

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

November 17, 2021 • 12:00 p.m.
FIVE South College Drive, Suite 201, 2nd Floor
Binghamton, New York 13905

AGENDA

1. Call to Order J. Bernardo
 2. Approve Transcript – October 20, 2021 Board Meeting J. Bernardo
 3. Public Comment J. Bernardo
 4. Executive Director’s Report S. Duncan
 - Updates
 - Internal Financial Report – October 31, 2021
 5. Loan Activity Reports as of October 31, 2021 T. Gray
- New Business
6. Resolution Authorizing an Extension of the December 29, 2020 Sales and Use Tax Exemption Granted to Bluestone Wind, LLC Through, and Including, December 29, 2022 S. Duncan
 7. Resolution Authorizing an Increase in the Mortgage Tax Exemption Amount for the Mortgage of EJ Victory Building, LLC in an Amount Not to Exceed \$45,454.00 S. Duncan
 8. Resolution Authorizing the Executive Director, on Behalf of The Agency, to Exercise the Option Extension Agreement with IBM Country Club, LLC (“IBM”), Extending Through and Including December 31, 2021, to Purchase Property Located at 4301 Watson Boulevard, in the Town of Union, Broome County, New York, in the Amount of \$300,000.00, less \$40,000.00, Already Paid upon Execution of Previous Option Agreements S. Duncan
 9. Executive Session - To Discuss Personnel Matters and the Sale of Real Property S. Duncan
- Old Business
10. Adjournment J. Bernardo

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

IDA Board Meeting Transcript

Held telephonically, October 20, 2021, commencing at
12:00 p.m. Adjourned at 1:46 p.m.

[See attendees at end of Transcript.]

REPORTED BY:

Carrie Hornbeck, Executive Assistant

Broome County Industrial Development Agency

Chairman Bernardo: I'd like to call to order the meeting of the Broome County Industrial Development Agency of October 20th, 2021. Looking for review and approval of the minutes/transcript of September 15th, 2021 Board meeting.

Mr. Rose: I'll move approval of the minutes.

Chairman Bernardo: Thank you, Brian. Is there a second?

Mr. Gates: [Inaudible.]

Chairman Bernardo: Thanks, Dan. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Opposed? Thank you. Come to the part of our agenda where we have our Public Comment session. Anybody wishing to speak on any matter concerning the Broome County IDA, please state your name and address for the record, and consider limiting their comments to five minutes, if you would.

Chairman Bernardo: John, I think you're muted.

Mr. Solak: [Inaudible] that work?

Chairman Bernardo: Better. Thank you.

Mr. Solak: Okay, that's the first time in history that I muted myself. So, Mountain Fresh Dairy. Did you get your money yet? You know, when I began to comment on Mountain Fresh Dairy, and the various tells -- the character of the people that were involved in that project, and predicted that they wouldn't pay -- I was right. But, all I heard from your counsel, Joe, is how well-securitized or well-collateralized this borrowing was. No problem -- life insurance, houses. So, I mean, it's been like years. Let's not confuse the building and the tax payments that are owed to these loans. And a simple question for the Board: when are you going to collect? You ever hear of involuntary bankruptcy? I would make this job number one -- to collect this, I think. And on that day, I would have a big check, and I would publicize it. But now we'll move on. A scathing comptroller's report on the Empire State Development. Scathing -- shows exactly what this all is about, and shows that my concern over the years was warranted. Okay, let's move on. The Labor Policy. I've said this -- these are things that I've put on the agenda here, if you will. The Labor Policy - 100 percent geared towards construction. When the building is

complete, you can put any kind of labor in there.

Now, is this a valid approach to a Labor Policy -- that the construction units -- unions -- have this claim to labor -- in your projects -- unionized labor -- and then when the project opens up, it doesn't matter? It doesn't matter. So, I think it's hypocritical, and I think that the construction unions should show some solidarity. Say, hey, we're building these things. If we're building these things to enlarge the nonunion workforce of Broome County, that's not great. So, let's not just concentrate on the building trades, let's move into other areas. I'm dumbfounded by what's going on in Endicott, because Endicott failed with EIT. And as I said at the time, 10 years ago, the tell in the EIT deal was that the real estate -- the IBM assets were divided in two, and that made likelihood of an EIT bankruptcy. And now keep in mind again, these bankruptcies -- these large bankruptcies -- have an economic effect, a detrimental economic effect. So, they're forgetting all about their experience with EIT, and it's necessary to conduct a post mortem on all this stuff. These are companies that are highly speculative, that nobody ever heard of. They want to clump them together. I'm

still waiting, by the way, three years ago --
Sonostics press release, Central New York -- whatever
that page is -- 135 jobs will be brought to Endicott
from China. Never happened. So, the history is not
just IBM to now -- the history is -- involves EIT in
between, which, by the way, started with a substantial
book of business from IBM. So, that's the history of
it. But I want you to get that money back. I want to
see some credit and collections. I'm tired of the
excuses. I think the public should be outraged that
these hustlers came in from New York and took you for
a ride. I think you should be ashamed of the prior
Boards and the institutional failure. All I'm asking
is this: admission of failure when these projects
don't pan out in a post mortem to see how things can
be approved -- improved. Thanks.

Chairman Bernardo: Thank you, John.
Anybody else like to speak at this Public Comment
session? Call this session to a close. Executive
Director's Report. Stacey.

Ms. Duncan: Thank you, Chairman. I do have
a number of items that I think I can go through
relatively quickly. I know we have full agenda.
Related to a number of grants that we've either

written and submitted ourselves or been participants on -- I just wanted to give the Board an update on that activity. First, kudos to Natalie and Amy. We just received word this morning that our annual request to NYSEG for marketing dollars for our Quality-of-Life program, The Good Life program, was received successfully, yet again. So that will be monies coming into the LDC for that, but I do want to acknowledge their work on that every year. Also, kudos to Brendan on the following: we did submit with Broome County, a grant application for CDBG or Community Development Block Grant funds to provide small business grants. We would be a sub-recipient on this -- and we've established some general guidelines and criteria on which we can submit -- provide grant dollars to those businesses. These would be smaller grant dollars, somewhere capping at 50,000, or below. So, more to come on that. I believe the county's next step is to formally accept the funds which they plan to do this week at their meeting, and then we'll be sitting down with the State representatives and the County to kind of, get the process. There's still, as always with these things, some kinks we have to work out, but I think it'll be a nice way for us to

continue to help businesses impacted by COVID.

Brendon also did submit a grant for the continuation of our Site Inventory Analysis. This is to do the Phase II dive into a number of properties. This is to do things like environmental reviews and assessments. There are monies through the ARC or the Appalachian Regional Commission. Brendon was notified this week that we've moved to the next round. With Federal dollars, that always takes a little bit longer, so we don't know that -- we don't expect to know if we will be completely successful 'til [sic] probably Q1 of next year. But the good news is Southern Tier 8, the Regional Board, did advance our application. So, great work to him on that. And again, as well, he also took -- did the yeoman's work in participation with multiple partners, including the University Southern Tier 8, the Tier Energy Network, a number of regional partners -- I'm going to miss them all -- in supporting the EDA, the Economic Development Authorities Build Back Better -- that's the infrastructure program that was announced earlier this year -- or this fall -- through the Federal government. I know the University -- we've worked with Per Stromhaug to support their application and

provide information and be a participant, as well as Southern Tier 8. So, there are two applications going in. But we think they complement each other well, and so we're positive about that, hopefully. As far as grants, the last one to notify you all -- is we are continuing to be -- to do good work with our EPA grants -- that's the \$300,000.00 we received in May of I think, 2020 -- 2019. Everything's blending in. This allows us to do Phase I and Phase II Environmental Reviews on Strategic Brownfield Sites, but it also enables us to do a little more of a comprehensive or a generalized redevelopment strategy. So, we've completed one with -- to assist with 59 Lester for site preparation. We are working currently with 19 Avenue B on their -- on the continuation of that, so, assisting with some environmental assessments there. We're also working with the Endicott Forging site at -- through the DEC. We have notified the Huron Campus of the new owners thereof, that we will provide those environmental reviews 'cause [sic] we're extending the map from Hayes Ave. to McKinley, so we can encompass a few of those old IBM buildings to do some environmental reviews. And then we recently learned that the county has taken

ownership of the former Titchener Manufacturing Building on [inaudible] street, so we reached out and said, we have these grant dollars available. So, we're going to set up a meeting to hopefully utilize those funds to the ultimate redevelopment of that site. So, with that one, I think we've successfully - - Brendan drained about all of the remaining funds, so, we anticipate potentially seeking additional funds to use and support our municipalities. I did provide -- just a couple more quick things -- I did provide the Governance committee with a redlined copy of our Uniform Tax Exemptions Policy. I may -- we - I suggested modifications as was recommended in a previous meeting. A thought process here would be to regroup with Governance sometime in November, and also share that information with our municipal partners to get any feedback coming back into the Board. So, I'll share that with the Board broadly this week. And let's see -- we -- I will be serving as a moderator for the New York Best. New York Best is the Battery Energy Storage Consortium. It's a statewide Association. They're hosting a fall conference in Binghamton next week. That is hosted by the Southern Tier Clean Energy Incubator. I will be moderating a

session with Shailesh Upreti from Imperium3, and a representative from Plug Power, which was a significant project sited in Genesee County. So, I'm excited to do that. And then lastly, you should all be receiving -- if you have not -- a welcome -- an invitation for a welcome reception with some of our new faces at the Huron Campus that we're hosting through the Leadership Alliance, that includes Ubiquity solar, who I've had multiple conversations with on everything from workforce development to talent attraction. We've had great relationships with them from day one. And as well, I've met with Phoenix Investors. If you haven't looked them up, I would encourage you to do so. They have a really nice portfolio, and they've acknowledged that they -- this is a one-of-a-kind facility for them, and they're very excited about the prospects of renovating and bringing that building back to better use. So, that's all I have, if there's any questions.

Chairman Bernardo: That's on November 1st, right?

Ms. Duncan: November 1st -- and we're going to do it the Celebrations, which is the old Nirchi's.

Chairman Bernardo: Got it. And the CDBG

small business grants -- when does that get rolled out?

Ms. Duncan: We're still -- I think we have a meeting coming up with the county in the next week or two. I expect given the time to get our Grant Disbursement Agreement all finalized and few kinks and - that we want to make sure we got clarified and understand - probably, thinking the beginning of 2022. Yeah, we'll probably launch after the first of the year. If we can get it out sooner, we certainly will, but still have a little bit more due diligence to do on -- now.

Chairman Bernardo: Any questions for Stacey? Thank you, Stacey. We've all had a chance to review, I trust, the Internal [Financial Report]?

Ms. Duncan: You're going there. I'm sorry. I was gonna say one comment on the Internal Financial Report, which is, as I've mentioned in the past -- the Transition Account, which shows a balance of \$347,957.00, that sweeps at the end of every month, so there was a treasury purchase with those monies, and that will reflect in the October financials.

Chairman Bernardo: Thank you. Any questions on the Internal Financial Reports for

Stacey? Loan Activity Reports. Tom, would you care to mention anything about . . .

Mr. Gray: Nothing about the report itself John, but just as a follow-up to the Special Meeting that we had last Wednesday on the 13th - EMT, as part of their new ownership structure had offered to pay off one of the three loans that they have with us and we have received those funds -- a little under 85,000. So, next month's report will show the BDF fund a little under \$500,000.00.

Chairman Bernardo: And I noticed Grow Hemp is delinquent. What is that? Kind of, the status of that?

Mr. Gray: Well, if you recall, Jeff Bump passed away here recently and I've been playing phone tag with his brother. So, his brother -- sort of the -- excuse me, silent partner in all of this -- but he's going to be liable for the balance of that loan. So, I'm just trying to set-up a meeting with him and explain those things to work through.

Chairman Bernardo: Okay. Thank you.
Moving on to New Business. We have Ryan Silva joining us. He's the Executive Director of the New York State Economic Development Council. I think most of you

know Ryan, or have seen him over the years. Stacey, could you take a moment to introduce?

Ms. Duncan: Yeah, no, thank you. I know last week I sent out a report -- the first ever, I believe, of its kind - an IDA Impact Analysis Report commissioned by the New York State Economic Development Council, our state association, if you will. I get the pleasure of serving on the Board of that council since 2020. So, I think I've had my first full year in, and what a great time to come in. I would like to commend Ryan for his leadership and commissioning this report along with the Executive Committee of the EDC, I think it's much needed. I think the work we do continues to be complex. We have somewhat antiquated regulations as far as how we report our impact. One thing where Ryan will probably touch upon today -- as you've seen, we're no longer the commercial and industrial agency only. We do things like Housing and Community Development and Renewable Energy, and you name it -- IDA's are somehow trying to have an impact. So, we're very excited to have Ryan. I just wanted him to come in and maybe just make a short summary of this report. So, Ryan, here we are -- turn it over to you.

Mr. Silva: Hi, Stacey. Can everybody hear me? Excellent. Well, greetings from beautiful Albany, New York. It is a sunny 70-degree day here, just outside the Capitol. I hope everyone in Broome County and in Binghamton are doing well. Thank you so much for the kind words in the introduction, Stacey. It has been far too long, since I've been able to be on the road and get out and visit our partners and our members across the state, and looking forward to doing that, in the very near future, with all of you. I've been at the New York State EDC for a little over four years now. I had the privilege of working with folks in Broome County, not only in this role, but in my previous roles at Empire State Development, on a variety of different projects and programs that have been spearheaded by your organization and moving the regional economy forward. So, as Stacey said, the EDC decided to commission a report based really on a lot of the feedback we were getting from our members in -- as far as the types of projects they were working on. Many of our members were asking us questions about clean energy mixed use large scale residential, commercial-type projects, and so we wanted to see if this trend was sort of isolated, or if this was

happening all across the state, and what we were able to find and identify is that in addition to your traditional job creation, job retention projects that IDA's have worked on, and continue to work on, more and more IDA's are being pulled into Community Development projects. And Community Development really goes together, hand in glove, with economic development, whether that's in the form of housing, clean energy, infrastructure, downtown revitalization -- which is becoming important all across New York State -- Workforce Development and entrepreneurship, Brownfield remediation, as well as adaptive reuse and historic preservation projects. Especially in light of the pandemic and some companies reducing their commercial footprint, adaptive reuse has become even more prevalent amongst some of the work that our members are doing. So, we've really been looking at this report and sort of trying to figure out what do we do with this and how do we move forward? And our recommendations based on the analysis is that we should always continue to focus on job creation and job retention, which is an intricate part of the reporting process and how IDA's are evaluated on their success. But as we're able to do some of these other

initiatives, and as we are able to help, really, the state, achieve some of its goals, whether it's through carbon reduction and bringing new units onto the market, whether it's housing, affordable workforce market rate, there are real needs for that and the PARIS reporting system and the metrics upon which success is evaluated, I think we have a unique opportunity right now to sort of take another look at that -- reevaluate how we identify and judge the success of economic development across New York State. But even looking at the traditional metrics, there's 4,200 plus active projects -- that represents one and a half million jobs, either created or retained -- an annual payroll of 144 billion dollars per year, and it generates, on average, 436 billion dollars in direct and indirect sales directly related to those projects. So, the traditional metrics upon how IDA's are evaluated -- and this is all based on data that is reported in PARIS to the Office of State Comptroller shows that IDA's are very effective. But we've also found that emerging activities based on some of the surveys that we've done, show that IDA's are doing a lot in the Clean Energy world. There were 70 projects that will bring on 870 megawatts of new clean energy

over the next two years. So, enough to power 720,000 homes in New York State. While they aren't creating a lot of direct jobs, they're reducing our carbon footprint, they're creating temporary construction jobs, and they're bringing new energy onto the grid, which infrastructure is critical right now all across New York State and access to that infrastructure and that energy is equally as critical. Our study showed at least 60 housing projects, which represents at least 3,000 new housing units being brought to market. We think that number is relatively low, it's probably much higher. It's not a traditional metric that IDA's take into account when they do their PARIS reporting. Fourteen hundred and fifty-one loans or grants were issued by IDA's during the pandemic. I mean, that number to me is staggering, and is a unique opportunity for IDA's to build off of. And the one metric that doesn't often get pointed out -- we always talk about how much in taxes were abated -- 533 million dollars annual increase in real property tax base across New York State, based on the work that IDA's do. Additionally, 70-plus downtown revitalization-related projects. So, on average, this is about 10 percent of the new project activity, that

IDA's across the state work on. There's about 700 or so new projects every year, combined with the 108 total IDA's across New York State. And so, we've got a couple of recommendations and suggestions moving forward. I think, first and foremost, strengthen individual IDA practices through self-reflection and improvement. We support transparency. We support oversight. We actually were the first public entity to get behind the idea of live streaming. In 2019, when IDA's were statutorily required to do so, we supported that initiative. We supported giving the State Comptroller's Office additional oversight authority over Local Development Corporations. So, we think strengthening IDA's on an individual basis through training, through education, through additional transparencies, we're open to -- we're willing to work with the legislature and continue working with them on that. Educate our partners in state and local government on the economic challenges that exist, and the unique role that IDA's can play. Undoubtedly, the pandemic changed a lot of things. The commercial real estate market, the cost of materials went up dramatically. Hybrid remote working has led to a need for additional broadband 5g access.

So are there roles that IDA's can play in helping achieve those goals. As our economy continues to transition moving forward, we need to engage a broader scope of local stakeholders throughout the process. I think Broome County does a really good job of engaging its local stakeholders. I always think there's more opportunity for us to do that as a best practice, and identify and highlight IDA's that are doing a really good job of that. Modernize the IDA statute to align with the 21st century economic development goals and strategies. The law was initially written in 1969 and has been updated, but has only sort of been updated from the standpoint of either adding additional regulation or placing further restrictions on the types of projects that IDA's can do, and there's still references to a lot of traditional businesses that were probably more prevalent in the late 60s and 70s. I think it actually talks about incentivizing race tracks -- and I'm a huge fan of Saratoga -- it's 30 minutes up the road from us here. Love going to the racetrack, but we're not building a lot of new racetracks in New York State. So, is there a way to take a look at the legislation in partnership with the Senate, the Assembly, the Governor's office and

modernize the focus of economic development through our local Industrial Development Agencies, which are still one of the most critically important tools for driving economic activity. Can we bring some of those goals in line with 21st century innovation-related goals and strategies, and then finally focus on broader economic and community development goals, as well. Partnerships are critical, whether it's in workforce investing in people. Childcare is a huge issue. I think there's a role that IDA's can help play in that. So, we want to be as proactive as we can. Based on the metrics and the information we've seen in this report, we're going to ask for our members' assistance in working with the right people in each of our communities across New York State, so that we can be more effective in doing our jobs, which is increasing the quality of life all across New York State through public, private, academic and non-for-profit partnerships. So, Stacey, I know you gave me a five-to-ten-minute window. I hope I didn't go over it. I stayed well within it. Stacey has access to the report, the one-page executive summary. We also created a dashboard of IDA projects all across New York State, that is searchable. So, you can go in and

pull up any geographic region, any specific IDA, any specific type of project and learn about its economic impact and what that project has done for its community. So, we've got a lot of tools and resources. We're always open and willing to hear suggestions and recommendations and Stacey, appreciate your time, appreciate the work that you're doing in Broome County and look forward to our continued partnership, moving forward.

Ms. Duncan: Thanks, Ryan. Thank you for your leadership on this. I don't know if anybody has any questions for Ryan while we have him or if you want to continue along with the agenda. What I will note -- I did a follow-up call with Ryan and one of my peers in the region, Jamie Johnson, and we are trying to come up with a game plan to get this report out more broadly. We're looking at a series of maybe regional roundtables with state and local -- state, county -- certainly county and local officials, and then, as we lean towards the end of this year to take our annual review of our strategic plan, aligning with EDC's recommendations on education and stakeholder communication -- will be a focal point of that. So, and I -- at the time that I sent you the initial

report, I don't think the dashboard had been officially launched, so I'll send you the link for the dashboards -- pretty neat tool, so. . .

Mr. Silva: Thank you, Stace.

Ms. Duncan: Thanks, Ryan. See you soon.

Mr. Silva: Thank you.

Chairman Bernardo: Item Number Seven:
Resolution Approving an Amendment to the Sales and Use Tax Exemption Agreement for Spark Broome, LLC Lease/Leaseback Project, to Include an Extension of Sales and Use Tax Exemption Agreement from October 16th, 2021, Through and Including October 16th, 2022, as well as an Increase in the Sales and Use Tax Exemption in an Amount of 200,000, in Addition to the Sales and Use Tax Exemption Approved in the Amount of 585,000 on September 16th, 2020, Which Total Sales and Use Tax Benefit to the Company Shall Not Exceed \$785,000.00. Stacey.

Ms. Duncan: Yes, thank you. We did address this in Governance. This is a request from Spark Broome, not to be confused with Spark JC, which is full -- the remainder of the mall. This is the Sears -- former Sears redevelopment. There is a request for the addition of time and resources of the sales tax

benefit. Total dollar amount request is 200,000 additional dollars, bringing their total exemption up 585 to 785, and they are requesting an additional year. Not surprisingly, much of their delays have been caused by COVID impacts, whether it's material costs, rising delays in construction -- due to this material supply wait time, things like that. But I do want to know -- I did get the opportunity to walk through the building on Friday, and it's -- I hope to bring the Board in soon. It's a pretty phenomenal state-of-the-art building. Just to see where they dug out for the pools is amazing. And page 15 of our IDA Report -- the Spark Broome project -- I was thrilled -- was highlighted, as some of the redevelopment work that's been supported by IDA's in New York State. So, with that. . .

Chairman Bernardo: Thank you, Stacey.

Ms. Duncan: . . .I'll answer any questions.

Chairman Bernardo: Mayor.

Mr. Bucci: It was considered in Governance. We move forward as a motion to approve.

Chairman Bernardo: Thank you, Mayor. Is there a second?

Mr. Mirabito: Joe seconds.

Chairman Bernardo: Thank you, Joe. Is there any discussion? Questions? [Inaudible] vote. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Ms. Sacco: I have to abstain.

Chairman Bernardo: Thank you, Cheryl.

Motion carried.

Moving on. Looking for a motion to move into Executive Session to Discuss the Sale of Real Property and/or Personnel Matters.

Mr. Rose: I'll move be go into Executive Session.

Chairman Bernardo: Thank you, Brian.

Mr. Gates: [Inaudible.]

Chairman Bernardo: Thank you, Dan. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? We shall move that forward.

[The Board Convened to Executive Session at 12:29 p.m. on a motion by Mr. Rose, seconded by Mr. Gates.]

[The Board Reconvened from Executive Session at 1:32 p.m. on a motion by Mr. Gates, seconded by Mr. Rose.]

Chairman Bernardo: Resolution Number Nine. It's a Revised Resolution Authorizing The Agency to Enter into a Professional Services Agreement with Stacey Duncan, Effective January 1st, 2022, Through and Including December 31st, 2025, with the Acknowledgement that the -- go ahead, Joe.

Attorney Meagher: I think it's 2024 -- 22, 23, 24.

Chairman Bernardo: I revise. How do you like that?

Attorney Meagher: I took a year away, from you, Stacey.

Chairman Bernardo: Go figure, right?

[Laughs.]

Chairman Bernardo: So, Effective January 1st, 2022, Through and Including December 31st, 2024, with a Discussion/Negotiation Relative to the Renewal Clause in the Contract -- the salary gets referenced here, or . . . ?

Attorney Meagher: Yes.

Chairman Bernardo: At a Base Salary of
160,000. That's the - I'm looking for a . . .

Attorney Meagher: With a 90-day . . .

Chairman Bernardo: With a 90-day Renewal or
Cancellation . . .

Attorney Meagher: Renewal.

Chairman Bernardo: Clause, if you will.

Mr. Bucci: I'd like to make a motion to
table for one month.

Chairman Bernardo: Is there a second to
that motion?

Ms. Sacco: Second.

Chairman Bernardo: Cheryl seconds. We'll
have a vote. Anybody in favor of tabling this for a
month, please say aye.

Mr. Bucci: Aye.

Ms. Sacco: Aye.

Chairman Bernardo: Any opposed?

Unknown: [Aye -- in unison.]

Mr. Gates: Nay.

Chairman Bernardo: Okay, that fails. Point
back to the resolution I read. Is there a -- is there
a second to that? Or a motion to that, I'm sorry.

Mr. Peduto: I'll move it, since it came -- since those provisions came from Personnel, as resolution.

Chairman Bernardo: Is there a second?

Mr. Gates: I'll second that.

Mr. Mirabito: I'll second.

Chairman Bernardo: Beat you to it, Joe.

Mr. Mirabito: Okay.

Mr. Gates: All right.

Chairman Bernardo: I'm going to ask for a vote. All those in favor, say aye.

Mr. Bucci: I'd like to make a discussion point, though, first.

Chairman Bernardo: Feel free.

Mr. Bucci: Just, you know, Stacy's sitting here, so I think it's important for her to hear that I have some concerns, but it is not relative to your performance. So, I think, especially since you're sitting here, I think you should hear that.

Ms. Duncan: Thank you.

Mr. Bucci: And I think that . . .

Ms. Sacco: And I concur. Yeah. And I have I have concerns also about the process. So, this is not reflecting on Stacey. So. . .

Mr. Bucci: Basically, my concern is a process concern, not a personnel concern. And my concern is that I understand the need for trying to get all our ducks in a row, especially with the budget -- that made a lot of sense because we're considering the budget today, but what the contract which is -- doesn't expire until May of next year, I felt adding it to the agenda at the end of business, or after business closed yesterday, was kind of, short notice and I just felt in regards to being transparent with the public and letting everyone know, we could have been better if we waited a month, had more time to discuss it in greater detail. So, my concerns are more procedural. I felt a month delay, especially -- there's no emergency at hand -- the month delay would not impact really the ability to complete a contract with Stacey and also have a broader discussion and due diligence and even sitting with Stacey and talking to her about issues moving forward. So, my concern is basically procedural. I felt it was rushed, and on short notice. That's basically [inaudible].

Chairman Bernardo: Thank you, Mayor. Are there any other comments?

Ms. Sacco: I echo the Mayor's comments.

Chairman Bernardo: Thank you, Cheryl.
Okay, that said, we'll have a vote. All those in favor say, aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Opposed.

Mr. Bucci: No.

Ms. Sacco: Nay.

Chairman Bernardo: Okay, the motion carries.

Moving on to Item Number Ten. The 2022 Budget. Stacey.

Ms. Duncan: Yeah, so you had -- the Audit & Finance Committee -- on Friday, October 15th approved the recommendation of the 2022 Proposed Budget for the IDA. As per New York State law, we will -- upon contingent -- upon approval of this body, we will submit this to the PARIS Reporting System for the Authority's Budget Office, which is our oversight office. I will do a quick run through of the Budget -- just key highlights that I believe I sent in an email previously. The Proposed 2022 IDA Budget includes an approach that's based on realistic and anticipated projections for annual income from large projects approved over the last three years. We

continue to take a conservative approach to our sale/leasebacks, which are our PILOT fees based on continued unknowns from COVID, and the market overall. We also are awaiting better and more clear guidance on the implementation of prevailing wage mandates. And we expect to keep expenses relatively flat for 2022. A few key items and income: the sale proceeds we did receive in 2021 -- sale proceeds from 265 Industrial Park Drive. So that line item has been -- will be removed moving forward and we will not anticipate any income there. But as I will note at the end, I do have a recommendation that I made to Audit & Finance, to move that into a capital expenditures line for the potential acquisition of lands and/or building or any potential investment we may want to make. We will begin an annual payment cycle with Northland Power -- that is the Bluestone Wind project -- beginning in 2022, of about \$95,000.00. We have planned at this point, two significant projects: the Spark JC, LLC, which is the Oakdale Commons project, and potentially a project from 42 Development, on an annual income basis. That's -- the total dollar amount[s] are still yet to be determined, so, there may need to be a slight modification to those. I did want to note that

our income from FIVE South College Drive - that's our tenants -- is down slightly because we did lose one tenant this year -- that's Pursuit Lending. Joanne Jones took a position outside of Pursuit, so they no longer need for that office [sic], but we are looking to fill. Again, we remain -- we kept our leaseback fees relatively flat going into 2022. I fully expect to realize our number for 2021. We're expecting to close the Paulus Development deal shortly, which should get us there, as well as Bob Kashou's project. On expenses, I did request an amount -- and this was at the recommendation of the Board last year -- which I think is actually a much better way to approach -- an amount not to exceed \$20,000.00 for the Executive Director to use for salary increases, of course with the exception of the Executive Director. This is loosely correlated to the anticipated COLA or cost of living adjustment. It does not mean I will use all of that -- it just means it's a not to exceed -- so it gives me a cap to work with. The -- as was noted, the Audit & Finance Committee on October 15th, did approve a total dollar amount of \$160,000.00 for the Executive Director salary - 5,000 of that will be applied to The Agency Budget and per our Sharing Agreement the other

five will be provided to the Chamber, or will be paid for by the Chamber. I did want to note we did reduce the benefit line from what we had in 2021 by 72,000. That was monies that we had proposed to cover pension costs. We did remove that and we did replace that in the business development line, and I'm recommending we keep that there, which gives us about 100 -- and I think it was 112,000 for business development. Other than that, I think those are the key narrative descriptions that I wanted to provide. I expect to realize a net operating income of about \$100,000.00. As I noted at the beginning, I'm recommending that the sale proceeds from 265 be moved to a capital expenditure line for purposes of site development/land and/or building acquisition.

Chairman Bernardo: Questions for Stacey?
This came out of the Audit & Finance committee with a recommendation that it be approved.

Ms. Duncan: Yes, it did.

Chairman Bernardo: Looking for a motion to approve the Budget, as presented.

Mr. Rose: So, moved, Brian.

Chairman Bernardo: Thank you, Brian. Is there a second? Thank you, Joe. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Carried. Moving on. Is there any Old Business to talk about? Good. Looking for a motion to adjourn. Thank you, Dan. Is there a second?

Mr. Peduto: Jim.

Chairman Bernardo: Thank you, Brian. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Opposed? We are adjourned.

[The Board Convened to Executive Session at 12:29 p.m. on a motion by Mr. Rose, seconded by Mr. Gates.]

[The Board Reconvened from Executive Session at 1:32 p.m. on a motion by Mr. Gates, seconded by Mr. Rose.]

[The meeting was adjourned on a motion by Mr. Gates, seconded by Mr. Rose at 1:46 p.m.]

[Attendees: John Bernardo, Jim Peduto, Joe Mirabito,
Cheryl Sacco, Dan Gates, Rich Bucci, Brian Rose,
Stacey Duncan, Tom Gray, Natalie Abbadessa, Carrie
Hornbeck, Theresa Ryan, Brendan O'Bryan, Amy
Williamson, Joe Meagher, Ryan Silva, Mike Keenan, John
Solak, Mike Tanzini, Aaron Martin, Jim, Robin.]

STATE OF NEW YORK :

COUNTY OF BROOME :

I, CARRIE HORNBECK, Executive Assistant,
do certify that the foregoing is a true and accurate
transcript of the Broome County Industrial Development
Agency Board Meeting, held telephonically, on October
20, 2021.

Carrie Hornbeck / signed electronically

CARRIE HORNBECK

Executive Assistant

The Agency Broome County

Industrial Development Agency

FIVE South College Drive

Binghamton, NY 13905

Broome County IDA
Internal Financial Status Reports
October 31, 2021

**Broome County IDA
Financial Statements vs. Budget
Month Ended 10/31/21**

Month # -> 10

	2021 Approved Budget	2021 Revised Budget	Actual YTD thru 10/31/21	Budgeted YTD thru 10/31/21	Variance
INCOME:					
A) Land/Building Income:					
265 Industrial Park Drive	\$ 460,071	\$ 460,071	\$ 3,279,989	\$ 383,393	\$ 2,896,597
ADEC Mortgage	58,838	58,838	49,031	49,031	-
Canopy	100,000	100,000	100,000	83,333	16,667
FIVE South College Drive Tenant Leases*	87,600	87,600	69,967	73,000	(3,033)
Miscellaneous Income	10,000	10,000	14,374	8,333	6,040
Solar City	5,000	5,000	5,000	4,167	833
Subtotal	721,509	721,509	3,518,361	601,257	2,917,104
B) BCIDA Fees:					
IRB/Sale Leasback Fees	615,000	615,000	354,185	512,500	(158,315)
Loan Fund Administration	35,000	35,000	-	29,167	(29,167)
Subtotal	650,000	650,000	354,185	541,667	(187,482)
C) Other Income:					
Bank Interest	90,000	90,000	106,032	75,000	31,032
TOTAL INCOME	\$ 1,461,509	\$ 1,461,509	\$ 3,978,578	\$ 1,217,924	\$ 2,760,654
EXPENSES:					
A) Administration:					
Salaries	\$ 462,520	\$ 462,520	\$ 358,203	\$ 376,868	\$ 18,665
Benefits	272,749	200,749	158,718	166,541	7,823
Professional Service Contracts	40,000	40,000	26,942	33,333	6,391
Payroll Administration	2,000	2,000	1,527	1,667	140
Investment Management	20,000	20,000	7,089	16,667	9,577
Subtotal	797,269	725,269	552,480	595,076	42,596
B) Office Expense:					
Postage	2,000	2,000	1,037	1,667	630
Telephone/Internet Service	5,000	5,000	5,026	4,167	(860)
Equipment & Service/Repair Contracts	15,000	15,000	10,266	12,500	2,234
Supplies	7,000	7,000	6,377	5,833	(543)
Travel/Transportation	16,000	16,000	4,335	13,333	8,998
Meetings	17,000	17,000	5,750	14,167	8,416
Training/Professional Development	10,000	10,000	9,971	8,333	(1,638)
Membership/Dues/Subscriptions	7,000	7,000	7,735	5,833	(1,902)
Audit	15,000	15,000	7,920	11,000	3,080
Legal	70,000	70,000	70,159	58,333	(11,826)
Insurance (Agency, Director & Officers)	18,000	18,000	14,763	15,000	237
Contingency	5,000	5,000	359	4,167	3,808
Subtotal	187,000	187,000	143,698	154,333	10,636
C) Business Development:					
Advertising	40,000	112,000	75,821	93,333.33	17,512
Printing & Publishing	15,000	15,000	9,844	12,500	2,656
Public Relations Contract	40,000	40,000	31,101	33,333	2,232
Subtotal	95,000	167,000	116,766	139,167	22,401

**Broome County IDA
Financial Statements vs. Budget
Month Ended 10/31/21**

Month # -> 10

	2021 Approved Budget	2021 Revised Budget	Actual YTD thru 10/31/21	Budgeted YTD thru 10/31/21	Variance
D) FIVE South College Drive Expenses	87,600	87,600	74,286	73,000	(1,286)
E) Building/Property Maintenance: Broome Corporate Park					
Maintenance - Mowing/Snowplowing 600 Main Street	5,000	5,000	7,364	4,167	(3,197)
Maintenance - Mowing/Snowplowing	14,000	14,000	16,815	11,667	(5,148)
Subtotal	19,000	19,000	24,179	15,833	(8,346)
TOTAL EXPENSES	\$ 1,185,869	\$ 1,185,869	\$ 911,409	\$ 977,409	\$ 66,001
OPERATING INCOME	\$ 275,640	\$ 275,640	\$ 3,067,169	\$ 240,515	\$ 2,826,655

**Broome County IDA
Summary of Bank Deposits and Investments**

Account	Month End Balance	Statement Date	Rate
Cash & Bank Deposits			
Petty Cash	100.00	10/31/2021	
NBT BCIDA Checking	8,140.37	10/31/2021	0.00%
NBT BCIDA Money Market	3,300,298.34	10/31/2021	0.1000%
Total Cash & Bank Deposits	<u>3,308,538.71</u>		
Portfolio Investment Accounts			
Cash & Equivalents	-	10/31/2021	
NBT Transition Account	2,765.03	10/31/2021	0.0500%
CDs & Time Deposits		10/31/2021	
US Treasury Bonds & Notes	7,380,747.20	10/31/2021	1.12%
Total Portfolio Value	<u>7,383,512.23</u>		
Total Cash, Bank Deposit Accounts & Investments			
	<u><u>10,692,050.94</u></u>		
Loan Funds			
STEED			
Petty Cash	100.00	10/31/2021	
NBT STEED Checking	48,364.86	10/31/2021	0.00%
NBT STEED Money Market	109,641.51	10/31/2021	0.0500%
Total STEED	<u>158,106.37</u>		
BDF			
NBT BDF Checking	126.33	10/31/2021	0.00%
NBT BDF Money Market	488,186.55	10/31/2021	0.0500%
Total BDF	<u>488,312.88</u>		
Total Loan Funds			
	<u><u>646,419.25</u></u>		
Total Combined Funds			
	<u><u>11,338,470.19</u></u>		

**Broome County IDA
Account Receivables**

BCIDA Notes Receivable	Beginning Balance	Interest		Interest Rate	Total Principal Payments as of 10/1/2021	Total Interest Payments 10/1/2021	Outstanding Balance as of 10/1/2021	Status	Comments
		Added To Principal Per 2nd Promissory Note	Per						
265 Industrial Park Drive 3/29/2017	3,325,776.00	174,325.64	3.0%	3,500,101.64	335,344.25	-	Paid In Full	Building Sale Monthly Payment	
ADEC 8/5/2015	710,000.00		3.0%	242,697.28	105,424.95	467,302.72	Current	Mortgage Agreement Monthly Payment \$4,903.13	
Broome County - Solar City 8/15/2016	100,000.00		0.0%	25,000.00	-	75,000.00	Current	Land Lease Annual Payment \$5,000	
Precium Holdings - Charles St. 5/23/2017	80,000.00		3.0%	13,513.87	9,557.49	66,486.13	Current	Land Sale Monthly Payment \$443.68	

Steed Loan Status

BORROWER	Opening Balance 1/1/2021	Current Balance 10/31/2021	Maturity Date	Status 10/31/2021
17 Kentucky Ave., LLC	196,284.59	185,184.00	1/1/2033	Current
20 Delaware Ave, LLC	92,825.16	75,745.52	1/1/2025	Current
Airport Inn Restaurant, LLC	35,000.00	32,800.16	6/1/2026	Current
Alice's Closet	25,000.00	25,000.00	7/1/2026	Current
Bernice Brews, LLC (Marshall McMurray)	10,000.00	9,686.40	8/1/2026	Current
Better Offer Properties, LLC	30,987.81	24,026.77	3/1/2024	Current
BrightDrive, HCS, LLC	60,000.00	60,000.00	10/1/2026	Current
Bryant Heating & Air	75,000.00	69,101.47	5/1/2026	Current
Concept Systems	45,174.27	27,470.23	10/1/2022	Current
DGC Jewelers, Inc.	15,000.00	14,057.22	6/1/2026	Current
Daniel Liburdi	17,000.00	15,931.50	6/1/2026	Current
Denise O'Donnell	10,000.00	10,000.00	6/1/2026	Current
F.A. Guernsey, Co., Inc.	118,273.72	118,273.72	6/1/2024	Bankruptcy
Fuller Holding Company, LLC	155,531.81	148,357.69	2/1/2035	Current
Highland Hollow Farm, LLC	50,000.00	50,000.00	11/1/2026	Current
Integrated Wood Components, Inc.	100,000.00	100,000.00	9/1/2026	Current
Melissa Beers	25,000.00	23,033.84	5/1/2026	Current
Mountain Fresh Dairy	92,416.06	92,416.06	12/1/2021	Litigation
MS Machining	11,858.65	-	7/1/2022	Current
Odyssey Semiconductor Technology	100,000.00	96,863.92	8/1/2026	Current
Prepared Power (Sabato)	55,994.78	54,161.68	10/1/2033	Current
Paulus Development Company, LLC	237,067.98	218,263.77	6/1/2030	Current
Roberts Stone	31,518.79	14,345.69	7/1/2022	Current
Sirgany Eyecare	58,037.89	27,806.27	4/1/2022	Current
SpecOp Tactical Center	70,453.61	70,453.61	5/1/2024	Litigation
T-Squared Custom Millwork, Inc.	24,651.04	19,132.90	4/1/2024	Current
ZDD LLC, DBA The Shop	-	40,000.00	2/1/2027	Current
TOTAL	1,743,076.16	1,622,112.42		

Business Development Fund Status

BORROWER	Opening Balance 1/1/2021	Current Balance 10/31/2021	Maturity Date	Status 10/31/2021
17 Kentucky Ave., LLC	89,583.06	-	10/1/2033	Paid Off
20 Delaware Ave., LLC	90,504.95	73,852.35	1/1/2025	Current
24 Charlotte Street, LLC	-	100,000.00	1/1/2027	Current
265 Main St, LLC	139,534.87	134,937.76	9/1/2033	Current
Mechanical Specialties Co.	9,487.02	-	7/1/2022	Current
Roberts Stone	20,589.22	9,371.35	7/1/2022	Current
SpecOp Tactical Center	74,856.90	74,856.90	5/1/2024	Litigation
250 Main Street, LLC	48,333.79	46,893.54	10/1/2029	Current
Total	472,889.81	439,911.90		

BR+E Loan Status

BORROWER	Opening Balance 1/1/2021	Current Balance 10/31/2021	Maturity Date	Status 10/31/2021
24 Charlotte Street, LLC	-	50,000.00	1/1/2027	Current
265 Main St, LLC	46,511.70	44,979.36	9/1/2033	Current
Antonio's Bar & Trattoria, LLC	-	25,000.00	3/1/2027	Current
Gordon Dusinger, DBA Northside Auto	25,000.00	25,000.00	10/1/2026	Current
Grow Hemp, LLC	41,521.67	39,330.62	11/1/2025	90 Days
Prepared Power	46,662.32	45,134.75	10/1/2033	Current
250 Main Street, LLC	48,333.79	46,893.54	10/1/2029	Current
Total	208,029.48	276,338.27		

Loan Delinquency Status

F. A. Guernsey Mountain Fresh Dairy SpecOp Tactical	STEED	Bankruptcy Litigation Litigation
SpecOp Tactical	BDF	Litigation
Grow Hemp New York, LLC	BR&E	Delinquent

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
 LOAN FUNDS ACTIVITY AS OF
 October 31, 2021**

STEED ACCOUNT BALANCE: \$ 158,006.37

Amount held at ARC in Washington, DC \$ -

LOAN COMMITMENTS **Commitment Date Expiration Date**

Total STEED Loans Commitments

Available to Lend \$ 158,006.37

BDF ACCOUNT BALANCE: \$ 488,312.88

LOAN COMMITMENTS **Commitment Date Expiration Date**

Total BDF Loan Commitments \$ -

Available to Lend \$ 488,312.88

BR+E \$ 23,661.73

LOAN COMMITMENTS **Commitment Date Expiration Date**

Total BRE Loan Commitments \$ -

Available to Lend \$ 23,661.73



c/o Northland Power Inc.
30 St. Clair Ave W
12th Floor
Toronto, Ontario M4V 3A1

Stacey Duncan

Executive Director
The Agency BCIDA/LDC
5 South College Drive
Binghamton, NY 13905

RE: APPLICATION FOR BENEFITS

November 3, 2021

Dear Ms. Duncan:

The Bluestone Wind project is well into construction, with the majority of roads and other civil work now completed on site, and the team actively pouring concrete foundations and installing the underground electrical collection system. Despite the rainy summer we remain on schedule, with a forecast break set to curtail many activities on site with the arrival of winter weather, and a planned restart of all activities on site in March or April 2022. We are on schedule to bring the project into commercial operation in late Q3 2022 as planned.

Some outstanding activities on site, such as the procurement and installation of wind turbines, are exempt from sales tax by state law, while others will benefit from the exemption that was generously granted by The Agency on December 29, 2020. Although we expect to complete the majority of non-exempt activities by the end of 2021, it is clear that some of that work will span well into 2022.

We would like to request a 1-year extension to our sales tax exemption, which is now scheduled to expire on December 29, 2021. We have received the invoice for the \$1,000 fee, and payment is in process with Northland Power's accounts payable department. Please let us know what additional documentation you might need from us in order to support this request.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Michelle Chislett".

32D59B22A3C4410...

Michelle Chislett

Authorized Signatory