

# THE AGENCY

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

February 16, 2022 • 12:00 p.m. • The Agency Conference Room  
FIVE South College Drive, Suite 201, 2nd Floor  
Binghamton, New York 13905

## AGENDA

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|----|--|--------------|
| 1. | Call to Order  | J. Bernardor |
| 2. | Approve Transcript – December 15, 2021 Board Meeting   | J. Bernardo  |
| 3. | Approve Transcript – January 19, 2022 Board Meeting  | J. Bernardo  |
| 4. | Public Comment   | J. Bernardo  |
| 5. | Executive Director's Report <ul style="list-style-type: none"><li>• Updates</li><li>• Internal Financial Report – January 31, 2022</li></ul> | S. Duncan    |
| 6. | Loan Activity Reports as of January 31, 2022   | S. Duncan    |

### New Business

- |     |   |           |
|-----|---|-----------|
| 7.  | Resolution Accepting an Application from Lehtonen Lumber, LLC D/B/A Foland Lumber & Building Supplies and Authorizing a New York State and Local Sales and Use Tax Exemption in an Amount Not to Exceed \$12,000.00, for a Term Not to Exceed Twelve Months, Consistent with the Policies of The Agency in Connection with the Construction, Expansion and Equipping of the Property and Building Located at 552 Old Front Street, in the Town of Dickinson, County of Broome and State of New York | S. Duncan |
| 8.  | Resolution Approving an Extension of the June 10, 2021 Sales and Use Tax Exemption Agreement and the June 10, 2021 Sales and Use Tax Exemption Increase Agreement of EJ Victory Building, LLC, From February 17, 2022 Through, and Including, February 17, 2023, the Total of Which Shall Not Exceed \$1,848,000.00   | S. Duncan |
| 9.  | Resolution Approving Summary Results of Confidential Evaluation of Board Performance  | S. Duncan |
| 10. | Resolution Approving the 2021 Mission and Measurement Report  | S. Duncan |
| 11. | Resolution to Approve the Readoption of The Agency Bylaws and Policies and Procedures: Code of Ethics Policy, Whistleblower Protection Policy, Defense & Indemnification Policy, Compensation, Reimbursement and Attendance Policy and Travel Policy with No Changes  | S. Duncan |
| 12. | Executive Session: To Discuss the Sale of Property and/or Personnel Items   | S. Duncan |

13. Resolution Authorizing The Agency to Sell Property Located at 11 Court Street in the City of Binghamton, Broome County, New York to Boscov's Department Store , LLC

S. Duncan

**Old Business**

14. Adjournment

J. Bernardo

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

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IDA Board Meeting Transcript

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Held telephonically, December 15, 2021, commencing at  
12:03 p.m. Adjourned at 1:56 p.m.

[See attendees at end of Transcript.]

REPORTED BY:

Ria Jara

Reporters Transcription Center

PO Box 903

Binghamton, NY 13903

Chairman Bernardo: I'd like to call this meeting of the Broome County Industrial Development Agency on December 15, 2021 to order.

Looking for a motion to approve the transcript of our November 17th board meeting with comments if you wish.

Mr. Crocker: I'll make a motion.

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

Mr. Rose: Second. Brian.

Chairman Bernardo: Thank you, Brian. Any comments, questions, suggestions? We'll call for a vote. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Thank you all. We come to the part of our agenda where we have our public comment session. Anybody wishing to speak on any matter concerning the IDA, feel free to state your name and address for the record and please limit your comments to five minutes.

We'll call that session to a close.  
executive director report. Stacey, updates please.

Ms. Duncan: Yes. I had a tickle in my throat right at that moment. Excuse me.

Yeah, just a few things. I just wanted to share good news with the board. You know some of the things or items we've been directly and/or tangentially involved with. But if you have not heard, there's been a lot of announcements on state and federal funding, some coming to our community, which is great news. The governor announced the CFA awards as of yesterday, I believe, and some good things happening here in Broome County. There's a few I wanted to just note because we have a lot of project activity in these areas.

The Town of Union did receive \$100,000 to do a smart growth comprehensive plan for the town that will be an update to their 2010 comprehensive plan and tied in with the most recent announcement with the Village of Endicott's \$10 million DRI award. That's also great news. I'm sure we'll somehow integrate into this plan.

And the Village of Endicott, more good news for them, they did receive -- and we worked with them not directly on writing this but through our continued information share, our meetings that Brendan manages. We did discuss the potential application on the Endicott BOA or Brownfield Opportunity Area nomination

for in and around the Huron campus, encouraged them to do that application. They were awarded \$300,000 through Department of State to develop a BOA nomination plan for a 429-acre area. That includes Washington Ave. downtown surrounding manufacturing, commercial, and residential areas. With that, they'll open themselves up. And project developers can open themselves up to the brownfield tax credit program and as well additional federal funds to do abatement and remediation. So that's I think great news for them.

Just a few others that I wanted to note. Buckingham Manufacturing is a perennial applicant and awardee on workforce. So those businesses that have some workforce needs we always encourage to apply. Received \$48,000 to do more training programs. And I know they're doing a lot in-house with the training because of the workforce shortage. They've kind of created their own apprenticeship program.

The UHS most recently was awarded just under a million dollars, \$991,000, to do childcare. So again another topic that we know is a significant need in our community. We're thrilled for them. We got a nice note from John Carrigg for our continued support of the hospital and their efforts.

Then lastly some good news. We joined in on a letter of support and are listed as a partner in Binghamton University's recent announcement of receipt of \$500,000 a shortlist award for the EDA Build Back Better program that is being run through really directly out of the university but in partnership with the downtown incubator and clean energy programs there. One of the things is funding to build a better manufacturing hub in Endicott and then near where activities are happening with iM3 New York. So if successful, that could be \$100 million coming to PME [phonetic].

So a lot of great things happening in and around the community and especially in concentration here. We've always said, you know, Endicott will get its time. It does seem like that's happening. So we're thrilled to support in any way that we can with that. I did get the good fortune to do a tour of iM3's manufacturing facilities and it's coming along nicely. They are very appreciative of our continued support for their growth there.

There's only one other final item I'd like to do on the record in our meeting today. As you all know, Tom Gray is retiring.

Unknown: That's a pretty big lie. You'd hate it when he's gone.

Ms. Duncan: Effective March 31 of 2022. So I'm now trying to slow the clock down a little bit because Tom has been here for 20 years with the organization. He was here when I came here in 2014. I consider him, you know, my own sort of -- I call him -- he doesn't know this. I hope he doesn't mind this. But I think of him as my Yoda. He is my sage consultant and wise --

Unknown: He was here when you were in high school. Come on.

Ms. Duncan: So it will be odd to experience coming here without Tom being here, but we're thrilled for the next chapter for he and Diane. We just have a small -- just something commemorative for him that we'd like to present today. And maybe a cake in your future, Tom is here. You never know.

Unknown: No shit.

[Cross-talking]

Ms. Duncan: So presented to Tom Bucky [phonetic] Gray in recognition of 20 years of commitment to economic and community development with The Agency. Tom, I just can't thank you enough for



your counsel, your humor, and your willingness to help me succeed. I know I speak for the whole team with that. So we will miss you, but we have you on speed dial. So, the best to you and Diane.

Mr. Gray: Thank you. I appreciate it.

Ms. Duncan: That's all that I have for my report.

Chairman Bernardo: Thank you, Stacey. You've all had the chance to look at the internal financial report through November 30th. Any questions?

Unknown: Just one quick question. Several of these we've seen for a long time. But the Grow Hemp, LLC is now 120 days out backgrounder.

Ms. Duncan: They're not gone yet.

Unknown: First of all, I'd like the board to know that I have told the staff that anything that doesn't or hasn't worked up to this point --

[Cross-talking]

Unknown: Actually, Joe and I have been working with the attorneys representing Grow Hemp as well as STREDC which is who we partnered with in the loan to Grow Hemp. The principal died. We still have a personal guarantee with his brother who we will be pursuing at some point. So we're in the beginning

stages of putting more food on Joe's table to get our -- I think a little less than \$50,000.

Unknown: It's in the \$30,000. But I spoke with Dave Rossetti [phonetic] this morning. He's the attorney for STREDC. We both have been in touch with the holdings [sounds like]. In fact, Jim Orband I think is the executor of Jeff Bump's estate. In any event, they're attempting to resurrect that life insurance policy. But we don't have a full set therein of what the assets in the estate are. So whether that's the avenue we take or whether we just go straight out of the territory. So again I'm working directly with Rossetti. We're partners. We haven't, you know, arrived on any agreement, sharing agreements.

Unknown: David Bump is actually at this point in time stronger appearing --

Unknown: He's actually on a tour.

Unknown: -- than his brother was.

Unknown: Yes.

Chairman Bernardo: You're good, right?

Unknown: Yeah.

Chairman Bernardo: Any other questions or comments?

Ms. Duncan: I have one more thing I forgot. I think I'd do a little bragging on some of the team here. In Tom's place, it was recommended that Natalie Abbadessa join the STREDC, which is the Southern Tier Regional Economic Development Corporation. Tom served as the chair of the Loan Committee there. I served on the full board and Tom chaired the Loan Committee. So recommended to George Miner that Natalie step into that role. Did you have your first meeting yet?

Unknown: Yes, we did.

Ms. Duncan: She had her first meeting. So she is now representing Broome County on the STREDC loan. We're excited to have her get started with that.

Chairman Bernardo: One comment. With the exception of our building - and it's nominal - our building cost, year-to-date we're in great shape in every single category of the budget. Revenue-wise, we are out of the water and the expenses are all -- with the exception of that legal bill. I'm kidding though. We're in really good shape.

Ms. Duncan: It's good to know that.

Chairman Bernardo: Any additional questions or comments on the financial or the loan activity with the boards? Moving on to the new business.

Resolution approving an extension of the December 1, 2020 sales and use tax exemption with One North Depot, LLC from December 1, 20 -- it's supposed to be December 1, 20 --

Ms. Duncan: It's a typo. It should be 2021. I'm sorry.

Chairman Bernardo: Thank you. From December 1, 2021. Through and including December 1, 2022, the total amount which shall not exceed \$360,000. Stace?

Ms. Duncan: Yes. This did go through the Governance Committee. I'll just briefly state this is sort of a continuation of a theme we're seeing. I think it's still the continued financial impacts of COVID and related issues. We did get this letter from the North Depot. This is Josh Bishop's project in the City of Binghamton. This is the building just across the railroad tracks from Remlik's, if you're familiar with that area. It is slated to be market-rate apartments. Josh has assured us the project is still in motion. It's just they've been having a lot of delays related to material costs, supply chain delays, and lack of skilled labor. He's requesting, just in time, a term extension for one year through December 31, 2022.

A great question came up by Brian in the Governance Committee. Some of these requests, are they reasonable at this point? My recommendation to Governance was I think, given continued fallout, this is really a year we're still seeing a lot of financial impacts. But anything beyond this year with sort of repeat requests, I would recommend we would do a deeper dive in 2022.

Unknown: Makes perfect sense.

Chairman Bernardo: Mayor, this came out of Governance?

Mr. Bucci: It did. We move it forward as a motion to approve.

Chairman Bernardo: Is there a second?

Mr. Peduto: Second, Jim.

Chairman Bernardo: Jim, thank you. Any discussion? Let's have a vote. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Any abstentions? Thank you.

Moving on to Item number 7: A resolution accepting an application from the UB Family, LLC. A special purpose entity was established by the company

for a lease/leaseback transaction to facilitate the financing of the construction and development of 549 plus parking spaces within the five-level municipal parking garage located at 183 Water Street in the City of Binghamton, Broome County, New York, to be owned by the Binghamton Local Development Corporation. And the acquisition, construction, development, renovation and equipping of approximately 123 plus or minus new apartments to be constructed on five floors above the aforementioned municipal parking garage; to provide for a state and local sales and use tax exemption benefit in an amount not to exceed \$905,680; to provide a mortgage tax exemption in an amount not to exceed \$187,000; to provide for a real property tax exemption in an amount not to exceed \$18,462,086 pursuant to the PILOT schedule attached hereto as Exhibit A, including a deviation from The Agency's uniform tax exemption policy, and authorizing The Agency to set and conduct a public hearing with respect thereto.

That might be the longest resolution --

[Cross-talking]

Chairman Bernardo: I'd be glad to repeat it after reading it though. Stacey.

Ms. Duncan: Yes. This did also go through Governance. I will note we've done a lot of discussion at this point. At this point in time we are -- the action by the board is to accept and essentially open public deliberation on this project. By accepting the application, it also does authorize us to set up a public hearing at the appropriate time.

I will note a few things on this before I get into some of the detail on the project. You do have in your packet our newer form of cost-benefit analysis. That does provide a deeper dive into some of the project details. This is a new software we're using with MRB Group. So that is included in your packet, just behind your project summary review.

And as well, per the request of the board, we are also working with the National Development Council. We will be getting a sort of a summary, an independent third-party summary, and that I will make available as soon as we receive that. So that will also provide some additional, I think, detail on this project.

It's a complex but really innovative project for the city. I won't spend too much time as we do have Jeff Smetana on the line with United Group. Hi,

Jeff. But it's an exciting project. It's a \$28 million project to remove the existing garage at Water Street. The one that does is attached to and adjacent to the current Boscov's building. It includes the reconstruction of that parking garage and as well, forgive me the exact number of apartments, but over 100 market-rate apartments with a riverfront view. So new tax revenue for the first time. There is currently nothing there that brings in tax revenue at that parcel. So new tax revenue to the city with regard to property taxes.

The PILOT schedule they requested as a deviation. It is a 28-year request. The PILOT schedule is nuanced. Compared to ones we traditionally see, it's structured more like a PILOT increment, a financed PILOT in that some of the debt on the bond is included in the breakdown of the PILOT schedule.

Just some details on that. The City will make payments on PILOT bonds in years one and two. At closing, on financing for the apartments, the apartment owners will pay the City through the owner group. That's \$323,000. That's the City's payment on the debt. As reimbursement for those payments, the City will utilize the PILOT payment plus air rights to



make payments for the PILOT bonds and distribute the balance if any to the city, county, and school district in the form of a PILOT payment. So again this is not the traditional structure we see, but it does cover the cost of the infrastructure within the schedule.

Total payments by apartment owners constitute the total amount to be paid in PILOT and air right payments. The new municipal garage will serve residents, businesses, and visitors, as well as support Boscov's continuing success. As a critical driver of retail activity downtown, it is my understanding that the City and Mayor David are making great progress with Boscov's on longer term lease agreements and renovation to that facility. The apartments will attract the millennial and boomer resident base. The purchase price and new property taxes represent new revenue to the city that would not otherwise be available. And because the City currently owns the site, there are no taxes being paid.

So with that, I think, it may be best at this point is just to see if there are any questions or allow Jeff to offer some comment. Otherwise, let's proceed.

Chairman Bernardo: Yeah, let's. Jeff, would you like to offer anything beyond what Stacey has suggested or said?

Mr. Smetana: Sure. Thanks for having us. Thanks for considering our application. We're very excited about the project. It is a very interesting project. I mean it is putting privately-owned apartments above the publicly-owned garage. They're sitting, overlooking the Chenango River there. They are right in the downtown business district. So it is utilizing this air-rights structure to accomplish that. So it is very interesting. We appreciate everyone's willingness to get into this detailed of a structure and really make something like this work.

Just to clarify some of the explanation of the project. The garage itself of course is being owned and developed by the City's Local Development Corp. So it's described in the overall project in that it will be supporting the apartments, but none of the costs that are within our budget cover any of the costs of the garage. Those are all separate, just if there isn't any misunderstanding on the way the project was initially described.

The abatement of the current garage is

currently underway. Gorick Construction will be starting demolition on December 27th. The process will go forward from there. We expect to be in the City with our project, the apartment project, entitlements in parallel with the garage. They'll proceed through the process hand-in-hand so everyone will have a chance to really understand how the garage is being designed and proposed in the same way that the apartments are being proposed.

This is a project that the United Group will own and operate. We have our own management company, United Plus Property Management. It's been managing multi-family properties for close to 40 years or similar entities that are within the United Group. So we're going to become business owners and part of the community. We're very much looking forward to that.

On the call also is Michael Uccellini who is the principal and CEO of the United Group. He's very excited about the project as well. We're really looking forward to getting into the development process.

Chairman Bernardo: Thank you, Jeff. Any questions for Jeff or Michael before we move to others? Mayor, this was discussed in Governance?

Mr. Bucci: Yes. And just to be back on what Stacey said -- [audio glitch]

Chairman Bernardo: Mayor, you're hanging on us. Go ahead. Start over again.

Mr. Bucci: Okay. I might have to switch to my phone.

Normally we accept an application with the premise of immediately setting a public hearing. In this case, we are accepting the application, as Stacey said, to start the public deliberation on it. But we, as the Governance Committee and the board will then do our deep dive and analysis of the application and the component parts to it. When that's complete, we will set the public hearing. So we're moving it forward as a motion today to accept the application.

Chairman Bernardo: Okay. And to call a public hearing at a later date?

Mr. Bucci: Yes. Yes.

Chairman Bernardo: Is there a second to that motion?

Mr. Peduto: Second. Jim.

Chairman Bernardo: Thank you, Jim. Is there any discussion or questions beyond what we've asked? Let's call for a vote. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Any abstentions? Carried. Thank you, gentlemen. Item number 8: A resolution accepting an application --

Unknown: I have one, wait. It's the one that's stated?

Ms. Duncan: It's the one. Yeah.

Unknown: Yeah. I got a copy of that. So I'll leave you to that.

[Cross-talking]

Chairman Bernardo: A resolution accepting an application from PM, Property Matters, LLC, and authorizing a sales and use tax exemption in an amount not to exceed \$13,720 consistent with the policies of The Agency in connection with the acquisition, expansion, renovation and the equipping of the property and building located at 21 Emma Street in the City of Binghamton, Broome County, New York. Stacey.

Ms. Duncan: Yes. This is a project that comes all the way from California. PM Press is transitioning its global distribution center, event space, and headquarters from Oakland, California, to Upstate New York at a building located at 21 Emma Street in the City of Binghamton. It will be their new

shipping and receiving center processing over \$1 million in book orders annually and event and book fair space. PM Press is also acquiring Autumn Leaves on the Ithaca Commons as a retail outlet.

They expect that the full cost of transition will be approximately \$1 million. That includes building acquisition, new construction improvements, equipment purchase and associated cost totaling \$853,500. The remainder will be shipping cost and added employee cost and accommodations. Upgrades and additions are needed to create a safe attractive environment for their core operations. The property also requires safety upgrades, minor repairs, and extensive cleaning as it sat vacant for nearly a decade. They will purchase equipment for the warehouse operations and additional office equipment.

PM Press expects three FTEs, full-time employees, to operate in the facility. Two will be stationed at the facility full time while they expect another one person within PM to be at the facility as needed during peak times. And at least one other FTE will be located in Ithaca, New York.

So the project applicant, Andy Pragacz - I have a problem saying that right - is on the call. I

should have checked with him earlier. He's on the call to answer questions.

But a little bit on the project details. Total project cost is about \$945,000 of which, what is eligible for sales tax is \$171,500 which makes them eligible for an exemption up to 8 percent of \$13,720.00.

Chairman Bernardo: Thank you, Stacey. Would the owner like to offer anything in addition to what Stacey has suggested?

Mr. Pragacz: I just want to clarify I'm not the owner. I'm the operator for the new warehouse. I'm actually in our current warehouse out here in Oakland. The only other thing that I want to add is that I'm actually from Binghamton. I'm actually from the First Ward where this building is going. My family actually is living in the First Ward for about a hundred years. So I'm really, really happy and proud to be able to bring this facility to Binghamton. I think it's going to be a tremendous benefit to the community at large. We're hoping to do some large scale beautification of this space, including dealing with the retaining wall that's in the front and really turning it into a really attractive and vibrant space. So thank you very

much for the consideration. Yes.

Ms. Duncan: Thank you.

Chairman Bernardo: Thanks for coming back.  
Appreciate it.

Mr. Pragacz: Oh, I actually live in  
Binghamton. I'm just out here helping for the  
Christmas rush. I mean I've been packing all morning.  
I live over on the West Side of Binghamton.

Mr. Bucci: It's a good problem to have,  
Andy, packing.

Mr. Pragacz: It is. Oh, it's a great problem  
to have. No, no. I have to get in quite early. It was  
a very good problem. Agreed.

Chairman Bernardo: Thank you. Mayor, this  
came through Governance?

Mr. Bucci: It did. We move it forward as a  
motion to approve.

Chairman Bernardo: Is there a second?

Mr. Peduto: I'm on a roll. I got it. You're  
not stopping me today.

Chairman Bernardo: Any discussion? We'll  
have a vote. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Any



abstentions? Approved. Thank you very much.

Mr. Peduto: We let Dan back in?

Chairman Bernardo: Yeah.

Mr. Pragacz: Thank you all very much. I hope you have good holidays.

Unknown: [Thank you -- in unison.]

Chairman Bernardo: Item number 9, a resolution approving an extension of the December 20, 2019 sales and use tax exemption agreement with Canopy Growth USA, LLC, and HIP NY Developments, LLC, from December 31, 2021 through and including December 31, 2022 the total of which shall not exceed \$3,200,000. Stacey.

Ms. Duncan: Yes. Very similar to our previous item on the agenda. Similar reasons - delays related to materials and supply costs have delayed this project as well. But most significantly is the regulatory uncertainty regarding hemp and hemp products. They were sort of on a roll pre-COVID and COVID did slow things down, made that less a priority.

I have had multiple conversations with David Culver who is their VP for Government Relations. He had been my main contact with Canopy since their beginning. They're very committed to the location.

They're still very committed to the project. Like many things, they're just significantly delayed. They do still have LeChase Construction locally as their general contractor. We've had follow-ups with them. Things are still proceeding just not at the pace they wish. So this falls in that same category of I think another year is reasonable. Beyond that, I think we would want to take a deeper dive into it.

Chairman Bernardo: Thank you, Stacey. Mayor, this came in for Governance?

Mr. Bucci: It did. We move it forward as a motion to approve.

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

Mr. Crocker: Second.

[Cross-talking]

Chairman Bernardo: Thank you, Dan. Is there a discussion? No discussion. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Any abstentions? Moving on.

Item number 10, a discussion regarding conflict of interest policy. I have my name next to

it. I think this went through Governance.

Ms. Duncan: It did.

Chairman Bernardo: Okay. So I'll start with you, Stacey.

Ms. Duncan: Yeah. Essentially, you know, as I said, we do our best to keep pace on the latest guidance and updates from the ABO and the Public Authority's Office in New York State which is our sort of oversight office. In our most recent IDA Academy, they stressed the importance of review of your conflict of interest policy, of ensuring that you have a strong proper protocol in place that align with those. So we had included some information in your packets. What we're recommending is just more of a structured process by which --

And that's the short document sort of the executive summary. Everything on that, that bulleted list, will be the process we will use moving forward. It's just most of it relies on notification at least when agendas come out. So the new process will be when the agendas come out, that anyone with a conflict would notify myself, Joe Meagher, and also - which I did not realize - they recommend your Governance Committee. Rich Bucci is chair. That way it gives time

for Joe to that if there is in fact a conflict and if it's a prohibitive conflict as the lawyers would say. So this document will be the new process and procedure moving forward.

I did want to acknowledge Cheryl made a great point in so much as revisions and in keeping those to a minimum so that there is appropriate time for board members to review. So that was what we discussed. Thank you.

Chairman Bernardo: Mayor, this came before Governance?

Mr. Bucci: Yes. So we move it forward as a motion to approve.

Chairman Bernardo: Okay. Is there any confusion or concern as it relates to this?

Ms. Duncan: No. I think it's just to kind of codify a stronger process. I mean, you know, from time to time we'll get questions from the board. Is this, is it not? I think mostly it just relates to the timing of such information and clarification really.

Chairman Bernardo: Yeah. And a board member has a right. I mean we look to Joe for opinion.

Ms. Duncan: Yes.

Chairman Bernardo: But a board member has

the right to say I clearly have a conflict.

Ms. Duncan: Sure.

Chairman Bernardo: So I'm going to back away from this.

Unknown: At the end of the day it's a self-analysis.

Chairman Bernardo: Yeah. Okay. With the motion at hand, is there a second that goes with that?

Mr. Rose: I'll second it.

Chairman Bernardo: Thank you, Brian. Is there any discussion? If not, we'll have a vote. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Abstentions? Obviously none. Thank you all. Recommendation to approve changes to the employee handbook, Mr. Peduto.

Mr. Peduto: This was covered in the Personnel Committee earlier today. It comes forward as a motion. I'll let Stacey elaborate very briefly, but I'm primarily concerned on revisions with regard to workplace safety which is the inclusion of the HERO Act, DEI - diversity, equity, inclusion - provisions, and a handful of others --

Ms. Duncan: Yeah, telecommuting.

Mr. Peduto: -- on telecommuting and the sick paid be in line with the statutory requirements. So, do you have anything to add to that?

Ms. Duncan: That's essentially it. We kept for the board's information, everything in red print in your document is an item that does require personnel approval.

Mr. Peduto: And we approved it.

Chairman Bernardo: Okay.

Mr. Peduto: And move it forward as a motion.

Chairman Bernardo: Perfect. So there's a motion. Is there a second to that motion?

Mr. Crocker: I'll second it.

Chairman Bernardo: Thank you, Dan. Any discussion? Thank you for putting it in red, by the way. No offense, but I wouldn't miss that.

Ms. Duncan: You never read all that?

Chairman Bernardo: I read that entire document. Is there a discussion? It had been nice. So we got it. Let's have a vote. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Any abstentions? Thank you.

I'm looking for a motion to go into executive session to discuss personnel matters and the sale of real properties. Is there a motion?

Mr. Crocker: Motion.

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

Mr. Gates: Second.

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

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? We are here moving in that direction.

[Start of Executive Session at 12:37 p.m.]

[Out of Executive Session at 1:54 p.m.]

Ms. Duncan: Okay.

Chairman Bernardo: We're back into session. I am moving on to Item number 13, which is a recommendation to approve modifications to The Agency's organizational chart and proposed job descriptions. Jim Peduto.

Mr. Peduto: During our Personnel Committee earlier today, we discussed and reviewed proposed modifications to The Agency's organization chart largely precipitated by Tom's retirement. We

considered them, reviewed them, and we actually approved them. We bring that forward to the board as a motion.

Chairman Bernardo: Thank you. Is there a second?

Mr. Crocker: Second.

Chairman Bernardo: Thank you, Dan. Any discussion? We'll have a vote. All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: Any opposed? Any abstentions? Carried. Looking for old business. Any old business? No. All right. Looking for a motion to adjourn?

Mr. Rose: So moved.

Mr. Gates: I second.

Chairman Bernardo: All those in favor, say aye.

Unknown: [Aye -- in unison.]

Chairman Bernardo: We are adjourned.

[Adjournment at 1:56 p.m.]

[Attendees: John Bernardo, Jim Peduto, Rich Bucci, Dan Crocker, Brian Rose, Cheryl Sacco, Joe



Mirabito, Dan Gates, Stacey Duncan, Tom Gray, Natalie  
Abbadessa, Carrie Hornbeck, Brendan O'Bryan, Theresa  
Ryan, Amy Williamson, Joe Meagher, Jeff Smetana,  
Michael Uccellini, Andy Pragacz, Foxhall Parker, Isaac  
Cheng.]

C E R T I F I C A T I O N

I, Ria Jara, certify that the foregoing transcript of  
the Broome County Industrial Development Agency was prepared  
using digital transcription software and is a true and accurate  
record of the proceedings.

*Ria Jara*

Signature: \_\_\_\_\_

Date: December 20, 2021

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

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IDA Board Meeting Transcript

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Held via Zoom, January 19, 2022, commencing at  
12:00PM. Adjourned at 12:35PM.

[See attendees at end of transcript.]

Digitally recorded proceeding  
Transcribed by: Elana Hulsey  
Reporters Transcription Center  
P.O. Box 903  
Binghamton, NY 13902

CHAIRMAN BERNARDO: I'd like to call to order this meeting of the Broome County Industrial Development Agency of January 19, 2022, and I will turn the first part of the meeting over to our attorney, Joe Meagher.

MR. MEAGHER: Thank you, John. Good morning to all, or good afternoon. I'll ask you all to repeat after me... Are we all set? Everybody's in?

MR. PEDUTO: Yeah.

MR. MEAGHER: Okay. I-

ALL: I [crosstalk].

MR. MEAGHER: Okay. I guess they know their names. Do solemnly swear.

ALL: Do solemnly swear.

MR. MEAGHER: That I will support the Constitution of the United States.

ALL: That I will support the Constitution of the United States.

MR. MEAGHER: And the Constitution of the State of New York.

ALL: And the Constitution of the State of New York.

MR. MEAGHER: And that I will faithfully discharge the duties.

ALL: And that I will faithfully discharge the duties.

MR. MEAGHER: Of the office of Member of the Broome County Industrial Development Agency.

ALL: Of the office of Member of the Broome County Industrial Development Agency.

MR. MEAGHER: According to the best of my ability.

ALL: According to the best of my ability.

MR. MEAGHER: And those who are not present are going to have to get us signed copies of this. We'll provide it out to you.

MS. DUNCAN: Yes. We also did send electronically... Annually we do an Acknowledgement of Fiduciary Duties and some that are present may have those in their folders. If you could sign and leave with us, and those that are not present, we'll get them to you electronically.

MS. HORNBECK: Yeah. They should go out today.

MS. DUNCAN: Perfect. Thank you, Carrie.

MS. HORNBECK: You're welcome.

CHAIRMAN BERNARDO: Joe, I'm going to let you continue, correct?

MR. MEAGHER: Oh, I'm still on. Okay.

CHAIRMAN BERNARDO: Joe, we're not paying you extra for this, but go ahead, proceed.

MR. MEAGHER: I'm just trying to drag it out. All right, do we have a motion with respect to the nomination of the officers of the Agency? [inaudible].

MS. DUNCAN: So, we'll start with Chairman.

MR. PEDUTO: This is Jim Peduto. For Chairman, I'd like to nominate John Bernardo.

MR. MEAGHER: I think we could do these all as one motion.

MR. PEDUTO: Even better.

MR. BUCCI: So, a motion for the slate, is that what you need?

MR. MEAGHER: Yes.

MS. DUNCAN: For Vice Chairman next.

MR. MEAGHER: Vice Chairman?

CHAIRMAN BERNARDO: I'd like to nominate Jim Peduto to the position of Vice Chairman.

MR. MEAGHER: Secretary?

MR. PEDUTO: I'd like to nominate Richard Bucci.

MR. MEAGHER: Treasurer?

MR. BUCCI: I'd like to nominate Dan Crocker.

MR. MEAGHER: Do we have a second to the slate that has been proposed?

MR. GATES: I'll second it. Dan Gates.

MS. DUNCAN: Okay, Dan.

MR. MEAGHER: Any discussion?

MR. BUCCI: Is there a salary increase? Is there a cost-of-living adjustment?

CHAIRMAN BERNARDO: Significant, Mayor. Significant.

MR. MEAGHER: All in favor?

ALL: Aye.

MR. MEAGHER: Any votes opposed? The slate as presented is hereby elected for the upcoming year. John, I'm going to throw it back to you.

CHAIRMAN BERNARDO: Thank you. Looking at the transcript for our December 15, 2021, meeting, looking for a motion to approve the transcript.

MR. CROCKER: I have a comment on those.

CHAIRMAN BERNARDO: Go ahead, Dan.

MR. CROCKER: I notice that Carrie is no longer assigned the arduous task of doing the transcripts. Are they done by audio?

MS. DUNCAN: Yeah. The time involved with the changes to this, we're looking at just a service to do that. It takes a lot of the time off of the-

MR. CROCKER: Oh, sure. I agree with that wholeheartedly. That was a huge [crosstalk]. I noticed in the December transcripts, as I was reading through them I'm thinking, "I don't speak like that." I mean, most of the general audio is correct, but I was looking at the end of it and there was some talk, some of the chairman's talk and I thought, "That doesn't sound right." No, just the what the transcript said. So, at the end of it, it said that I said I have a motion. I just don't speak like that, and there's some stuff that the Chairman said. I went back and looked at the video and listened to it. I mean, I got tinnitus bad, but that's not what was said.

MS. DUNCAN: Okay. We will cross-reference that and double-check that and make corrections where needed.

MR. CROCKER: I think that's a good idea. That was a lot of work for Carrie.

CHAIRMAN BERNARDO: With that said, we're going to hold off on moving forward with approving the transcript until the staff has a chance to take careful note of it.

MR. CROCKER: I mean, it wasn't anything that was pertinent information. It was just idle chitchat, but it wasn't accurate.

MS. DUNCAN: Okay. We will go back and double-check that, okay?

MR. CROCKER: I mean, I read them all and would approve them, but it was just not...

CHAIRMAN BERNARDO: Let's hold those until the next meeting. We come to the part of our agenda where we have a chance for the public to comment on anything concerning the IDA. If you wish to speak, feel free to introduce yourself, give us a residence, and limit your comments if you would please to five minutes. Would anybody like to speak? Moving onward. Executive Director's Report. Stacey, updates please.

MS. DUNCAN: Yes. Happy New Year to you all. We have a busy year ahead, a busy month ahead. So just a few updates for you. One note with just a reminder for the record with the appointment of committees which is done by our Chairman, Chairman Bernardo. We did send that out electronically, the committee assignments. There have been no changes, but just for the record I want to note that committee assignments have been sent to you all electronically and no changes currently for that.

So, a few updates. Just to note something that I think goes a little bit unnoticed but is a useful tool that I think we'd like to make you aware of. On an annual basis, the IDA gets an allocation of private activity bond from New York State's Office of Economic Development. That is based on the Chapter 58, prescribed on Chapter 58, Law of 2020, utilizing the most recent population estimates from the U.S. Bureau of the Census. So on an annual basis - it's typically a two-year allocation - we'll get an allotment of private activity bond that we can use for eligible projects. We did get our notice for 2022 that our allocation is \$7,285,706, so this can be a useful tool as we vet and work with project developers. So, I



just wanted to put that to your attention that our annual allocation has been set for 2022.

A couple of things coming up on the radar for next week that I want to put to the Board's attention as it relates to projects or initiatives that this Board has approved, two great county partnerships that's being shepherded through County, I think County Planning, the Office of Planning is an announcement on a grant award related to the expansion of the Southern Tier Network. If you recall back in 2021, we provided funds to support the extension of the Southern Tier Network in the urban core. So what this will be is in a gap analysis study to identify what parcels, what sites, what buildings, where the gaps are in broadband service. And as we know, this has been a continuing challenge for both business growth and for individuals, especially during COVID. We're looking forward to participating in that next week. I believe that's on Tuesday.

And then the following Thursday, the 27<sup>th</sup>, we're also working with the County on an announcement related to the COVID Recovery Grant Fund. If you recall, we did participate with the County on an application for Community Development Block Grant funds. The County was awarded \$1 million in funds to provide grants to small businesses. We're maxing those out at \$50,000. The County will be the recipient of the funds through Planning. We will be a subrecipient, and we have established criteria and an application to start getting out to businesses. So, we can send that out. We'll distribute the guidelines and the application to the Board following today's meeting, so if you know of businesses that you think we may want to be talking with after next week, we're ready to go. We're excited about that.

At the end of February to get rescheduled, myself, Natalie, and Brendan will be attending EDC's Annual Winter

Conference. One of the things we're going to be spending close attention on and hope to get more clarification on is changes with regard to prevailing wage mandates. Joe and I, we've talked to numerous counsel at various levels, and there's still not I'd say any strong clarification on how we should be moving forward with projects. But certainly, as that guidance comes in, we will modify and update our procedures accordingly, but we'll keep you posted on that.

And then lastly, I just wanted to bring to your attention the Governor did make her budget address yesterday, and I wanted to just highlight a few things related to economic development that we think were wise ideas. They are continuing a tax credit for small business for COVID-related expenses which we do think many of our small businesses are continuing to deal with COVID-related issues. For those in the affordable housing world, they did increase the State Low Income Housing Tax Credit aggregate cap growth. Which if you're working with LIHTC, I think you probably know better how that will impact, but we know that's an important program.

And in addition to ones that we advocated for was the continuation and expansion of the Brownfield Cleanup Program, which we know has been effective, especially in a lot of our legacy sites here in upstate. Lastly, the Restore New York Program, which we also thought has been an effective program to deal with vacant and underutilized properties.

So, we were pleased to see from an economic development perspective that those programs have remained. It's also our understanding that the Regional Economic Development Council process will continue for a 12th round. The Downtown Revitalization project will also continue, and I believe potentially expand. They've also added basically a small city DRI, so one of the things actually it was this region that

advocated for our more rural village centers. That they don't have access to potentially the capacity or the ability to allocate as much funds, but that there would be a need for a like program. They have initiated I think what they're calling New York Forward, a small city DRI. We do think that could help, and we'd love to work with our village centers and our rural populations on that.

I think those were the items that I wanted to bring to your attention today, so I'd be happy to answer any questions.

CHAIRMAN BERNARDO: Thank you, Stacey. Are there any questions for Stacey on our updates? Okay, you all I hope have had a chance to look at our unaudited financials through December 31, '21. Theresa, thank you, well done. I don't know if she's on or she's in the room.

MS. RYAN: I'm here.

CHAIRMAN BERNARDO: Needless to say, a very good year, the bulk of which as a result of the 265 closing. Any questions for Stacey relative to the financial statements?

MR. MIRABITO: I have a question. Are we classified as a not-for-profit?

MS. DUNCAN: No, it's a public benefit corporation. We're not a not-for-profit.

MR. MIRABITO: I just wonder what happens, if we have to do anything with all the what I'd call profits or income.

MS. DUNCAN: No, so it's a public benefit corporation.

MR. MIRABITO: Okay. So, we don't get that money?

MS. DUNCAN: Yeah. We're just limited in how we can spend it, how we use it.

MALE VOICE: There's limits on how you can spend it and disperse it.

MR. MIRABITO: So, you just kind of put it aside, and you use it for later?

MS. DUNCAN: Okay.

MR. MIRABITO: Okay. Correct.

MS. DUNCAN: And just a note on the financials, on the summary of bank deposits and investments, you'll see the NBT Transition Account with about roughly \$308,000. That has been swept into... We did purchase a new Treasury with those funds. That always happens at the end of the month, so they're always reflected on the financials. However, we did re-allocate those funds to purchasing a new Treasury, and we have begun the audit process with Insero and expect to present that in March. As well, we'll have NBT come for an annual investment report.

CHAIRMAN BERNARDO: Thank you, Stacey. Any other questions? Moving on, loan activity reports. Anybody have any questions for Natalie? Okay. New business, the 2022 meeting schedule is out and has been shared I believe, and I'm quite confident an invitation for every one of those meetings was attached. Any questions or comments regarding the proposed schedule?

Okay, item number eight, resolution accepting an application from 322 Main Street, LLC, authorizing a Sales and

Use Tax exemption in an amount not to exceed \$2,400 consistent with the policies of the Agency in connection with the renovation and equipping of the property and building located at 322 Main Street in the City of Binghamton, Broome County, New York. Stacey?

MS. DUNCAN: Yes. Is there an issue with it?

MALE VOICE: Yes.

FEMALE VOICE: Yes, it's been revised for \$4,800.

MS. DUNCAN: Oh, did John not get that?

CHAIRMAN BERNARDO: [inaudible].

MS. DUNCAN: Okay. I have that, but for some reason-

CHAIRMAN BERNARDO: You know what? I'm going off the original agenda. My apologies.

MS. DUNCAN: Okay. I just want to make sure you have the correct one, John. So, you have one that says \$4,800?

CHAIRMAN BERNARDO: Yes. I stand corrected. Insert \$4,800, delete \$2,400. Sorry about that.

MS. DUNCAN: Got it. Yeah, thank you. Yes, so you have in front of you an application for our Small Business Incentive Program or our Sales Tax Exemption Program from Yosef Birnboim. He is on the call should any members of the Board have questions. The project includes renovations of existing building and site at 322 Main Street Binghamton, New York, including in-unit interior renovations, repairs, improvements

to bathrooms/kitchens, new refinished floors, lighting fixtures, painting, etc. Common space interior renovations include improved electrical and plumbing and new laundry room and storage facilities accessible for tenants.

Exterior renovations include removal and replacement of siding and roof, driveway and parking site repair, and the addition of bike racks. The result will provide an updated 12-unit market-rate apartment complex, improved living facilities, and amenities for the tenants. A total project cost on this is roughly \$484,000. The eligible exemption on this for sales tax is \$4,800. He's happy to answer any questions the Board may have.

CHAIRMAN BERNARDO: Any questions for Stacey or the developer? This would otherwise have gone through Governance. I guess I'm looking, unless there's objections, I'm looking for a motion to move forward with this resolution.

MR. BUCCI: Motion.

CHAIRMAN BERNARDO: Is there a second?

MR. MIRABITO: Second.

CHAIRMAN BERNARDO: I did not hear the second. Was that Dan?

MR. MIRABITO: No, Joe seconded.

CHAIRMAN BERNARDO: I'm sorry, Joe. Any comments? Let's take a vote. All those in favor say aye.

ALL: Aye.

CHAIRMAN BERNARDO: Any opposed? Any abstentions? Motion carried. Item number nine, discussion regarding revised Uniform Tax Exemption policy for the Broome County Industrial Development Agency. Stacey?

MS. DUNCAN: Thank you. So, you should have received a copy. Really, it was significantly increased in the formatting and the look, the design I guess if you will, of the previous Uniform Tax Exemption policy. I hope that it provides a more straightforward outline of our policy, including the integration of a number of points that the Board has made over the course of the last several months. Just a little bit of background. I'm going to give you a quick summary and then happy to answer questions and get into a discussion.

Following today's discussion, we would incorporate any additional feedback and then move this toward an approval process. However, in that period of time, we would also like to get feedback from our municipal partners as we move this forward. So very quickly, just to give you some background, in addition to the feedback and discussions from this Board, we also developed this in coordination with National Development Council and we used templates from the City of Syracuse IDA and the New Rochelle IDA, both of which were different in their formatting. One was significantly more comprehensive and had details that I don't think apply to our community's demographics, but my point being both were NDC-reviewed, so we did have that independent third-party analysis. We are sending this, and it's in the process of review with NDC.

It does place more emphasis on the standard term, rather than deviations. I think it strengthens and kind of tightens our process as it relates to how our pilots are developed and moves things towards what I think what we want, the standard term being the rule rather than the exception. It also sets

forth criteria for review for deviations to the standard terms. That was a topic that this Board has discussed quite in detail, but I think this is an important point, that the pilots will be developed in-house by IDA in consultation with the developer and the municipality and, where necessary, a third party like NDC.

Most notably, we would not consider accepting outside proposals. I think that's an important point. The staff has the capacity to develop these pilots. We know where those third-party resources are when needed. But most importantly, we want to do this in partnership with the developer and the municipality, rather than this coming to us and then having the Board maybe consider something it has not really had its hands on if you will.

It eliminates the accepted practice of approval by municipal resolution. This was a topic we've talked about. Article 18-A really does not require that the municipality by resolution sign off on the pilot. Certainly, we want the endorsement of the municipality, but we've had a process in which we have waited for our Board to deliberate until that's happened, and I think that's caused maybe some of the confusion or questions from the Board.

This is brand new. It adds a 10-year and a 20-year standard term for housing projects. As we know, most of what we deliberate on now is related to market-rate and affordable housing, and as such, I think we've been a little bit behind in not having a standard housing pilot schedule. We did differentiate this by number of units because those housing projects can run the gamut. You can have small projects, so we've started this at 50. 50 units or below would receive a 10-year standard term, and anything above 50 would be considered for a 20-year pilot schedule.



It does define, I think in more detail, a qualified transferee for pilot benefits. That was also a discussion that's occurred with this Board, is what happens when a property is sold? How do we go about doing those transfers? Our process has been historically not a lot of due diligence per se, but just basically assuming that if the use of the project remains the same, there were really very little prohibitions on transferring the pilot. Not that we want to prohibit it, but I think I've gotten the sense that we want to gain more information before we make that decision.

It outlines all information required from the applicant at the time of approval, and that would include additional financial details where needed. I think it's a more straightforward outline of what an applicant would need to do to apply for benefits. It outlines our cost-benefit analysis process in greater detail, and then lastly outlines our application process inside the UTEP. So, the requirement of the developer seeking substantial benefits from this agency would be required to become very familiar as we always want them to be, but we've outlined the process inside our UTEP.

So, with that, I'm happy to get everybody's feedback, questions, comments, concerns.

CHAIRMAN BERNARDO: So aside from the comments that we may hear today, where do we go with this, Stacey? Does this go back to Governance to tweak it or to suggest wholesale changes? Or do we carve out a special meeting where you receive all these comments let's say between now and whenever, and then we get together as a Board and say, "This is what we really want". Which direction are you going in, prior to us talking with the municipalities and making sure that they understand what we have in mind?

MS. DUNCAN: Yeah. I mean, certainly if there's any visible changes/modifications that are recommended today, we can make those, incorporate those. I think it would make more sense to run this through Governance. It's clearly an issue to me related to Governance. So, to do a final review, schedule a Governance meeting, and if it makes sense-

MR. BUCCI: Yeah. I think obviously a lot of work has been done. This is pretty comprehensive and, as you noted, it really addressed a lot of the issues raised throughout the process. So, I think it's great. I was going to kind of echo what John was saying, like what the next steps are. We're looking for municipal input, right? Anybody else besides...? I mean, who do you need to bring into it to...?

MS. DUNCAN: I mean, to be quite frank, the way the legislation is written, it's up to this body to determine the-

MR. BUCCI: Input is kind of a courtesy.

CHAIRMAN BERNARDO: Absolutely.

MR. BUCCI: Which is fine. So, I just was wondering what kind of timeline are we looking at for that process do you think?

MS. DUNCAN: To be honest, whatever timeline you all feel comfortable with the language in the UTEP.

MR. BUCCI: So you like, you want us to finalize it on our end and then send it out?

MS. DUNCAN: Yeah.

MR. BUCCI: Okay. I mean, we could put it on Governance again. I mean, I think if anybody in the interim has any changes, they could submit them to you. I don't want to speak for the Governance Committee, but I can't imagine significant changes to this from what I can see. So, I mean, we could look it over and put our imprimatur on it, for lack of a better way of saying it. [crosstalk].

MS. DUNCAN: Once it has been approved by the Board, one of the important processes is the notification to all taxing jurisdictions including our school districts, our county, local village, city, etc. So, the notification is a requirement, and a good practice even if it wasn't a requirement.

MR. BUCCI: Oh, yeah. I think so.

MS. DUNCAN: So, I think what we should do is review. If there's anything glaringly omitted from this or things you just wanted to have tweaked, we can do that in the next couple of weeks, and we'll target moving this in February. I do think it makes sense to advance an approval on this before-

MR. BUCCI: Right. Before more big projects come along.

MS. DUNCAN: I do anticipate a few more pilot projects coming forth, so I think having this ready to go is going to be helpful to our process. It doesn't preclude deviations too. I think it just requires a lot more analysis to be done, and I think sort of sequences things in the way they should have been sequenced.

CHAIRMAN BERNARDO: May I make a suggestion?

MS. DUNCAN: Sure.

CHAIRMAN BERNARDO: Governance maybe. I hate to put you guys through this, but maybe Governance has a special meeting soon, weighs in. We all present our comments to you. We can send you an email if we don't like this or don't understand that. Then the Board has a look at what appears to be the final document, but before we bless the document, I would like it sent out to the municipalities so that they're cognizant of what we're going to be voting on. Recognizing that it's our authority to do what we're going to do, but I want them to see it in advance with an invitation from you, Stacey. We'd be happy to explain it and maybe even set up a Zoom call to explain how this is going to work going forward. That's my suggestion.

MS. DUNCAN: Absolutely. We can do that.

MR. BUCCI: Yeah. We could set up a special meeting to keep it moving. Then Joe?

MR. MIRABITO: No, I just have a couple questions. Go ahead.

MR. BUCCI: No, go ahead.

MR. MIRABITO: Just so I understand, less than 50 units. Is that multiple units or is it houses, a housing development? I mean, if a guy wants to build 20 houses in a development, is that?

MS. DUNCAN: Yeah. You bring up a question I know that we've discussed over the course of the last couple of years, and I did check on that with our bond counsel, with Harris

Beach, on exactly what you're asking. We are within authority to provide a benefit such as housing, a new-

MR. MIRABITO: So, is that the purpose of having this in the schedule, so if a guy is looking to do housing development, to say look here?

MS. DUNCAN: It's funny. It wasn't, but I think it serves that purpose. I was going to... Actually, somebody brought that up to me recently. A local businessperson said we really need to address the new housing starts issue, and I said we've had some conversations and looking at mechanics. I think it's a more detailed conversation we should have as a body, but there is a mechanism. I did confirm that we are within our authority to do something. I think it just has to be up to this group to decide what it would want to do.

And the other reason for the differentiation is the price points, the costs. Things can vary so much from a 15 to 20-unit project to a 100-plus. The only instances where I would see a longer-term pilot being required, there may be those and as long as we can prove that with a financial analysis, we can do that. But often with affordable housing projects, it might be linked into their mortgage requirements. So, there will be nuance to that, but at least it sets a benchmark for where to begin in my estimation.

MR. MIRABITO: I think it's great. You said you spoke with Syracuse and Newburgh?

MS. DUNCAN: New Rochelle, yeah.

MR. MIRABITO: New Rochelle? So, do they have in their schedule this for housing units?

MS. DUNCAN: They do have it, yeah. Yeah, that was a clear recommendation from NDC that we include a housing pilot program, a standard I should say.

MS. HORNBECK: Joe, to be clear, I will add a heading on that that says Housing because I see where we can where-

MR. MIRABITO: Yeah. I wasn't sure.

MS. HORNBECK: Yeah. [crosstalk].

MR. MIRABITO: When I was looking at that I was thinking this is intended for new home building. This is great. This is what a lot of people would ask for. Number two, what I call the clawback schedule, recapture schedule, did we come up with that? Or is that what these other areas have?

MS. DUNCAN: Most all the IDAs have a recapture/clawback policy. We've actually not ever included it in there, but I think it's important to include it on our Appendix A to demonstrate what that implication is. So, we've always outlined a recapture benefit in our UTEP. This small table that's inside the content of the UTEP, we did strengthen that about, I think in 20', I want to say maybe '19. We really only had up to three years, so after three years, you could have a 30-year pilot and then after three years be noncompliant. We didn't really have a strong mechanism in which we could recapture, so we have strengthened that prior to this, which I think is important.

We've also identified, which I think we did in the previous, those trigger events for recapture. So, I think we've just made it more detailed and more black-and-white.

MR. MIRABITO: Well, kudos to you because when I saw this, I was excited. It just answers a lot of stuff that we've been talking about.

MR. BUCCI: Yeah. It's more concise. Like you said, it's just more concise and orderly. It's much-

MS. DUNCAN: Cleaner. Yeah, I found it a little bit challenging to follow it sometimes myself, so yeah, I wanted to clean that up.

MR. BUCCI: Another thing you said too, I believe there's a standard term now. Not too any fault of this Board, but I think for a long time, the deviated terms seemed to be the norm. I mean, people just came in with the anticipation of just going right for the deviated term, sometimes whether they needed it or not, and I think by doing it this way, you have to really kind of defend your deviated term.

MS. DUNCAN: Yeah. The deviation. Agreed.

MR. BUCCI: So, I go back to what John was saying. I guess we could schedule a special meeting and then any other Board members could put input in too. We finalize it, and before it comes to the full Board, we would want to send it out to the municipalities.

MS. DUNCAN: Absolutely. Request feedback, and then once the final draft is approved, then we would do a notification to all taxing jurisdictions. I'm happy to do more of a Slide Deck or a Zoom to make-

MR. BUCCI: Okay. That sounds like a plan.

Ms. DUNCAN: Sure.

CHAIRMAN BERNARDO: Great idea. Thank you. Executive Session, are we going into executive session, Stacey?

MS. DUNCAN: I currently don't have any items.

CHAIRMAN BERNARDO: Okay. Moving forward. Any old business?

MS. DUNCAN: [inaudible], sorry.

MR. BUCCI: It's pretty straightforward anyway.

CHAIRMAN BERNARDO: I'll take that as a no. I'm looking for a motion to adjourn this meeting.

[The meeting was adjourned on an approved motion by Mr. Peduto, seconded by Mr. Gates, at 12:35PM.]

[Attendees: John Bernardo, Jim Peduto, Rich Bucci, Dan Crocker, Joe Mirabito, Dan Gates, Cheryl Sacco, Stacey Duncan, Natalie Abbadessa, Carrie Hornbeck, Brendan O'Bryan, Theresa Ryan, Amy Williamson, Patrick Doyle, Joe Meagher, Michael Tanzini, Yosef Birnboim, Tzedek Gilmore, Jeff Patsky, Paul Cundiff.]



**Broome County IDA**  
**Internal Financial Status Reports**  
**January 31, 2022**

**Broome County IDA**  
**Financial Statements vs. Budget**  
**Month Ended 1/31/22**

Month # -> 1

	<b>2022 Approved Budget</b>	<b>Actual YTD thru 1/31/22</b>	<b>Budgeted YTD thru 1/31/22</b>	<b>Variance</b>
<b><u>INCOME:</u></b>				
<b>A) Land/Building Income:</b>				
Bluestone	94,058	-	7,838	(7,838)
ADEC Mortgage	58,838	4,903	4,903	-
Canopy	100,000	-	8,333	(8,333)
FIVE South College Drive Tenant Leases*	80,400	7,417	6,700	717
Miscellaneous Income	10,000	1,189	833	355
Solar City	5,000	-	417	(417)
Spark JC, LLC	115,499	100,000	9,625	90,375
Subtotal	463,795	113,509	38,650	74,859
<b>B) BCIDA Fees:</b>				
IRB/Sale Leasback Fees	715,000	4,250	59,583	(55,333)
Loan Fund Administration	35,000		2,917	(2,917)
Subtotal	750,000	4,250	62,500	(58,250)
<b>C) Other Income:</b>				
Bank Interest	90,000	5,032	7,500	(2,468)
<b>TOTAL INCOME</b>	<b>\$ 1,303,795</b>	<b>\$ 122,791</b>	<b>\$ 108,650</b>	<b>\$ 14,141</b>
<b><u>EXPENSES:</u></b>				
<b>A) Administration:</b>				
Salaries	\$ 487,520	\$ 39,062	\$ 40,627	\$ 1,565
Benefits	213,074	16,375	17,756	1,382
Professional Service Contracts	40,000	3,000	3,333	333
Payroll Administration	2,000	281	167	(114)
Investment Management	20,000	1,768	1,667	(101)
Subtotal	762,594	60,486	63,550	3,064
<b>B) Office Expense:</b>				
Postage	2,000	567	167	(400)
Telephone/Internet Service	6,000	437	500	63
Equipment & Service/Repair Contracts	12,000	829	1,000	171
Supplies	7,000	2,355	583	(1,771)
Travel/Transportation	16,000	873	1,333	461
Meetings	14,000	2,132	1,167	(965)
Training/Professional Development	13,000	2,774	1,083	(1,691)
Membership/Dues/Subscriptions	7,000	4,641	583	(4,057)
Audit	8,500	-	708	708
Legal	70,000	-	5,833	5,833
Insurance (Agency, Director & Officers)	17,000	-	1,417	1,417
Contingency	5,000	619	417	(202)
Subtotal	177,500	15,226	14,792	(435)

**Broome County IDA**  
**Financial Statements vs. Budget**  
**Month Ended 1/31/22**

Month # -> 1

	<b>2022 Approved Budget</b>	<b>Actual YTD thru 1/31/22</b>	<b>Budgeted YTD thru 1/31/22</b>	<b>Variance</b>
<b>C) Business Development:</b>				
Advertising	112,000	27,270	9,333	(17,937)
Printing & Publishing	15,000	-	1,250	1,250
Public Relations Contract	40,000	1,500	3,333	1,833
Subtotal	167,000	28,770	13,917	(14,853)
<b>D) FIVE South College Drive Expenses</b>	80,400	7,715	6,700	(1,015)
<b>E) Building/Property Maintenance:</b>				
<b>Broome Corporate Park</b>				
Maintenance - Mowing/Snowplowing	8,000	-	667	667
<b>600 Main Street</b>				
Maintenance - Mowing/Snowplowing	14,000	1,750	1,167	(583)
Subtotal	22,000	1,750	1,833	83
<b>TOTAL EXPENSES</b>	\$ 1,209,494	\$ 113,947	\$ 100,791	\$ (13,155)
<b>OPERATING INCOME</b>	\$ 94,301	\$ 8,844	\$ 7,858	\$ 986

**Projected Capital Expenditures**

	<b>Approved Budget</b>	<b>Actual Expenditure To Date</b>
IDA Capital Expenditures	\$ 3,000,000	\$ 1,725

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

Account	Month End Balance	Statement Date	Rate
<b>Cash &amp; Bank Deposits</b>			
Petty Cash	100.00	1/31/2022	
NBT BCIDA Checking	307,377.88	1/31/2022	0.00%
NBT BCIDA Money Market	3,269,848.87	1/31/2022	0.1000%
<b>Total Cash &amp; Bank Deposits</b>	<b>3,577,326.75</b>		
<b>Portfolio Investment Accounts</b>			
Cash & Equivalents	-	1/31/2022	
NBT Transition Account	293,537.91	1/31/2022	0.0500%
CDs & Time Deposits		1/31/2022	
US Treasury Bonds & Notes	7,055,221.28	1/31/2022	0.91%
<b>Total Portfolio Value</b>	<b>7,348,759.19</b>		
<b>Total Cash, Bank Deposit Accounts &amp; Investments</b>	<b>10,926,085.94</b>		
<b>Loan Funds</b>			
<b>STEED</b>			
Petty Cash	100.00	1/31/2022	
NBT STEED Checking	61,272.91	1/31/2022	0.00%
NBT STEED Money Market	163,409.94	1/31/2022	0.0500%
<b>Total STEED</b>	<b>224,782.85</b>		
<b>BDF</b>			
NBT BDF Checking	126.33	1/31/2022	0.00%
NBT BDF Money Market	499,445.00	1/31/2022	0.0500%
<b>Total BDF</b>	<b>499,571.33</b>		
<b>Total Loan Funds</b>	<b>724,354.18</b>		
<b>Total Combined Funds</b>	<b>11,650,440.12</b>		

**Broome County IDA  
Account Receivables**

<b>BCIDA Notes Receivable</b>	<b>Beginning Balance</b>	<b>Interest Rate</b>	<b>Total Principal Payments as of 1/31/2022</b>	<b>Total Interest Payments 1/31/2022</b>	<b>Outstanding Balance as of 1/31/2022</b>	<b>Status</b>	<b>Comments</b>
ADEC 8/5/2015	710,000.00	3.0%	253,929.93	108,901.69	456,070.07	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%	14,348.34	10,054.06	65,651.66	Current	Land Sale Monthly Payment \$443.68

# Steed Loan Status

BORROWER	Opening Balance 1/1/2022	Current Balance 1/31/2022	Maturity Date	Status 1/31/2022
17 Kentucky Ave., LLC	182,930.43	181,799.42	1/1/2033	Current
20 Delaware Ave, LLC	72,286.72	70,551.92	1/1/2025	Current
Airport Inn Restaurant, LLC	31,693.35	31,138.22	6/1/2026	Current
Alice's Closet	25,000.00	25,000.00	7/1/2026	30 Days
Bernice Brews, LLC (Marshall McMurray)	9,371.49	9,213.54	8/1/2026	Current
Better Offer Properties, LLC	22,617.10	21,910.06	3/1/2024	Current
BrightDrive, HCS, LLC	58,118.36	57,174.60	10/1/2026	Current
Bryant Heating & Air	66,724.82	65,532.78	5/1/2026	Current
Concept Systems	23,871.60	22,064.97	10/1/2022	Current
DGC Jewelers, Inc.	13,582.88	13,344.97	6/1/2026	Current
Daniel Liburdi	15,393.90	15,124.26	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	146,897.62	146,164.39	2/1/2035	Current
Highland Hollow Farm, LLC	49,216.80	48,431.97	11/1/2026	Current
Integrated Wood Components, Inc.	100,000.00	100,000.00	9/1/2026	Current
Melissa Beers	22,241.63	21,844.29	5/1/2026	Current
Mountain Fresh Dairy	92,416.06	92,416.06	12/1/2021	Litigation
Odyssey Semiconductor Technology	93,714.76	92,135.26	8/1/2026	Current
Prepared Power (Sabato)	53,788.15	53,600.51	10/1/2033	Current
Paulus Development Company, LLC	214,455.74	212,545.77	6/1/2030	Current
Roberts Stone	11,180.85	9,593.48	7/1/2022	Current
Sirgany Eyecare	21,676.46	18,601.02	4/1/2022	Current
SpecOp Tactical Center	70,453.61	70,453.61	5/1/2024	Litigation
T-Squared Custom Millwork, Inc.	18,014.04	17,452.68	4/1/2024	Current
ZDD LLC, DBA The Shop	40,000.00	40,000.00	2/1/2027	Current
TOTAL	1,583,920.09	1,564,367.50		

# Business Development Fund Status

<b>BORROWER</b>	<b>Opening Balance 1/1/2022</b>	<b>Current Balance 1/31/2022</b>	<b>Maturity Date</b>	<b>Status 1/31/2022</b>
20 Delaware Ave., LLC	70,480.04	68,788.61	1/1/2025	Current
24 Charlotte Street, LLC	100,000.00	100,000.00	1/1/2027	Current
250 Main Street, LLC	46,599.69	46,452.03	10/1/2029	Current
265 Main St, LLC	134,001.00	133,530.42	9/1/2033	Current
Roberts Stone	7,304.00	6,267.10	7/1/2022	Current
SpecOp Tactical Center	74,856.90	74,856.90	5/1/2024	Litigation
<b>Total</b>	<b>433,241.63</b>	<b>429,895.06</b>		

# BR+E Loan Status

<b>BORROWER</b>	<b>Opening Balance 1/1/2022</b>	<b>Current Balance 1/31/2022</b>	<b>Maturity Date</b>	<b>Status 1/31/2022</b>
24 Charlotte Street, LLC	50,000.00	50,000.00	1/1/2027	Current
250 Main Street, LLC	46,599.69	46,452.03	10/1/2029	Current
265 Main St, LLC	44,667.11	44,510.25	9/1/2033	Current
Antonio's Bar & Trattoria, LLC	25,000.00	25,000.00	3/1/2027	Current
Gordon Dusingberre, DBA Northside Auto	24,215.99	23,822.76	10/1/2026	Current
Grow Hemp, LLC	39,330.62	39,330.62	11/1/2025	181 Days
Prepared Power	44,823.48	44,667.11	10/1/2033	Current
<b>Total</b>	<b>178,037.20</b>	<b>273,782.77</b>		



## Loan Delinquency Status

### STEED

Alice's Closet  
F. A. Guernsey  
Mountain Fresh Dairy  
SpecOp Tactical

Litigation  
Bankruptcy  
Litigation  
Litigation

### BDF

SpecOp Tactical

Litigation

### BR&E

Grow Hemp New York, LLC

Delinquent

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
LOAN FUNDS ACTIVITY AS OF  
January 31, 2022**

**STEED ACCOUNT BALANCE:** \$ 224,682.85

**Amount held at ARC in Washington, DC** \$ -

**LOAN COMMITMENTS** **Commitment Date    Expiration Date**

**Total STEED Loans Commitments**

**Available to Lend** \$ 224,682.85

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**BDF ACCOUNT BALANCE:** \$ 499,571.33

**LOAN COMMITMENTS** **Commitment Date    Expiration Date**

**Total BDF Loan Commitments** \$ -

**Available to Lend** \$ 499,571.33

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**BR+E** \$ 26,217.23

**LOAN COMMITMENTS** **Commitment Date    Expiration Date**

**Total BRE Loan Commitments** \$ -

**Available to Lend** \$ 26,217.23

# THE AGENCY

BROOME COUNTY IDA / LDC

## SMALL BUSINESS INCENTIVE PROGRAM APPLICATION

The Small Business Incentive Program can provide eligible applicants the following: an eight percent (8%) NYS sales tax exemption on all construction materials, machinery & equipment and FF&E.

Applicants seeking assistance must complete this application and provide additional documentation if required. A **non-refundable** application fee of \$250.00 must be included with this application. Make check payable to The Agency Broome County IDA.

The Applicant requesting a sales tax exemption from the Agency/IDA must include in the application a realistic estimate of the value of the savings anticipated to be received. As per NYS 2013 Budget Law and the regulations expected to be enacted thereunder are expected to require that the Agency/IDA recapture any benefit that exceeds the amount listed in the application.

Please answer all questions. Use "None" or "Not Applicable" where necessary.

### APPLICANT

**Name** Lehtonen Lumber, LLC D/b/a Foland Lumber  
**Address** 550 Old Front Street  
**City/State/Zip** Binghamton, New York 13905  
**Tax ID No.** EIN # 83-2083809  
**Contact Name** Brenda Lehtonen  
**Title** President / Owner  
**Telephone** (607) 722-8738  
**E-Mail** Folandlbr3@gmail.com

#### Owners of 20% or more of Applicant Company

Name	%	Corporate Title
<u>Brenda M. Lehtonen</u>	<u>51 %</u>	
<u>Jon W. Lehtonen</u>	<u>49 %</u>	

#### Benefit Requested

☒ Sales Tax Exemption

#### Description of project (check all that apply)

- ☐ New Construction  
☐ Existing Facility  
☐ Acquisition  
☐ Expansion  
☒ Renovation/Modernization  
☐ Acquisition of machinery/equipment  
☐ Other (specify) \_\_\_\_\_

## GENERAL DESCRIPTION OF THE PROJECT

(Attached additional sheets as necessary)

The project will include a first story addition of 483.2 square feet, a second story office/conference room and break room of 926 square feet with adjoining stair vestibule of 163.8 square feet. The existing building includes a 8,962 square foot warehouse and covered storage area adjoining an existing showroom space of 961.8 square feet.

TAX MAP ID NUMBER: 144.41-1-13

## PROJECT TIMELINE

April 1st 2022

Start Date

July 22nd 2022

End Date

550 Old Front St Binghamton NY 13905

Project Address

**Contractor(s) \*please refer to required Local Labor Policy**

**State Environmental Quality Review (SEQR) Act Compliance**

The Agency, in granting assistance to the Applicant, is required to comply with the New York State Environmental Quality Review Act (SEQR). This is applicable to projects that require the state or local municipality to issue a discretionary permit, license or other type of Approval for that project.

Does the proposed project require discretionary permit, license or other type of approval by the state or local municipality?

☒ YES – Include a copy of any SEQR or other documents related to this project including Environmental Assessment Form, Final Determination, Local Municipality Negative Declaration.

☐ NO

## LOCAL LABOR POLICY

It is the goal of the The Agency to maximize the use of local labor for each project that receives benefits from The Agency. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency's Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

## APPLICANT PROJECT COSTS

- A. Estimate the costs necessary for the construction, acquisition, rehabilitation, improvement and/or equipping of the project by the APPLICANT.

### Building Construction or Renovation

- a. MATERIALS a. \$ 125,500  
b. LABOR b. \$ 35,000

### Site Work

- c. MATERIALS c. \$ 14,500  
d. LABOR d. \$ 10,000  
e. Non-Manufacturing Equipment e. \$ -0-  
f. Furniture and Fixtures f. \$ 10,000  
g. LAND and/or BUILDING Purchase g. \$ -0-  
h. Soft Costs (Legal, Architect, Engineering) h. \$ -0-  
Other (specify) i. \_\_\_\_\_ i. \$ \_\_\_\_\_  
j. \_\_\_\_\_ j. \$ \_\_\_\_\_  
k. \_\_\_\_\_ k. \$ \_\_\_\_\_

### TOTAL PROJECT COSTS

\$ 195,000

- B. Sources of Funds for Project Costs:

- a. Bank Financing a. \$ 155,000  
b. Public Sources b. \$ \_\_\_\_\_

Identify each state and federal grant/credit

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

- c. Equity c. \$ 40,000

### TOTAL SOURCES

\$ 195,000

- C. Has the applicant made any arrangements for the financing of this project?

☐ Yes ☒ No

If so, please specify bank, underwriter, etc.

The Agency \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## VALUE OF INCENTIVES

### A. Sales Tax Exemption Benefit

Estimated value of goods that will be exempt from New York State and local sales tax (materials, non-manufacturing equipment, furniture and fixtures - **line a,c,e,f from Project Costs**) \$ 150,000.00

Estimated value of New York State and local sales tax exemption (8% of value of eligible goods) \$ 12,000.00

Estimated duration of sales tax exemption (The sales tax letter shall be valid for a period of twelve (12) months.) 12 months

## PROJECTED EMPLOYMENT

Will this investment result in the creation of new jobs? If so, how many? 2.00

Current number of full time employees: 3.00

Estimated annual salary range of jobs to be created:

Annual Salary range from: 30,000 to 40,000

Estimated annual salary range of current jobs:

Annual Salary range from: 30,000 to 40,000

***\*Upon approval of this application, the business agrees to provide FTE and all construction job information, along with its NYS 45 in all years that a sales tax benefit is claimed.***

## APPLICATION & ADMINISTRATIVE FEES

### A. Application Fee:

A non-refundable application fee of \$250.00 shall be charged to each applicant and accompany the completed application.

\$ 250.00

### B. Administrative Fee:

A non-refundable administrative fee is due and payable prior to the issuance of a Sales Tax Letter. The administrative fee is based on the size and scope of the project, and is determined on a case by case basis.

\$ 500.00

TOTAL TAX EXEMPTION FEES

\$ 750.00

***This Application, including without limitation, information regarding the amount of New York State and local sales and use tax exemption benefits, is true, accurate and complete.***

***The Agency reserves the right to terminate, modify, or recapture Agency benefits if :***

- (i) an applicant or its sub-agency (if any) authorized to make purchases for the benefit of the project is not entitled to the sales and use tax exemption benefits;***
- (ii) sales and use tax exemption benefits are in excess of the amounts authorized by the Agency to be taken by the applicant or its sub-agents;***
- (iii) sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the project;***
- (iv) the applicant has made material, false, or misleading statements in its application for financial assistance;***
- (v) the applicant has committed a material violation of the terms and conditions of a Project Agreement.***
- (vi) As of the date of the Application this project is in substantial compliance with all provisions of GML Article 18-A, including but not limited to, the provisions of GML Section 859-a and GML Section 862(1) (the anti-raid provision) and if the project involves the removal or abandonment of a facility or plant within the state, notification by the IDA to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.***

## APPLICANT COMPANY

Bundara M. Lichten President 1/31/2022  
Signature, Title Date

Sworn to before me this

31st day of January, 2022  
Carrie L. Hornbeck  
(Notary Public)

## LABOR POLICY

### Local General Contractor, Subcontractor, Trades and Labor Policy

It is the goal of the The Agency/**IDA** to maximize the use of local labor for each project that receives benefits from the Agency/**IDA**. This policy applies to general contractors, subcontractors, trade professionals, and their employees. The Agency/**IDA**'s Local Labor Area consists of the following New York State counties: Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Tioga and Tompkins.

Every applicant is obligated to provide written proof and data (see attached ... forms) to the Agency/**IDA** as to the physical location of all the contractors who worked on the project.

The Agency/**IDA** will review the data provided and determine, on a case-by-case basis and in a fully-transparent manner, whether the Applicant has substantially conformed to the policy.

An Applicant **will not be deficient** if the proposed project requires specifically skilled labor that is unavailable in the Local Labor Area.

An Applicant **will not be deficient** if the proposed project utilizes parts and supplies assembled elsewhere because no such assembly is available in the Local Labor Area.

An Applicant **will be held non-compliant** with the Labor Policy if it imports labor from outside the Local Labor Area when equal labor that is ready, willing, cost-competitive, etc. resides in the Local Labor Area.

***The Agency/**IDA** may determine on a case-by-case basis to waive any portion of this policy for a project or a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services, documented lack of workers meeting the Local Labor Requirement or if other compelling circumstances exist.***

In consideration of the extension of financial assistance by the Agency/**IDA** Lehtonen Lumber, LLC-Brenda /Jon Lehtonen (the Applicant) understands the Local Labor Policy and agrees to submit either or both a Local Labor Utilization Report or a Non Local Labor Utilization Report at the time that construction ends on the project to the Agency.

The Applicant understands an Agency/**IDA** tax-exempt certificate is valid for one year from the effective date of the project inducement. If an Applicant wishes to request an extension, a letter must be sent 30 days prior to the end date to the Executive Director, on company letterhead, explaining the necessity for the extension.

The Applicant further understands any request for a waiver to this policy must be submitted in writing and approved by the Agency/**IDA** before a tax-exempt certificate is issued or extended.

The Applicant further understands that if the required forms are not submitted to the Agency/**IDA**, the Agency/**IDA** shall have the authority to immediately terminate any and all Financial Assistance being provided to the Project.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the Project as of 1/31/2022 (Submission date).



APPLICANT: Lehtonen Lumber, LLC - D/b/a Foland Lumber

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS: Brenda / Jon Lehtonen

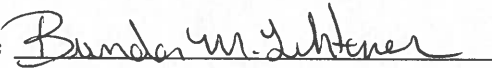
ADDRESS: 550 Old Front Street

CITY: Binghamton STATE: NY ZIP: 13905 PHONE: 607-722-8738

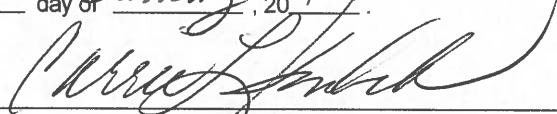
EMAIL: Folandlbr3@gmail.com

PROJECT ADDRESS: 550-552 Old Front Street Binghamton, New York 13905

AUTHORIZED REPRESENTATIVE: Brenda M. Lehtonen TITLE: President / Owner

SIGNATURE: 

Sworn to before me this

31st day of January, 2022.  


(Notary Public)  
CARRIE L. HORNBECK  
Notary Public, State of New York  
Registration #01HO6105935  
Qualified In Broome County  
Commission Expires 2-23-2024

The following organizations must be solicited in writing for the purpose of meeting the requirements of this Agreement:

**\*\*Documentation of solicitation MUST be provided to the Agency.**

The Builders Exchange of the Southern Tier, Inc.  
15 Belden Street  
Binghamton, NY 13903  
brad@bxstier.com  
(607) 771-7000

Southern Tier Building Trades Council  
1200 Clemens Center Parkway  
Elmira, NY 14901  
ibew139ba@aol.com  
(607) 732-1237

Binghamton/Oneonta Building Trades Council  
11 Griswold Street  
Binghamton, NY 13904  
raikens@iuoe158.org  
(607) 723-9593

Dodge Reports  
<http://construction.com/dodge/submit-project.asp>  
830 Third Ave., 6th Floor  
New York, NY 10022  
support@construction.com

(877) 784-9556  
Tompkins-Cortland Building Trades Council  
622 West State Street  
Ithaca, NY 14850  
tbrueribew241@gmail.com  
(607) 272-3122

Building Trades  
Katie Fairbrother, Secretary  
kfairbrother@ualocal112.org  
607-723-9593

**LOCAL LABOR UTILIZATION REPORT**

To be completed for all contractors residing within the Broome County IDA Local Labor Area

APPLICANT: Lehtonen Lumber LLC - DbA Foland Lumber

PROJECT ADDRESS: 550-552 Old Front Street CITY: Binghamton STATE: NY ZIP: 13905

EMAIL: Folandlbr3@gmail.com PHONE: 607-722-8738

GENERAL CONTRACTOR/CONSTRUCTION MANAGER: J &amp; N Contracting

CONTACT: Jarry Newby

ADDRESS: 790 Dunham Hill Rd CITY: Binghamton STATE: ZIP: 13905

EMAIL: JarryNewby@gmail.com PHONE: 607-349-0281

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo	D&RContr, Inc.	8 Sherwood Ave Binghamton, NY 13903	McGinny36@gmail	607-343-8466	5,000.00
Foundation/Footings	Tri State Bldg	558 Old Front Street Binghamton, NY 13905	TSBDan@yahoo.com	607-724-5545	5,500.00
Building		**SEE ATTACHED**			
Masonry					
Metals					
Wood/Casework	J&N Bldrs LLC	790 Dunham Hill Rd Binghamton, NY 13905	JarryNewby@gmail.com		
Thermal/Moisture	J & N				
Doors, Windows & Glazing	J & N				
Finishes	J & N				
Electrical	J & N				
HVAC	Bryant Heating	528 Old Front Street Binghamton, NY 13905		607-760-6436	
Plumbing	J & N				
Specialties	J & N				
M&E					
FF & E					
Utilities					
Paving/Landscaping	D&R Contractin, Inc.	8 Sherwood Ave Bing., NY 13903		607-343-8466	10,000.00

CHECK IF CONSTRUCTION IS COMPLETE ☐CHECK IF THIS IS YOUR FINAL REPORT ☐

I CERTIFY THAT THIS IS AN ACCURATE ACCOUNTING OF THE CONTRACTORS THAT ARE WORKING AT THE PROJECT SITE.

Jon W. Lehtonen / Brenda M. Lehtonen

Company Representative

1/10/2022

Date



## Small Business Incentive Program Application

### Local Labor Utilization Report

Page # 8

<b>ITEM</b>	<b>Contractor</b>	<b>Address</b>	<b>Email</b>	<b>Phone</b>	<b>Amount</b>
Site/Demo	D & R Contracting, Inc.	8 Sherwood Ave Binghamton, NY 13903	<a href="mailto:McGinny36@gmail.com">McGinny36@gmail.com</a>	607-343-8466	10,000
Foundation Footing	Tri-State Builders	558 Old Front Street Binghamton, NY 13905	<a href="mailto:TSBDan@yahoo.com">TSBDan@yahoo.com</a>	607-724-5545	5,500
Building	J & N Contracting, Inc.	790 Dunham Hill Rd Binghamton, NY 13903	<a href="mailto:JarryNewby@gmail.com">JarryNewby@gmail.com</a>	607-349-0281	35,000
Masonry					
Metal					
Wood Casement	J & N Builders, LLC	790 Dunham Hill Rd Binghamton, NY 13903	<a href="mailto:JarryNewby@gmail.com">JarryNewby@gmail.com</a>	607-349-0281	**
Thermal Moisture	J & N Builders, LLC				**
Doors, Windows	J & N Builders, LLC				**
Finishes	J & N Builders, LLC				**
Electrical	J & N Builders, LLC				**
HVAC					
Plumbing	J & N Builders, LLC				**
Specialties	J & N Builders, LLC				**
M & E					
FF & E					
Utilities	J & N Builders, LLC				**
Paving Landscaping	D & R Contracting, Inc.	8 Sherwood Ave. Binghamton, NY 13903	<a href="mailto:McGinny36@gmail.com">McGinny36@gmail.com</a>	607-343-8466	4,600

20 October 2021

Town of Dickinson  
Mr. Steven Rafferty, Code Enforcement Officer  
531 Old Front Street  
Binghamton NY, 13905

Re: Foland Lumber 550-552 Old Front St  
Second Story Addition and Showroom Extension  
Broome County Dept of Planning and Economic Development  
239 review Comments

Mr. Rafferty,

We are in receipt of the comments from the County review and offer the following clarifications for the proposed project:

1. "The project site is located partially within the FEMA Special Flood Hazard Area. The Town should exercise caution in approving a project located with the SFHA and the applicant should know the risks."
  - The proposed areas of development are not located in the SFHA. The AE zone only affects the eastern most part of the property along the Interstate Route 81 corridor.
2. "It looks like the existing parking has to back out into Old Front Street, which is unsafe. At a minimum, we suggest that the parking area be relocated on the site so that they don't have to back out into the street. Ideally, the site would be updated to include access management practices like the development along the west side of Old Front Street, including a curb and gutter and a defined driveway."
  - The proposed project provides for compliant off-street parking. Although the existing paved areas and parking are not ideal, they are not part of this project.
3. "The SEQR should reference the area variances."
  - The project description on the SEQR form has been edited as requested.
4. "The site plan should show landscaping, grading, and drainage and incorporate BMTS comments."
  - The plot plan has been revised to address the 239 review comments regarding the proposed parking are only. Additional notation and dimensions have been added.

We look forward to meeting with the Zoning Board of Appeals on Tuesday 2 November at 6:30p and on receiving the Planning Board recommendations for the project.

Do not hesitate to contact me if you have any questions or follow up comments.

Regards,

A handwritten signature in blue ink, appearing to read "J. Smith", with a stylized flourish at the end.

Jeffery T. Smith AIA, NCARB  
Architect/Partner

Cc: Foland Lumber  
Encl: SEQR  
Plot Plan



# Short Environmental Assessment Form

## Part 1 - Project Information

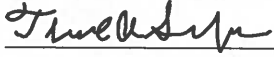
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

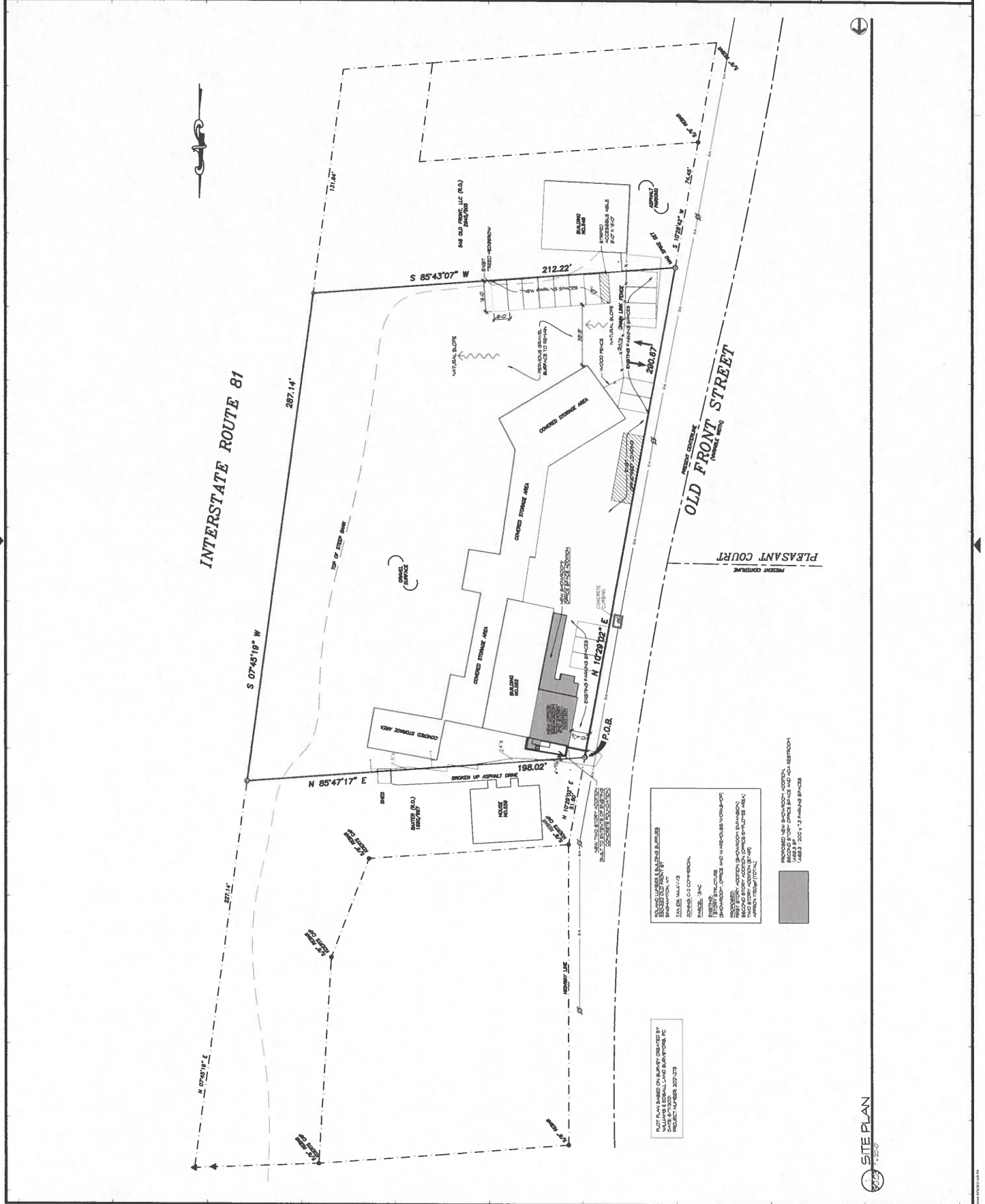
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Foland Lumber Showroom Renovations			
Project Location (describe, and attach a location map): 550-552 Old Front St Binghamton, NY 13905			
Brief Description of Proposed Action: This proposal is for a first story showroom addition of 483.2 square feet. The proposed plan also includes a second story office and break room space addition of 926 square feet with adjoining stair vestibule of 163.8 square feet. The existing building contains multiple use spaces including a 8,962 square foot warehouse and covered storage area adjoining an existing showroom space of 961.8 square feet.  The proposed setback for this project includes variance for height of building which is 25'-6" at the highest peak, proposed setback for stair vestibule on existing foundation is 1'-7 1/8" and proposed setback for front yard including existing showroom and proposed second story addition is 10'-4 7/8". Proposed second story setback aligns with existing one story showroom.			
Name of Applicant or Sponsor: Chianis + Anderson Architects, PLLC		Telephone: (607) 772-1701  E-Mail: Jeffery Smith <jsmith@chianisanderson.com>	
Address: 31 Front St			
City/PO: Binghamton		State: NY	Zip Code: 13905
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO  <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES  <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.3 acres b. Total acreage to be physically disturbed? _____ 0.015 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.3 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan? <div style="text-align: center; margin-top: 5px;">Partially</div>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;">           a. Will storm water discharges flow to adjacent properties?            b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Therese Sullivan</u> Date: <u>09/22/2021</u>  Signature: <u></u> Title: <u>Architectural Designer</u>		





# Town of Dickinson BUILDING PERMIT APPLICATION

Town Hall/531 Old Front Street/Binghamton, New York 13905

21-BP-67  
Permit term: 6 months

Date: 11/03/2021

Application is hereby made for permission to:

Extension \_\_\_\_\_

Erect      Alter      Extend      Demolish      Business  
Type of structure  
Location: 550-552 Old Front St      Binghamton/Town of Dickinson  
Number      Street      City/Town

OWNER JB Lehtonen LLC      PHONE (607) 722-8738

ADDRESS 1668 NYS Rte 11      Kirkwood, NY 13795

Building contractor: TBD      PHONE \_\_\_\_\_

Plumbing contractor: TBD

Zoned C-2 Commercial      Flood Area Partially within AE      Elevation unknown

Present Use Commercial      Proposed Use Commercial

Est. Bldg. Cost \$ \_\_\_\_\_ Floor Area 1,469.3 SF      Permit Fee \$ 171.93

Receipt No. \_\_\_\_\_ Sewer Permit No. \_\_\_\_\_ Water Permit No. \_\_\_\_\_

ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL THE APPLICABLE LAWS AND REGULATIONS AND IN ACCORDANCE WITH THE PLANS SUBMITTED HEREWITH. RIGHT OF ENTRY OF THE BUILDING OFFICIAL AND INSPECTORS TO PERFORM THEIR DUTIES IS ACKNOWLEDGED.

Applicants Signature: Brenda M. Lehtonen

PERMIT IS GRANTED 11/4/21 DENIED \_\_\_\_\_  
Date      Inspector

CHECKED AREAS ARE APPLICABLE:  
CURB CUT TO BE REPLACED PER TOWN SPECS.  
FINAL ELECTRICAL APPROVAL PRIOR TO C.O.  
CERTIFICATE OF OCCUPANCY NECESSARY  
PERFORMANCE BOND MAY BE NECESSARY  
FENCE AROUND POOL REQUIRED

INSUFFICIENT STREET SETBACK  
INSUFFICIENT SIDE OF REAR YARD  
USE NOT PERMITTED IN DISTRICT  
COMBINATION OF USES NOT PERM  
PARKING DOES NOT MEET  
STANDARDS

ADDITIONAL REMARKS \_\_\_\_\_

BOARD OF APPEALS ACTION variances granted 11/2/21

Signature \_\_\_\_\_



# TOWN OF DICKINSON

BROOME COUNTY

NO. 21-BP-67

TAX MAP NO. ....

DATE 11/4/21

## BUILDING PERMIT

TO Folene  
552 Old Fort St

FOR Com Alteration  
OWNER Same

THIS CARD MUST BE POSTED IN A CONSPICUOUS PLACE BEFORE ANY WORK IS STARTED

EXPIRES 5/4/22

Pefferly  
ENFORCEMENT OFFICER

# PAULUS DEVELOPMENT

January 17<sup>th</sup>, 2022

**VIA ELECTRONIC MAIL**

Stacey Duncan  
Executive Director  
Broome County Industrial Development Agency (the "Agency")  
Five South College Drive  
Binghamton, New York 13905

**Re: EJ Victory Building, LLC Sales Tax Exemption Extension**

Dear Stacey,

EJ Victory Building, LLC requests an extension of the Sales Tax Exemption for the redevelopment of the former Endicott-Johnson Shoe Factory (the "Victory Building"). The current sales tax exemption expires on February 17<sup>th</sup>, 2022.

Due to the size and scope of the redevelopment of the Victory Building, the project is expected to be completed in the Spring of 2023. The project recently closed a construction required for the completion of the project in November 2021 and is actively constructing the project and working towards a completion of the project in the Spring of 2023.

Sincerely,

Matthew Paulus  
EJ Victory Building, LLC  
225 Wilkinson Street  
Syracuse, New York 13204

### Summary Results of Confidential Evaluation of Board Performance

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
	#	#	#	#
Board members have a shared understanding of the mission and purpose of the Authority.	5	1	1	
The policies, practices and decisions of the Board are always consistent with this mission.	5	2		
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.	6	1		
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.	5	2		
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.	5	2		
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence or self-interest.	5	2		
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.	4	2	1	
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.	5	1	1	
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.	5	2		
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.	5	1	1	
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.	6		1	
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.	3	1	2	1
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.	4		1	2
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.	4	1		2
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.	4	3		
Board members demonstrate leadership and vision and work respectfully with each other.	5	1	1	

Name of Authority: Broome County Industrial Development Agency  
Date Completed: February 9, 2022

## **Authority Mission Statement and Performance Measurements**

**Local Public Authority Name:** Broome County Industrial Development Agency

**Fiscal Year:** January 1, 2021 – December 31, 2021

**Enabling Legislation:** Industrial development agencies (“IDAs”) are formed under Article 18-A of New York State General Municipal Law, as public benefit corporations. IDAs were created to actively promote, encourage, attract and develop job and recreational opportunities and economically-sound commerce and industry in cities, towns, villages and counties throughout New York State (the “State”). IDAs are empowered to provide financial assistance to private entities through tax incentives in order to promote the economic welfare, prosperity and recreational opportunities for residents of a municipality.

**Mission Statement:** The Broome County IDA is a catalyst, partner and investor that delivers clear benefits including job opportunities, development sites and enhanced quality of life. The BCIDA promotes and leverages all available resources and Broome County’s strengths to foster economic growth and create prosperity in an ethical and transparent manner

**Date Adopted:** December 13, 2013

### **List of 2022 Performance Goals:**

1. Identify and pursue site development opportunities, county-wide.
2. Work with industry, education and government partners to strengthen advanced manufacturing, healthcare, arts and new technology development and supply chain growth.
3. Seek and pursue grant funding from federal and state agencies, such as the EPA Assessment grant, and other funding that can be reinvested into the community.
4. Link the Good Life program to the new talent attraction strategy.
5. Advance professional development opportunities to create a strategic and knowledgeable staff.
6. Leverage newly formed Leadership Alliance - a partnership with the Greater Binghamton Chamber of Commerce - to become the central point of contact, an impactful voice and a powerful driver of economic development in Broome County.

**Authority Stakeholder(s):** Broome County Legislature

**Authority Beneficiaries:** The residents of Broome County

**Authority Customers:** The residents and businesses of Broome County

**Authority self-evaluation of 2021 Performance:**

1. Facilitated meetings and forums of key stakeholders to discuss physical and technology infrastructure necessary to support community and economic development, including housing and mixed-use development.
2. Continuing to proactively work with local municipalities to be prepared for new business development, with a focus on infrastructure development.
3. Supported existing businesses, new businesses, and developers, by identifying grants and other financing opportunities to fill project financing gaps.
4. Prepared and maintained an asset and project development profile and mapping for target areas in each community.
5. Continuing to pursue new industry sector clusters and supply chain development where there are local and regional strengths, such as Healthcare, Advanced Manufacturing, Energy Storage and Hemp.
6. Expanded the reach of the Business Retention initiative.

**Governance Certification:**

1. Have the board members acknowledged that they have read and understood the mission of the public authority?

Board of Directors Response: Yes

2. Who has the power to appoint management of the public authority?

Board of Directors Response: The Board of Directors

3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority.

Board of Directors Response: Yes

4. Briefly describe the role of the Board and the role of management in the implementation of the mission.

Board of Directors Response: The Board provides oversight, sets policy, and sets the strategic direction for the Agency. Agency management works closely with the board to ensure the Agency's activities are always in line with the mission of the organization.

5. Has the Board acknowledged that they have read and understood the response to each of these questions?

Board of Directors Response: Yes

**BYLAWS  
OF THE  
BROOME COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY**

**REVISED 01-15-16**



## **ARTICLE I**

### **THE AGENCY**

**SECTION 1. NAME** The name of the Agency shall be "***Broome County Industrial Development Agency.***" The Agency may do business under other names that are filed with the County Clerk.

**SECTION 2. VISION** The vision of the Agency is to be the dynamic, approachable driver of economic development in Broome County.

**SECTION 3. SEAL** The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency.

**SECTION 4. OFFICE** The principal office of the Agency shall be in the County of Broome and State of New York.

**SECTION 5. CALENDAR** The fiscal year shall begin on January 1 and end on December 31.

## **ARTICLE II**

### **BOARD OF DIRECTORS**

**SECTION 1. NUMBER** The Agency shall be governed by nine (9) Directors who shall be appointed by the Broome County Legislature.

**SECTION 2. INDEPENDENCE** All Directors shall be **Independent**. An Independent Director is one who on his or her date of appointment:

- A. is not, and in the past one (1) year has not been, **employed by** the Agency or the County Legislature, or served as an **elected official in Broome County**;
- B. is not a **parent, spouse, sibling or child** of a current Employee of the Agency or the County Legislature, or a current elected official in Broome County;

- C. is not, and in the past one (1) year has not been, employed by a **vendor** that received more than fifty thousand dollars (\$50,000) in payment for goods or services provided to the Agency during the most recent fiscal year, or employed by an **applicant** that received financial assistance or bonding valued at more than fifty thousand dollars (\$50,000) from action taken by the Agency during the most recent fiscal year; and
- D. is not, and in the past one (1) year has not been, a **lobbyist** registered under a State or local law, or an **attorney**, paid by a client to influence the decisions, contracts, investments, applications for financial assistance or bonding or other similar actions of the Agency.

**SECTION 3. SAFE HARBOR** Notwithstanding the provisions of Section 2, no **loan** that is recommended, approved or offered by the Agency shall disqualify an employee of the recipient of the loan from serving as a Director.

**SECTION 4. TERMS** Following adoption of these Bylaws, three (3) Directors shall initially be appointed for a one (1) year term, three (3) Directors shall be appointed for a two (2) year term and three (3) Directors shall be appointed for a three (3) year term by the County Legislature.

Thereafter the County Legislature shall appoint three (3) Directors per year each for three (3) year terms.

To the extent practicable, the County Legislature shall make all such term appointments in the month of December so the Agency is able to have its Annual Meeting in the month of January.

If any seat becomes vacant prior to the expiration of the term of that vacating Director due to death, resignation or other causes, the County

Legislature shall appoint a new Director to fill the unexpired term of that seat as soon as possible.

SECTION 5. DUTIES Directors should provide active oversight over the significant activities of the Agency. Each Director must discharge his or her fiduciary duties in good faith, in the best interest of the Agency, and with due care.

Failure to regularly attend Board or Committee meetings may signal a Director's inability to meet his or her fiduciary duties to the Agency.

Any Director who has three (3) un-notified meeting absences in a row or who misses one third of the total number of his or her Board or Committee meetings in a twelve (12) month period will be referred by the Chairman to the County Legislature for possible removal.

### **ARTICLE III**

#### **OFFICERS**

SECTION 1. OFFICERS The Officers of the Board shall be a Chairman, a Vice Chairman, a Secretary, and a Treasurer. At the Annual Meeting, any Director may nominate Officers who may then be confirmed by vote of the Board. Officers shall hold office for a period of one (1) year or until a successor shall be nominated and confirmed. Officers shall not hold office for more than nine (9) consecutive one (1) year terms.

SECTION 2. CHAIRMAN The Chairman shall preside at all meetings of the Board. Except as otherwise authorized by Resolution, the Chairman shall execute all agreements, contracts, deeds, instruments of indebtedness, and any other instruments of the Agency. At each Board meeting, the Chairman shall present such an Agenda as he or she may consider proper concerning the affairs and Policies of the Agency.

SECTION 3. VICE CHAIRMAN The Vice Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the death or resignation of the Chairman, the Vice Chairman shall perform such duties as are imposed on the Chairman until such time as the Board shall elect a new Chairman.

**SECTION 4. SECRETARY** The Secretary shall record all votes and proceedings (or designate an Employee to do so) of the meetings of the Board in written Minutes.

Such Minutes shall be subject to later approval of the Board.

The Secretary shall keep, in safe custody at the office of the Agency, or in a second redundant location known to the Directors and Employees, the seal and all significant records of the Agency, and shall have power to affix such seal to all contracts and other instruments.

**SECTION 5. TREASURER** The Treasurer shall have the care and custody of all funds of the Agency and shall deposit the same in the name of the Agency in such bank as the Board may select.

Except as otherwise authorized by Resolution, the Treasurer shall sign all checks for the payment of money and the Chairman, Vice Chairman or the Secretary shall countersign the same.

The Treasurer shall keep (or designate an Employee to do so) books of accounts showing revenues and expenses in the nature of an Income Statement; showing assets and liabilities in the nature of a Balance Sheet; and shall provide such Income Statement and Balance Sheet to the Board at each regular meeting.

The Treasurer shall keep (or designate an Employee to do so) a list of all real property held by the Agency and a list of all bonds issued by the Agency.

The Treasurer (or any Employee designated to assist him or her) shall give such bond for the faithful performance of his or her duties as the Board may determine.

**SECTION 6. ADDITIONAL DUTIES** The Officers shall perform such other duties and functions as may from time to time be authorized by Resolution or written Policies of the Agency.

**SECTION 7. VACANCIES** Should any office become vacant, the Board shall nominate and confirm a successor from among its Directors for the unexpired term of said office.

**SECTION 8. EXECUTIVE DIRECTOR** An Executive Director shall be appointed by the Board. He or she shall be charged with the management of the Agency and supervision of its Employees and vendors, designated as its Contracts Officer, designated as its Ethics and Compliance Officer and shall have the authority to re-designate either position to another Employee of the Agency.

The Executive Director is authorized to execute agreements, contracts, deeds, instruments of indebtedness, and any other instruments of the Agency.

## **ARTICLE IV**

### **BOARD MEETINGS**

**SECTION 1. ANNUAL MEETING** The Annual Meeting of the Agency shall be held in January upon seven (7) days written Notice sent to each Director, the County Executive and the Chair of the County Legislature.

**SECTION 2. REGULAR MEETINGS** Regular Meetings of the Agency may be held at such times and places as may be determined by Resolution.

**SECTION 3. SPECIAL MEETINGS** The Chairman may, or upon the written request of two Directors shall, call a Special Meeting for the purpose of transacting any business designated in the Notice of said Meeting.

The Notice shall be delivered through electronic mail to each Director, the County Executive and the Chair of the County Legislature at least three (3) days prior to such Special Meeting. Waivers of Notice may be signed by Directors.

**SECTION 4. NOTICE** Agendas shall be delivered through electronic mail to Directors, the County Executive and the Members of the County Legislature and made available to the public on the Agency's website no later than seven (7) days prior to a Regular Meeting, and as soon as practicable for other Meetings.

**SECTION 5. QUORUM** At all Meetings, a majority of the Directors then appointed shall constitute a quorum.

SECTION 6. RESOLUTIONS All significant Resolutions, as determined by the Chairman or Executive Director, shall be in writing, shall be provided to Directors at least twenty-four (24) hours before Meetings by electronic mail, online portal or other means, and shall be attached to the Minutes prepared by the Secretary or his or her designee.

SECTION 7. ACTION BY THE BOARD

- A. The vote of a majority of Directors shall be the act of the Board.
- B. Any one or more Directors may, with the consent of the Chairman, be present at a Meeting by means of video conferencing that allows all persons participating in the Meeting to see and hear each other at the same time. Notice of such Meeting shall mention the availability and location of remote video conferencing facilities, and shall allow not only a Director but also anyone else to participate from such location.

ARTICLE V

**COMMITTEES**

SECTION 1. APPOINTMENT OF COMMITTEES

The Board of Directors shall have the following four (4) standing Committees:

*Audit and Finance Committee*  
*Governance and Operations Committee*  
*Personnel Committee*  
*Loan Committee*

At the Annual Meeting, the Chairman shall appoint Directors and shall designate Chairs for all four Committees.

Each Committee except the Loan Committee shall have at least three (3) Directors serving on it.

The Loan Committee shall be composed of at least one (1) Director and up to five (5) **Outside Members** who have demonstrated backgrounds in community and economic development finance.

Any Director may nominate Outside Members who may then be confirmed by

vote of the Board for a term to be specified in the nomination.

Outside Members shall be "Independent" within the meaning of Article II, Section 2 and shall comply with the Ethics provisions of Article VI.

The Chairman shall have the power to appoint any Ad Hoc Committees to deal with specific issues as he or she may wish.

**SECTION 2. COMMITTEE REFERRALS** Notwithstanding the specific duties set out in Sections 4 through 7 below, any proposed significant Agency actions shall be presented by the Executive Director to the appropriate Committee, or may be raised by the Committee Chair, for review and development of a recommendation to the full Board of Directors.

**SECTION 3. COMMITTEE MEETINGS** The rules set forth in Article IV for Board Meetings shall also apply to Committee Meetings.

**SECTION 4. AUDIT AND FINANCE COMMITTEE**

The Committee shall be responsible for the general supervision of the financial operations of the Agency.

It shall recommend to the Board the hiring of a certified independent accounting firm to perform the annual audit, and provide oversight of the performance of the annual audit.

It shall recommend to the Board the hiring of outside Counsel to provide bonding legal advice.

It shall annually recommend to the Board the adoption of an Investment Policy, a Procurement Policy, a Disposal of Property Policy, and such other policies as may fall within the Committee's jurisdiction.

It shall review any proposed bonding and recommend to the Board whether to adopt the related bonding Resolutions.

It shall review the proposed Agency Budget and recommend to the Board whether to adopt it.

It shall monitor efforts by the Executive Director to oversee compliance by applicants with the terms of any financial assistance

or bonding approved by the Agency.

It shall obtain advice and assistance from Counsel, accounting and other advisors as the Committee deems necessary.

#### SECTION 5. GOVERNANCE AND OPERATIONS COMMITTEE

The Committee shall be responsible for the general supervision of the strategic planning and managerial operations of the Agency.

It shall keep up to date on best practices and trends in governance, and shall identify appropriate governance training for Directors.

It shall recommend to the Board the hiring of outside Counsel to provide operating legal advice.

It shall review and make recommendation to the Board on all major Applications for Financial Assistance that don't involve bonding.

It shall recommend to the Board any amendments to these Bylaws.

It shall annually recommend to the Board the adoption of a Code of Ethics, Whistle-Blower Protection Policy, Defense and Indemnification Policy, and such other policies as may fall within the Committee's jurisdiction.

It shall obtain advice and assistance from Counsel and other advisors as the Committee deems necessary.

#### SECTION 6. PERSONNEL COMMITTEE

The Committee shall be responsible for the general supervision of the human resource policies of the Agency.

It shall recommend to the Board the appointment and compensation of the Executive Director.

It shall keep up to date on best practices and trends in human resource management.

It shall review the Employees' organization chart, position



descriptions, and training programs, and recommend to the Board whether to adopt them.

It shall provide advice to Members of the County Legislature as to the skills and experience necessary to be effective Directors.

It shall annually recommend to the Board the adoption of such policies as may fall within the Committee's jurisdiction.

It shall obtain advice and assistance from Counsel and other advisors as the Committee deems necessary.

#### SECTION 7. LOAN COMMITTEE

The Committee shall review all Loan Applications submitted to the Agency through its Revolving Loan Programs, and recommend to the Board whether to approve them.

It shall keep up to date on best practices and trends in loan underwriting and administration.

It shall monitor the repayment status of any loans approved under the Revolving Loan Programs, and shall recommend any modifications whatsoever to the terms of such loans to the Board.

It shall seek ways to expand the amount of capital available to the Revolving Loan Programs.

It shall provide advice, on request, to other local governments, public authorities or not for profit corporations who operate their own Loan Programs.

It shall obtain advice and assistance from Counsel, financial and other advisors as the Committee deems necessary.

## **ARTICLE VI**

### **ETHICS**

#### **SECTION 1. GOALS AND ENFORCEMENT**

**Ethical Goals:** The Directors and Employees should strive to conduct the Agency's efforts in a highly ethical, moral and transparent manner that benefits the residents of Broome County.

**Enforcement:** Any sworn, written allegation of a violation of Sections 2 or 3 shall be referred to the Chairs of the Personnel or Governance and Operations Committee for investigation, dismissal, remedial action or referral, by vote of the Committee, to the County Legislature, County Board of Ethics or any other agency with jurisdiction.

#### **SECTION 2. PROHIBITED CONFLICTS**

**Board Action:** No Director or Employee shall allow any matter to come before the Board for action from which personal financial benefit may accrue to him or her or a Family Member.

**Employee Action:** No Employee shall take any action on behalf of the Agency from which personal financial benefit may accrue to him or her or a Director or Family Member.

**Political Contributions:** No Director or Employee, in their role as a candidate or treasurer, shall accept any campaign contributions from an Applicant for a period of at least one year following the date that the application was approved by the Board.

**Loans:** No Director, Employee or Family Member shall negotiate or accept any loans, from the Agency, a Vendor or an Applicant, from which they enjoy personal financial benefit.

**Property:** No Director, Employee or Family Member shall buy or sell any real or personal property, to or from the Agency, a Vendor or an Applicant, from which they enjoy personal financial benefit.

**Gifts:** No Director or Employee shall accept any gift that might be intended to influence their conduct at the Agency, from which they enjoy personal financial benefit.

**Confidential Information:** No Director or Employee shall disclose confidential information, acquired on behalf of the Agency, to others who aren't Directors or Employees without the express consent of the information's source or the service of legal process. Nor shall any Director or Employee take any action based on such confidential information from which they enjoy personal financial benefit.

### SECTION 3. APPARENT CONFLICTS

**Director Action:** Absent a Prohibited Conflict set forth in Section 2, any Director should disclose any other conflict to his or her fellow Directors if it might create the appearance of impropriety. The Director should thereafter refrain from discussing or voting on any Board action that might affect such conflict.

**Employee Action:** Absent a Prohibited Conflict set forth in Section 2, any Employee should disclose any other conflict to his or her supervisor and to the Chair of the Personnel or Governance and Operations Committee if it might create the appearance of impropriety. The Employee should thereafter refrain from taking any action on behalf of the Agency that might affect such conflict.

**Post-Agency Action:** No Director or Employee should take any action, involving matters on which they voted or acted, for a period of at least one (1) year following the end of their service to the Agency, if it might create the appearance of impropriety.

### SECTION 4. DEFINITIONS

- A. "Director" refers to a Director appointed by the County Legislature.
- B. "Employee" refers to an employee hired by the Agency.
- C. "Family Member" refers to the parents, spouses, siblings, or children of any Director or Employee.

- D. "Vendor" refers to those who provide property, goods or services to the Agency in exchange for a payment of over fifty thousand dollars (\$50,000) per calendar year. It does not include those involved in any loan that is recommended, approved or offered by the Agency.
- E. "Applicant" refers to those who file an Application, receive Board approval for it, and then receive financial assistance or bonding valued at over fifty thousand dollars (\$50,000) per calendar year.
- F. "Personal Financial Benefit" refers to an item valued at over one hundred (\$100) that is under the dominion and control of the affected person solely for his or her personal purposes.

## **ARTICLE VII**

### **AMENDMENTS**

These Bylaws shall be amended only with the approval of a majority of all the then serving Directors of the Agency at an Annual, Regular or Special Meeting.

No such amendment shall be adopted unless at least fourteen (14) days' written notice thereof has been previously given to all Directors, the County Executive and the Chair of the County Legislature.

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
CODE OF ETHICS**

The members of the board (the "Board") of the Broome County Industrial Development Agency (the "Agency"), a duly established public benefit corporation of the State of New York (the "State"), along with the officers and staff of the Agency, shall comply with and adhere to the provisions of this Code of Ethics ("Code") adopted pursuant to and in accordance Section 2824 of the Public Authorities Law and Article 18 of the General Municipal Law of the State.

**ARTICLE I  
CONFLICTS OF INTEREST**

A conflict of interest is a situation in which the financial, familial, or personal interests of a director, officer or employee come into "actual" or "perceived" conflict with their duties and responsibilities with the Agency. "Perceived" conflicts of interest are situations where there is the appearance that a director, officer or employee can personally benefit from actions or decisions made in their official capacity, or where a director, officer or employee may be influenced to act in a manner that does not represent the best interests of the Agency. The perception of a conflict may occur if circumstances would suggest to a reasonable person that a director, officer or employee may have a conflict. "Actual" conflicts of interest are situations where a director, officer or employee can personally benefit from actions or decisions made in their official capacity, or where a director, officer or employee is influenced to act in a manner that does not represent the best interests of the Agency. Except for Prohibited Conflicts of Interest as set forth in Article V herein, Perceived and Actual conflicts of interest should be treated in the same manner for purposes of disclosure under Article IV herein.

**ARTICLE II  
STANDARDS OF CONDUCT**

Each director, officer, and employee of the Agency shall: (1) not accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties; (2) not accept employment or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position of authority; (3) not disclose confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests; (4) not use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself, herself or others except that nothing herein shall prohibit any business or enterprise in which such director, officer or employee may have a financial interest from obtaining financial assistance provided that the Prohibited Conflicts of Interest provisions of Article V herein are not violated; (5) not engage in any transaction as a representative or agent of Agency with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with proper discharge of his or her official duties, except that nothing herein shall prohibit any business or enterprise in which such director, officer or employee may have a financial interest from obtaining financial assistance provided that the Prohibited Conflicts of Interest provisions of Article V herein are not violated; (6) not, by his or her conduct, give reasonable basis for the impression that any person can improperly influence

him or her or unduly enjoy his or her favor in the performance of his or her official duties, or that he or she is affected by the kinship, rank, position or influence of any party or person; (7) abstain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duty in the public interest and his or her private interest, except that nothing herein shall prohibit any business or enterprise in which such director, officer or employee may have a financial interest from obtaining financial assistance provided that the Prohibited Conflicts of Interest provisions of Article V herein are not violated; and (8) endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust. Notwithstanding anything herein to the contrary, nothing shall prohibit any director, officer or employee of the Agency from acquiring property adjacent to or otherwise proximate to the lands in which the Agency has an ownership interest provided that such acquisition is not based upon the use of confidential information obtained by such director, officer or employee of the Agency in his capacity with the Agency as determined by such member after consultation with Chairman of the Agency and Counsel to the Agency.

### **ARTICLE III GIFTS**

Pursuant to and in accordance with Section 805-a of the General Municipal Law, no director, officer or employee of the Agency shall directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more under circumstances in which it could reasonably be inferred that the gift was intended to influence such individual, or could reasonably be expected to influence such individual, in the performance of the individual's official duties or was intended as a reward for any official action on the individual's part. Inferences that gifts having a value of less than seventy-five dollars can influence or reward directors, officers or employees of the Agency is deemed to be unreasonable.

### **ARTICLE IV PROCEDURES FOR DISCLOSURE**

Except for Prohibited Conflicts of Interest as set forth in Article V below, all directors, officers or employees of the Agency shall adhere to the following procedures:

1. All Actual and Perceived conflicts of interest shall be disclosed in writing to the Ethics Officer as soon as practicable after learning of the Actual or Perceived conflict of interest. The written disclosure must (i) identify the matter before the Agency, (ii) identify the Standard of Conduct in question and (iii) contain sufficient facts and circumstances in order to accurately convey the extent of the director's, officer's or employee's interest in such matter. In addition, in the event a director on the board of the Agency has a conflict, he or she shall verbally disclose the conflict during a public session of a board meeting at which the matter creating the conflict appears on the agenda. Such verbal disclosure shall be recorded in the minutes of the meeting and be made part of the public record.

2. The director, officer or employee with the conflict of interest shall refrain from participating in discussions or decisions on the matter creating the conflict. In addition, in the event a director on the board of the Agency has a conflict, he or she shall recuse him or herself from any deliberations and abstain from voting on such matter creating the conflict.

3. The director, officer or employee with the conflict of interest shall refrain from directly or indirectly attempting to influence the discussions, decisions, deliberations or vote on the matter giving rise to such conflict.

#### **ARTICLE V PROHIBITED CONFLICTS OF INTEREST**

General Municipal Law ("GML") Article 18 regulates financial conflicts of interest of directors, officers and employees of the Agency. Therefore, notwithstanding any other provision contained in this Policy, financial conflicts of interest shall be governed solely by this Article V.

**Prohibition:** No director, officer or employee shall have a direct or indirect financial interest in a contract with the Agency where such director, officer or employee has some form of control over the contract ("Prohibited Interest").

**No Cure:** Disclosure and recusal will not cure a Prohibited Interest. In order to avoid a violation of a "Prohibited Interest" the contract may not be acted upon or the director, officer or employee would have to resign.

**Violations:** Any director, officer or employee who is determined to have "willfully and knowingly" violated the Prohibited Interest provisions of Article 18 of the GML may be found guilty of a misdemeanor. In addition, the contract, if willfully entered into, may be determined "null, void and wholly unenforceable"

**Exceptions:** Article 18 of the GML provides fifteen exceptions to the Prohibited Interest provision. One of the more commonly claimed exceptions comes into play when the director, officer or employees ("officials") interest in the contract is prohibited solely by reason of the official's employment with the entity that has the contract with the Agency. This exception applies provided: (a) the official's compensation from the private employer is not contingent upon the contract between the employer and the Agency and (b) the official's duties for the private employer do not directly involve the procurement, preparation or performance of any part of the contract. [Note: This exception does not cover an Agency official who is a director, partner, member, or shareholder of the private employer]. The second most commonly claimed exception is where the official has an interest in a contract that was entered into with the Agency prior to the time the official was elected or appointed as such director, officer or employee of the Agency. Provided, however, this exception does not authorize the renewal of any such contract.

**Disclosure of Exception:** Disclosure of Interest that falls within one of the Exceptions: The official is required to publicly disclose the nature and extent of his or her prospective, existing or subsequently acquired interest in any actual or proposed contract. The disclosure

must be made in writing and must be placed, in its entirety, in the official record. The official must recuse him or herself from participating in any discussion or action on the contract.

**Notification of Potential Conflict due to a Financial Interest:** Every director, officer or employee shall immediately notify the Agency's Ethics Officer of any potential conflict of interest due to a direct or indirect financial interest in any matter coming before the Agency where such director, officer or employee has the power or duty to negotiate, prepare, authorize or approve the matter before the Agency. The Ethics Officer shall review the potential financial conflict of interest pursuant to the provisions of Article 18 of the GML in consultation with Agency counsel.

#### **ARTICLE VI PENALTIES**

Any employee that fails to comply with this Policy may be subject to termination. In addition, any director, officer or employee that fails to comply with this Policy may be penalized in a manner provided for in law.

#### **ARTICLE VII ETHICS OFFICER**

The Agency's Board shall designate an officer, director or employee of the Agency to serve as the Ethics Officer of the Agency. In the event of a vacancy, the Agency Board Chair shall serve as the Ethics Officer until such time as the Agency Board appoints a successor.

The Ethics Officer shall report to the Governance Committee. The Ethics Officer shall have the powers and duties set forth below, and such other powers and duties as may be prescribed by the Board:

1. Advise in confidence each director, officer or employee of the Agency who seeks guidance regarding ethical behavior.
2. Receive and record disclosures of conflicts of interest in the record of the Agency.
3. Receive and investigate complaints about possible violations of this Code of Ethics. Dismiss complaints found to be without substance.
4. Prepare investigative reports of his or her findings to be submitted for action by the Board.
5. Seek consultation and guidance from Agency Counsel.



**ARTICLE VII  
WHISTLEBLOWER POLICY**

In accordance with Title 12 of Article 9 of the Public Authorities Law, the Agency adopted a Whistleblower Policy to afford certain protections to individuals who, in good faith, report violations of the Agency's Code of Ethics or other instances of potential wrongdoing within the Agency. This Policy provides Agency directors, officers, and employees with a confidential means to report credible allegations of misconduct, wrongdoing, or unethical behavior and to protect those individuals, when acting in good faith, from personal or professional retaliation. The Whistleblower Policy is available to all directors, officers, and employees of the Agency.

Approved and adopted this 20<sup>th</sup> day of April, 2016

## **BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

### **WHISTLE-BLOWER POLICY**

Every member of the Board of Directors (the "Board") of the Broome County Industrial Development Agency (The Agency) and all officers and employees thereof, in the performance of their duties shall conduct themselves with honesty and integrity and observe the highest standard of business and personal ethics set forth in the Code of Ethics of The Agency (the "Code.")

Each member, officer or employee is responsible to report any violations of the Code (whether suspected or known) to The Agency's Executive Director. Reports of violations will be kept confidential to the extent possible. No individual, regardless of their position with The Agency, will be subject to any retaliation against someone who has reported a violation, shall be subject to disciplinary action which may include termination of employment. Regardless, any claim of retaliation will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate offense.

The Executive Director is responsible for immediately forwarding any claim to The Agency's counsel who shall investigate and handle the claim in a timely manner.

In accordance with Public Authorities Law Section 2857, no state or local authority shall fire, discharge, demote, suspend, threaten, harass or discriminate against an employee because of the employee's role as a whistleblower, insofar as the actions taken by the employee are legal.

Approved and Adopted this 21<sup>st</sup> day of August, 2019

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
DEFENSE AND INDEMNIFICATION POLICY**

The Broome County Industrial Development Agency (the Agency), shall indemnify all Directors of the Board and each officer and employee thereof, in the performance of their duties, and to the extent authorized by the Board, each other person authorized to act for the Agency or on its behalf, to the full extent to which indemnification is permitted under the General Municipal Law of the State of New York.

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
COMPENSATION, REIMBURSEMENT AND ATTENDANCE POLICY**

Pursuant to and in accordance with Sections 856 and Article 18a of the General Municipal Law of the State of New York, the Directors of the Board of the Broome County Industrial Development Agency (the "Board") shall serve without salary at the pleasure of the Legislature of the County of Broome, New York (the "MUNICIPALITY") but may be reimbursed for reasonable expenses incurred in the performance of Agency duties at the approval of the Board.

The officers, employees and agents of the Agency shall serve at the pleasure of the Agency at such compensation levels as may be approved by the Board from time to time and may be reimbursed for reasonable expenses incurred in the performance of Agency duties at the approval of the Board.

The Directors of the Board and officers of the Agency shall be available as required to perform the operations of the Agency and as set forth within the By-Laws of the Agency, as may be amended, restated or revised by the Board from time to time. Said Directors and officers of the Agency shall put forth their best efforts to perform their respective duties as outlined in the By laws of the Agency and any other directives of the Board relating to same.

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
TRAVEL POLICY**

**Section 1.     APPLICABILITY**

This policy shall apply to every Director of the Board (the "Board") of the Broome County Industrial Development Agency (the "Agency") and all officers and employees thereof.

**Section 2.     APPROVAL of TRAVEL**

All official travel for which a reimbursement will be sought must be approved by the Executive Director prior to such travel. Provided, however, in the instance where the Executive Director will seek reimbursement for official travel, such travel must be pre-authorized by the Chairman of the Agency.

**Section 3.     PAYMENT of TRAVEL**

The Agency will reimburse all reasonable expenses related to meals, travel and lodging that were incurred by any director, officer or employee as a result of the performance of their official duties. All official travel shall be properly authorized, reported and reimbursed. Under no circumstances shall expenses for personal travel be charged to, or temporarily funded by the Agency. It is the traveler's responsibility to report his or her travel expenses in a responsible and ethical manner, in accordance with this policy.

**Section 4.     TRAVEL EXPENSES**

Travelers may use their private vehicle for business purposes if it is less expensive than renting a car, taking a taxi, or using alternative transportation, or if it saves time. The traveler will be reimbursed at the maximum rate allowed by the Internal Revenue Service.

Meals will be reimbursed at actual expense or a per diem rate, whichever is less. Lodging will be reimbursed at actual expense up to certain daily rate caps established for various locations. The applicability of such caps shall be determined on a case by case basis taking into consideration availability of lodging and other extenuating circumstances.

Reimbursement for miscellaneous expenses shall be determined on a case by case basis. Mileage rates, per diem allowances and lodging caps will be established and from time to time amended by the Treasurer. All determinations made pursuant to this section shall be made by the Treasurer. In the instance where such determinations regard the travel of the Treasurer, the Chairman shall make such determinations.