

By: */s/ Kevin McLaughlin*
Kevin McLaughlin, Executive Director



AFFIDAVIT OF POSTING
OF NOTICE OF PUBLIC HEARING
ON PROPOSED PROJECT AND
FINANCIAL ASSISTANCE RELATING THERETO
(Pacemaker Steel and Piping Co., Inc. and BNGO Realty LLC Project)

STATE OF NEW YORK:

: ss.:

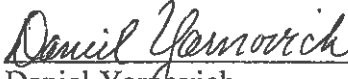
COUNTY OF BROOME:

The undersigned, being duly sworn, hereby states:

1. That on May 24, 2016, I posted a copy of a Notice of Public Hearing in connection with the proposed Pacemaker Steel and Piping Co., Inc. and BNGO Realty LLC Project to be undertaken by Broome County Industrial Development Agency.

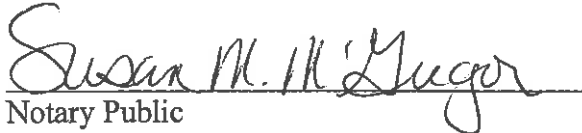
2. Said Notice was posted on a bulletin board located at the County of Broome, 60 Hawley Street, City of Binghamton, Broome County, New York.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of May, 2016.



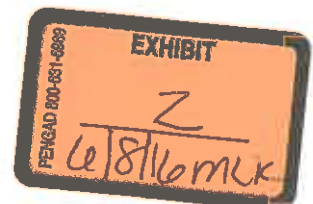
Daniel Yarnovich

Subscribed to and Sworn before me
this 24th day of May, 2016



Notary Public

SUSAN M. MCGREGOR
Notary Public, State of New York
No. 01MC6215671
Qualified in Broome County 2018
Commission Expires January 4, 2018



AFFIDAVIT OF MAILING
OF NOTICE OF PUBLIC HEARING
(Pacemaker Steel and Piping Co., Inc. and BNGO Realty LLC Project)

STATE OF NEW YORK:

: ss.:

COUNTY OF BROOME:

The undersigned, being duly sworn, hereby states:

That on May 24, 2016, I mailed a copy of the Notice of Public Hearing in connection with the Broome County Industrial Development Agency's proposed Pacemaker Steel and Piping Co., Inc. and BNGO Realty LLC Project to the following individuals:

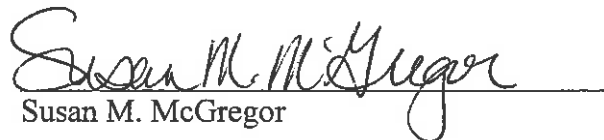
Debra A. Preston
Broome County Executive
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Richard C. David
Mayor
City of Binghamton
38 Hawley Street
Binghamton, New York 13901

Steven Deinhardt
Superintendent
Binghamton City School District
164 Hawley Street
Binghamton, New York 13901

Marie F. Kalka
Director
Office of Management & Budget
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, 2016.

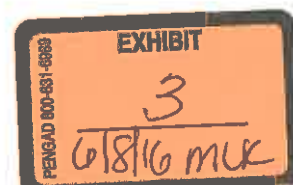

Susan M. McGregor

Subscribed to and Sworn before me
this 24th day of May, 2016



Notary Public

JOSEPH B. MEAGHER
Notary Public, State of New York
Broome County 02ME4974837
Commission Expires Nov. 26, 2018



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing, pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Broome County Industrial Development Agency (the "Agency") on the 8th day of June, 2016 at 12:00 p.m., noon, local time, at the Broome County Public Library, 185 Court Street, City of Binghamton, Broome County, New York 13901 in connection with the following matters:

Pacemaker Steel and Piping Co., Inc., a corporation organized and existing under the laws of the State of Delaware, (the "Company") and BNGO Realty LLC, a limited liability company organized and existing under the laws of the State of New York, (respectively, the "Company" and the "Owner") (hereinafter, collectively, the "Company") have requested that the Agency assist in the financing of the acquisition, renovation, and equipping of a 47,685+/- square foot building located at 172 Broec Avenue in the City of Binghamton, Broome County, New York to be used as a manufacturing and distribution facility (the "Facility") and the acquisition and installation in the Facility of certain equipment (the "Equipment.") The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire title to or a leasehold interest in the Facility and lease the Facility to the Company. At the end of the lease term, the Agency's interest in the Facility and Equipment will be reconveyed to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of the issuance of an abatement of real property taxes consistent with the policies of the Agency.

A copy of the Company's application to the Agency will be available for review, during regular business hours, at the Agency's offices at 60 Hawley Street, Binghamton, New York 13901.

A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility.

Minutes of the hearing will be made available to the County Executive of the County of Broome.

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
Dated: May 24, 2016
By: Kevin McLaughlin,
Executive Director
5/25/2016

AFFIDAVIT OF PUBLICATION

State of New York
City of Binghamton
County of Broome, ss.:

Stacie Heath being duly sworn, deposes and says that she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City published in the City of Binghamton New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga State of New York and Susquehanna County State of Pennsylvania PRESS & SUN BULLETIN.

A notice of which the annexed is a printed copy, was published on the following dates:
5/25/2016

Stacie Heath

Stacie Heath

Sworn to before me this 25th day of May, 2016

JoAnn Gilmore
Notary Public

JoAnn Gilmore
Notary Public, State of New York
Tioga County No. 01GI6338551
Commission expires March 14, 2020



THOMAS, COLLISON & MEAGHER

**Attorneys at Law
1201 Monroe Street
Post Office Box 329
Endicott, NY 13761-0329**

**Telephone: (607) 754-0410
Facsimile: (607) 754-6293
E-Mail Address: jmeagher@tcmslaw.com**

**Robert B. Thomas
Joseph B. Meagher *
Charles H. Collison**

Gary H. Collison

***Also Admitted in Pennsylvania**

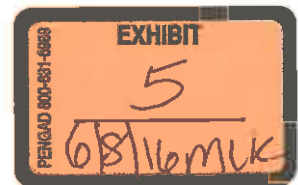
May 24, 2016

Debra A. Preston
Broome County Executive
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902

Richard C. David
Mayor
City of Binghamton
38 Hawley Street
Binghamton, New York 13901

Steven Deinhardt
Superintendent
Binghamton City School District
164 Hawley Street
Binghamton, New York 13901

Marie F. Kalka
Director
Office of Management & Budget
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902



Re: **BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PROPOSED PACEMAKER STEEL AND PIPING CO., INC. and BNGO REALTY LLC
PROJECT**

Ladies and Gentlemen:

Pursuant to Section 859-a(3) of the New York General Municipal Law (the "Act"),

Debra A. Preston, County Executive
Richard C. David, Mayor
Steven Deinhardt, Superintendent
Marie F. Kalka, Director of OMB
May 24, 2016
Page 2

Broome County Industrial Development Agency (the "Agency") hereby informs you that the Agency has received an application (the "Application") from Pacemaker Steel and Piping Co., Inc. (the "Company") and BNGO Realty, LLC (the "Owner.") The Company and the Owner are hereinafter collectively referred to as the "Company." The application requests financial assistance in connection with a project (the "Project") consisting of the following: (A) the acquisition, renovation and equipping of a 47,685+/- square foot building located at 172 Broad Avenue in the City of Binghamton, Broome County, New York (the "Land") to be used as a manufacturing and distribution facility (the "Facility") and the acquisition and installation in the Facility of certain equipment (the "Equipment") (the Land, Facility and Equipment being hereinafter collectively referred to as the "Project"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain real property taxes (the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project to the Company or such other person or entity as may be designated by the Company and agreed upon by the Agency.

Enclosed is a notice of public hearing to be held by the Agency relating to the proposed Project. The financial assistance being contemplated by the Agency in connection with the Project is described in said notice of public hearing.

If you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: _____

Joseph B. Meagher
Agency Counsel

JBM/smm
Enc.
cc: Kevin McLaughlin (via e-mail)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing, pursuant to Article 18-A of the New York State General Municipal Law, will be held by the Broome County Industrial Development Agency (the "Agency") on the 8th day of June, 2016 at 12:00 p.m., noon, local time, at the Broome County Public Library, 185 Court Street, City of Binghamton, Broome County, New York 13901 in connection with the following matters:

Pacemaker Steel and Piping Co., Inc., a corporation organized and existing under the laws of the State of Delaware, (the "Company") and BNGO Realty LLC, a limited liability company organized and existing under the laws of the State of New York, (respectively, the "Company" and the "Owner") (hereinafter, collectively, the "Company") have requested that the Agency assist in the financing of the acquisition, renovation, and equipping of a 47,685+/- square foot building located at 172 Broad Avenue in the City of Binghamton, Broome County, New York to be used as a manufacturing and distribution facility (the "Facility") and the acquisition and installation in the Facility of certain equipment (the "Equipment.") The Facility will be initially owned, operated and/or managed by the Company.

The Agency will acquire title to or a leasehold interest in the Facility and lease the Facility to the Company. At the end of the lease term, the Agency's interest in the Facility and Equipment will be reconveyed to the Company. The Agency contemplates that it will provide financial assistance to the Company in the form of the issuance of an abatement of real property taxes consistent with the policies of the Agency.

A copy of the Company's application to the Agency will be available for review, during regular business hours, at the Agency's offices at 60 Hawley Street, Binghamton, New York 13901.

A representative of the Agency will, at the above-stated time and place, hear and accept written comments from all persons with views in favor of or opposed to either the proposed financial assistance to the Company or the location or nature of the Facility.

Minutes of the hearing will be made available to the County Executive of the County of Broome.

BROOME COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

Dated: May 24, 2016

By: */s/ Kevin McLaughlin*
Kevin McLaughlin, Executive Director