

THE AGENCY

B R O O M E C O U N T Y I D A / L D C

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

GOVERNANCE COMMITTEE MEETING

October 14, 2019 – 12:30 p.m.

The Agency Conference Room, 2nd Floor

FIVE South College Drive, Suite 201

Binghamton, NY 13901

AGENDA

1. Call to Order R. Bucci
2. Accept the September 18, 2019 Governance Committee Meeting Minutes R. Bucci
3. Public Comment R. Bucci
4. Review/Recommendation/Discussion of a Resolution Authorizing a Lease/Leaseback Transaction to Facilitate the Redevelopment, Renovation, Subdivision, Repurposing and Equipping of the 150,000+/- Square Foot, Two Story Former Sears Building Located within the Oakdale Mall, Situate at 501 Reynolds Road, Village of Johnson City, Town of Union, Broome County, New York, and Appointing Spark Broome, LLC (The "Company"), as Agent of The Agency for the Purpose of the Redevelopment, Renovation, Subdivision, Repurposing 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 and a Sales Tax Exemption in an Amount not to Exceed \$200,000.00 S. Duncan
5. Review/Discussion/Recommendation of a Resolution Approving the Extension of the Sales and Use Tax Exemption Agreement for the Broome Culinary Realty, LLC Lease/Leaseback Project from December 29, 2017 Through, and Including June 30, 2020, of which the Total Shall not Exceed \$754,000.00 S. Duncan
6. Review/Discussion/Recommendation of a Resolution approving The Agency's Sexual Harassment Procedure Policy Form, a copy of which is Attached Hereto as Exhibit "A" S. Duncan
7. Adjournment R. Bucci

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
GOVERNANCE COMMITTEE
September 18, 2019 – 11:30 AM
The Agency Conference Room, 2nd Floor
FIVE South College Drive, Suite 201
Binghamton, NY 13905**

PRESENT: R. Bucci, J. Peduto, B. Rose, C. Sacco, W. Howard, J. Stevens

GUESTS: Cindy O'Brien, Broome County Legislature
Michael Sullivan, SUNY Broome
John Solak, Binghamton, NY

ABSENT: None

STAFF: S. Duncan, T. Gray, N. Abbadessa, C. Hornbeck, T. Ryan and
A. Williamson

PRESIDING: R. Bucci

AGENDA ITEM 1: Chairman Bucci called the meeting to order at 11:30 a.m.

AGENDA ITEM 2: Accept the August 21, 2019 Governance Committee meeting minutes: Chairman Bucci stated the first item on the agenda is to accept minutes for August 21, 2019; the minutes were sent to the Board members to review. Chairman Bucci stated any changes or revisions were forwarded to Ms. Hornbeck; hearing no comments, Chairman Bucci stated the minutes are accepted as sent out.

MOTION: No motion necessary.

AGENDA ITEM 3: Public Comment: Chairman Bucci stated the next item on the agenda is public comment. If there is anyone who would like to speak, introduce themselves and provide their address.

Mr. John Solak, Binghamton, NY addressed the Board regarding:

- The Agency Board Acceptance/Approval of Application(s)
- Mark Yonaty – Potential Conflict of Interest
- The Agency Website – Notice of Acceptance of an Application

Chairman Bucci asked if there were other public comments; hearing none, Chairman Bucci closed the Public Comment section of the meeting.

AGENDA ITEM 4: Review/Discussion/Recommendation of a Resolution Authorizing The Agency to Act as Lead Agency in the Environmental Review for the Redevelopment Plan of the Former BAE Systems Site at 600 Main Street, Town of Union, Broome County, New York. Ms. Duncan stated this is the second step in the process to complete the State Environmental Quality Review (SEQR) requirements as part of the redevelopment of the BAE site. In July, The Agency announced its Intent to Declare Lead Agency status; The Agency reached out to all potentially-involved parties: Town of Union, DEC, etc. A comment period was served; all have agreed to such Lead Agency status. Part of the SEQR requirements involved Traffic Studies, which are ongoing. A call is scheduled in mid-October with Charles (Rick) Woitdt, Jr. of Shumaker Engineering on an additional hydro-electronic analysis, related to raising the site. Chairman Bucci asked if there are any questions or discussion; hearing none, asked for a motion.

MOTION: Ms. Sacco moved the Motion to Recommend the Resolution to the Board for approval, seconded by Mr. Rose; the MOTION CARRIED.

AGENDA ITEM 5: Review/Discussion/Recommendation of a Resolution Approving an Increase in the Sales and Use Tax Exemption for the Broome Culinary Realty LLC Lease/Leaseback Project Dated December 29, 2017 in an Amount of \$238,000.00 from \$516,000.00 to \$754,000.00. Ms. Duncan stated The Agency received a letter September 6, 2019 from Broome Culinary Realty LLC, requesting an increase in their Sales Tax Exemption relating to the transformation of the Carnegie Library to Broome Culinary Realty LLC. As such, these projects run into increased, unanticipated costs that were initially scoped. Ms. Duncan stated Mr. Michael Sullivan, CFO at SUNY Broome, is here to comment. Mr. Sullivan addressed the Committee stating that when the college applied for benefits through the IDA in December of 2016, the project at that time was estimated at \$17.5 million. Mr. Sullivan explained that current projections are in the neighborhood of \$20.5 million. The increase in the project cost was due to a number of major factors between December 2016, when the project was approved and authorized both by the College Board, as well as the Broome County Legislature. Mr. Sullivan stated that awards were received for New Market Tax Credits; an increase for equipment the college was able to purchase. The major increase in cost

from \$17.5 million to \$20.5 million was in addition to the existing Carnegie Library, which was required by National Park Service in order for the college to be entitled to historic tax credits. Those were two major factors that increased the budget from about \$17.5 million to \$20.5 million. Mr. Sullivan stated that \$3 million number is the increase Broome Culinary, LLC is requesting from The Agency. Chairman Bucci asked if there are any questions or discussion; Ms. Sacco stated this occurred before she was on the Board; Ms. Sacco asked about the relationship between BCC and Broome Culinary, LLC. Ms. Duncan responded the project received New Market Tax Credits and as such, they created a for-profit LLC to receive the benefit.

MOTION: Ms. Sacco moved the Motion to Recommend the Resolution to the full Board for Approval, seconded by Mr. Peduto; the MOTION CARRIED.

AGENDA ITEM 6: Executive Session to Discuss the Sale of Real Estate and Personnel Issues. Chairman Bucci asked Ms. Duncan if the Governance Committee would be going into Executive Session; Ms. Duncan replied it would not be necessary.

AGENDA ITEM 7: Adjournment: Chairman Bucci stated he would entertain a motion to adjourn.

MOTION: On a MOTION by Mr. Rose; seconded by Ms. Sacco, the MOTION CARRIED. Chairman Bucci adjourned the meeting at 11:30 a.m.

The next meeting of The Agency Governance Committee is scheduled for October 14, 2018 at 12:30 p.m.

Spark Broome, LLC Tenant Job Information

Lourdes

145 retained jobs

150 new jobs for fitness and wellness

46 new jobs for day care

15 new jobs for provider space

Total new jobs: 201

Beer Tree

50 new jobs

Broome County

Approximately 120 for all Departments, including NYS DOL. All are existing staff being relocated.

Broome Culinary Realty LLC

PO Box 1017 Binghamton, NY 13902

October 2, 2019

Ms. Stacey Duncan
Executive Director
The Agency - Broome County IDA / LDC
Five South College Drive, Suite 201
Binghamton, NY 13905

Dear Ms. Duncan:

Broome Culinary Realty LLC was approved for a sales tax exemption of \$516,000 for the period from December 29, 2017 through December 29, 2019, which was subsequently increased to \$754,000. The College is writing to request a time extension of the sales tax exemption through June 30, 2020.

Some unanticipated delays to project completion are expected as a result of the unique nature of this historic restoration. A few items of furniture, fixtures, and equipment required for the project must be custom fabricated and Broome Culinary is subject to the suppliers' schedules. In addition, installation must be coordinated with many parties (prime contractors, subcontractors, utilities, etc.).

The College appreciates your consideration and respectfully asks for your approval of this request.

Very truly yours,

BROOME CULINARY REALTY LLC

By: 

Michael J. Sullivan, Authorized Member

Sexual Harassment Prevention Policy Notice

Sexual harassment is against the law.

All employees have a legal right to a workplace free from sexual harassment, and [The Agency Broome County IDA/LDC] is committed to maintaining a workplace free from sexual harassment.

Per New York State Law, [The Agency Broome County IDA/LDC] has a sexual harassment prevention policy in place that protects you. This policy applies to all employees, paid or unpaid interns and non-employees in our workplace, regardless of immigration status.

If you believe you have been subjected to or witnessed sexual harassment, you are encouraged to report the harassment to a supervisor, manager or [Executive Director] so we can take action.

Our complete policy may be found: theagency-ny.com

Our Complaint Form may be found: theagency-ny.com

If you have questions and to make a complaint, please contact:

[Stacey Duncan, Executive Director]

[smd@theagency-ny.com or 607.584.9000 ext. 203]

For more information and additional resources, please visit:

www.ny.gov/programs/combating-sexual-harassment-workplace