

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
BOARD MEETING  
FIVE South College Drive; The Thomas Libous Community Room  
Binghamton, New York 13905  
Wednesday, August 18, 2021, 12:00 pm**

**SYNOPSIS OF MEETING**

**PRESENT:** J. Bernardo, J. Peduto, R. Bucci, D. Crocker, B. Rose, C. Sacco and D. Gates

**ABSENT:** J. Mirabito and S. Cornwell

**GUESTS:** A. Hogan, Fox 40  
H. Rittberg, Levene, Gouldin & Thompson  
J. Solak, Binghamton, NY  
D. Adler, Binghamton, NY  
R. David, Binghamton City Hall  
M. Paulus, Paulus Development  
C. Pierce, LCP Group, Inc.

**STAFF:** S. Duncan, T. Gray, N. Abbadessa, C. Hornbeck, B. O’Bryan, T. Ryan, A. Williamson and K. Wu

**COUNSEL:** J. Meagher

**PRESIDING:** J. Bernardo

The meeting was called to order at 12:00 p.m.

**ITEM #1. APPROVE MINUTES FOR THE JULY 21, 2021 BOARD MEETING:** Chairman Bernardo requested a motion to approve the July 21, 2021 minutes.

**MOTION:** Mr. Crocker motioned to approve, seconded by Mr. Gates, the MOTION CARRIED UNANIMOUSLY.

**ITEM #2. PUBLIC COMMENT:** Chairman Bernardo offered the public an opportunity to speak on any matter concerning the IDA, advising of the five-minute time limit.

Mr. Dave Adler, Binghamton, New York, addressed the Board, regarding the Spark JC, LLC project:

- Manufacturing vs. Industrial Space
- City of Binghamton – Population Increase
- Available Retail Space on Vestal Parkway

Mr. John Solak, Binghamton, New York, addressed the Board, regarding the Spark JC, LLC project:

Vestal Parkway Assessment Challenges

Matthew's Family Business' Success

Bankruptcies in Broome County

Chairman Bernardo asked if anyone else would like to speak; hearing none, closed the comment period.

Chairman Bernardo stated we will move to New Business and return to the Executive Director's Report, thereafter.

**ITEM #3. RESOLUTION ACCEPTING AN APPLICATION FROM LCP GROUP, INC. AND AUTHORIZING A SALES AND USE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$98,800.00 CONSISTENT WITH THE POLICIES OF THE AGENCY IN CONNECTION WITH THE RENOVATION OF THE FORMER NATIONAL PIPE & PLASTICS, INC. MANUFACTURING FACILITY LOCATED AT 3421 VESTAL ROAD, TOWN OF VESTAL, COUNTY OF BROOME AND STATE OF NEW YORK INTO A MULTI-USE FACILITY:** Ms. Duncan stated LCP Group, Inc. is planning to purchase and renovate the former National Pipe and Plastics facility on Old Vestal Road. LCP plans to renovate the space to utilize about 30,000 square feet of that space to grow their asbestos, demolition and recycling business. In addition, LCP will update and remodel excess space at the facility to offer space for lease. Approximately 115,000 square feet of building space will be available, best suited for commercial and industrial companies including construction, recycling, and manufacturing warehouse space. Total project costs are roughly \$3.1 million. The amount requested in sales tax exemption is \$98,800.00. Ms. Duncan reminded the Board that the Governance Committee already accepted the application in the previous Governance Committee session.

**MOTION:** To Accept an Application from LCP Group, Inc., and Authorize a Sales and Use Tax Exemption in an Amount not to Exceed \$98,800.00, Consistent with the Policies of The Agency in Connection with the Renovation of the Former National Pipe and Plastics Manufacturing Facility into a Multi-Use Facility, to be Located at 3421 Vestal Road, in the Town of Vestal, Broome County, New York. On a MOTION by Mr. Bucci, seconded by Mr. Crocker, the MOTION CARRIED UNANIMOUSLY.

**ITEM #4. RESOLUTION AUTHORIZING THE EXTENSION OF THE LEASE AGREEMENT BY AND BETWEEN THE AGENCY, BOSCOV'S DEPARTMENT STORE, LLC, THE BINGHAMTON LOCAL DEVELOPMENT CORPORATION, AND THE CITY OF BINGHAMTON DATED AS OF MAY 1, 2013 FOR AN ADDITIONAL ONE (1) YEAR TERM COMMENCING MAY 1, 2021 AND TERMINATING APRIL 30, 2022 ON THE SAME TERMS AND CONDITIONS AS SET FORTH THEREIN, INCLUDING THE PAYMENT OF RENT IN THE AMOUNT OF**

**\$135,061.00 DURING THE EXTENSION TERM:** Ms. Duncan stated the PILOT agreement is between The Agency, Boscov's Department Store and the Binghamton LDC. The annual agreement sets the terms for the lease payment. Maintaining one of the four remaining downtown department stores has been identified as a priority to the city. Ms. Duncan advised the Board that Mayor David is in attendance, should there be any questions and that this action will authorize Ms. Duncan to execute the agreement between the City of Binghamton, the IDA and Boscov's.

**MOTION:** To Authorize the Extension of the Lease Agreement By and Between The Agency, Boscov's Department Store, LLC, The Binghamton Local Development Corporation, and the City of Binghamton, Dated as of May 1, 2013, for an Additional One (1) Year Term Commencing May 1, 2021 and Terminating April 30, 2022, on the Same Terms and Conditions as Set Forth Therein, Including the Payment of Rent in the Amount of \$135,061.00 During the Extension Term. Mr. Bucci stated the Governance Committee considered the resolution and moves it forward as a motion to approve. Mr. Gates seconded the motion. The MOTION CARRIED UNANIMOUSLY.

**ITEM #5: RESOLUTION AUTHORIZING A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE FINANCING OF THE ACQUISITION, CONSTRUCTION, REHABILITATION, RENOVATION AND EQUIPPING OF A PORTION OF THE OAKDALE MALL LOCATED ON HARRY L. DRIVE AND REYNOLDS ROAD IN THE VILLAGE OF JOHNSON CITY, TOWN OF UNION, BROOME COUNTY AND STATE OF NEW YORK; TO BE USED AS A MIXED-USE DEVELOPMENT PROJECT INCLUDING, BUT NOT LIMITED TO RETAIL, OFFICE AND COMMERCIAL SPACE, AND APPOINTING SPARK JC, LLC (THE "COMPANY"), AS AGENT OF THE AGENCY, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, REHABILITATING, 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, A SALES AND USE TAX EXEMPTION BENEFIT IN AN AMOUNT NOT TO EXCEED \$3,093,333.00, A MORTGAGE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$933,234.00, AND A REAL PROPERTY TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$5,371,776.00, PURSUANT TO THE PILOT SCHEDULE ATTACHED HERETO AS "EXHIBIT A:"** Ms. Duncan asked the Board to refer to the materials provided this morning with the revised modifications, as there were continued discussions with the development team. Spark JC, LLC proposes to acquire and renovate the current Oakdale Mall into a multi-use facility that would include retail, healthcare, manufacturing and technology, as well as other amenities. To address some of the concerns raised by the Board at the last Governance Committee meeting, a few modifications have been made to this to this proposal. The term has been reduced from 28 years to 25 years. We also modified the provision on the transference of the

property: if all or substantially all of the project site is sold to an unaffiliated third party within 10 years, the IDA Board must consent, which consent cannot be unreasonably withheld. This is related to the IDA's role in reviewing any proposed sale within 10 years, as a new provision that we've not had previously with other projects. Chairman Bernardo asked Mr. Bucci if the Governance Committee moved the resolution forward and asked for a second. Chairman Bernardo then asked if there are any comments or questions. A lengthy discussion ensued.

**MOTION:** To Authorize a Lease/Leaseback Transaction to Facilitate the Financing of the Acquisition, Construction, Rehabilitation, Renovation and Equipping of a Portion of the Oakdale Mall Located on Harry L. Drive and Reynolds Road in the Village of Johnson City, Town of Union, Broome County, New York to be Used as a Mixed-Use Development Project Including, but not Limited to Retail, Office and Commercial Space and Appointing Spark JC, LLC, as Agent of The Agency, for the Purpose of Acquiring, Constructing, Rehabilitating, 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, a Sales and Use Tax Exemption Benefit in an Amount not to Exceed \$3,093,333.00, a Mortgage Tax Exemption in an Amount not to Exceed \$933,234.00, and a Real Property Tax Exemption in an Amount not to Exceed \$5,371,776.00, Pursuant to the PILOT Schedule Attached Hereto as Exhibit "A." On a MOTION by Mr. Bucci, seconded by Mr. Peduto, the MOTION CARRIED (6 to 1 – Ms. Sacco abstained).

**ITEM #6. EXECUTIVE DIRECTOR'S REPORT:**

Ms. Duncan provided updates on the following:

**EPA ASSESSMENT GRANT**

Ms. Duncan stated as one of The Agency's initiatives and projects, Brendan will begin working with our EPA Assessment Grant on the Endicott Forging sites. We'll begin Phase One and Phase Two analyses of that site. This grant will enable The Agency to extend that boundary from the corner of McKinley all the way to the Hayes Avenue, so we can complete that environmental review. This grant also enables us to do some sort of feasibility study for redevelopment.

The environmental review process will take about a month; then we'll begin to engage stakeholders in the Endicott area, Town of Union, University and others.

In addition, The Agency was approved to move ahead with the 19 Avenue B project.

**IBM COUNTRY CLUB**

The RFP for the IBM Country Club is expiring at the end of August. Brendan has been shepherding that process. We have at least a half dozen inquiries; we have done some walk-throughs. A few individuals reached out to us about just the Crocker Homestead. The Agency could consider a subdivision, if appropriate to the project.

Ms. Duncan stated The Agency continues to appreciate the grant support made available through the county for site development costs.

Ms. Duncan hopes to share an array of proposals with the Board.

**TENANT LEASES**

Ms. Duncan stated that NYBDC (formerly known as Pursuit Lending, Syracuse) has requested to vacate their space at the end of the year, since Joanne Jones has taken a new position in the community and they do not feel they will need the space for a satellite location in Binghamton.

Ms. Duncan advised the Board that a gentleman representing Premium Mortgage Company, out of Rochester, is occupying the space vacated by NDC.

**ITEM #7. LOAN ACTIVITY REPORTS AS OF JULY 31, 2021:** The Internal Financial Reports for July were presented to the Board. The balances available to lend are \$107,709.13 (STEED), \$380,556.93 (BDF) and \$22,296.59 (BR + E). Chairman Bernardo asked if there were questions relative to the Internal Financial Reports. Mr. Bucci asked about job creation during the last year. Mr. Gray responded that job creation of loan recipients is monitored annually. In December, every borrower provides a report indicating the number of jobs created to The Agency. Ms. Duncan added that The Agency annually reports job creation of PILOT's, as required by New York State.

**MOTION:** No motion necessary.

**ITEM #8: EXECUTIVE SESSION: TO DISCUSS THE SALE OF PROPERTY:**

**MOTION:** To Convene to Executive Session at 12:35 p.m. On a MOTION by Mr. Peduto, seconded by Ms. Gates, the MOTION CARRIED UNANIMOUSLY.

**ITEM #9: RECONVENE FROM EXECUTIVE SESSION.**

**MOTION:** To Reconvene back to Public Session at 1:47 p.m. On a MOTION by Mr. Peduto, seconded by Mr. Crocker, the MOTION CARRIED UNANIMOUSLY.

**ITEM #10: ADJOURNMENT:** Chairman Bernardo requested a motion to adjourn.

**MOTION:** On a MOTION by Ms. Sacco, seconded by Mr. Bucci, the MOTION CARRIED UNANIMOUSLY, and the meeting was adjourned at 1:48 p.m.

The next meeting of The Agency Board of Directors is scheduled for Wednesday, September 15, 2021 at 12:00 p.m. at FIVE South College Drive, Suite 201, Binghamton, NY 13905.