

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BOARD MEETING
FIVE South College Drive; Suite 201
Binghamton, New York 13905
Wednesday, February 15, 2023, 12:00 pm**

SYNOPSIS OF MEETING

PRESENT: J. Bernardo, J. Peduto, D. Crocker, R. Bucci, D. Gates, E. Miller, P. Newman and M. Sopchak

ABSENT: J. Mirabito

GUESTS: Michael Tanzini, Broome County Legislature
Ryan Silva, NYSEDC
Alex Schwab, Pheonix Investors
Paige Rauch, Broome County Executive Office

STAFF: S. Duncan, N. Abbadessa, B. O'Bryan, and S.Guokas

COUNSEL: J. Meagher

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

ITEM #1. APPROVE THE MINUTES FOR THE JANUARY 18, 2023 BOARD MEETING: Chairman Bernardo requested a motion to approve the January 18, 2023, minutes.

MOTION: Mr. Crocker motioned to approve, seconded by Ms. Miller; the MOTION CARRIED.

ITEM #2. PUBLIC COMMENT: Chairman Bernardo asked if there were any public comments.

No public comments were made.

ITEM #3. EXECUTIVE DIRECTOR'S REPORT:

Ms. Duncan provided updates on the following:

Former IBM Country Club – Demolition has been completed. The site will remain vacant until Conifer LeChase pursues its low-income housing tax credits. The Agency recently had a meeting with Conifer to discuss the project. Conifer will be going to the Town Of Union Planning Department by the end of this week.

New Business Park- Ms. Duncan and Mr. O'Bryan will attend a work session at the Town Of Union to discuss the ongoing project. They will also meet with the Town of Maine on February 21st to discuss the project with them as well. There are remaining funds with Shumaker which is now known as The Hunt Group. They recommend that those funds be used for a deeper analysis of potential entryways to the park.

The FAST Program – NYS FAST Shovel Ready Program. The Agency submitted two letters of intent to apply. One for a predevelopment grant and the second for infrastructure improvements. Both letters of intent were accepted and moved to the next steps. Mr. O'Bryan will continue to work on this grant program.

Project Updates- On February 24th, the board will do a walk-through of the Oakdale Commons and the EJ Victory Building.

Staff Updates- February 28th through March 1st, Ms. Duncan, Ms. Abbadessa, and Mr. O'Bryan will attend the NYEDC Conference in Albany.

Chairman Bernardo asked if there were any questions related to the Executive Director's Report or questions on the Internal Financial Reports. Ms. Miller had a few questions in regard to the new Business Park.

ITEM #4. LOAN ACTIVITY REPORTS AS OF JANUARY 31, 2023: The Internal Financial Reports for December were presented to the Board. The balances available to lend are \$493,051.66 (STEED), \$409,713.54 (BDF), and \$89,274.58 (BR + E). Chairman Bernardo asked if there were any questions on the Loan Activity Reports or any of the loans; hearing none, moved on to New Business. Ms. Abbadessa stated that Concepts Systems paid off its loan. Ms. Miller had a few questions about the balance on current and opening balances of the loans. Ms. Abbadessa explained that the opening balance is the starting balance for 2023. The current balance will change monthly.

MOTION: No motion necessary.

ITEM #5. QUARTERLY BOARD INFORMATIONAL SESSION, EXECUTIVE DIRECTOR RYAN SILVA FROM NEW YORK STATE ECONOMIC DEVELOPMENT COUNCIL: Ms. Duncan introduced Ryan Silva, Executive Director of NYSEDC. Mr. Silva provided legislative updates to the board.

MOTION: No motion necessary.

ITEM #6. RESOLUTION APPROVING THE SUMMARY RESULTS OF THE CONFIDENTIAL EVALUATION OF BOARD PERFORMANCE DATED FEBRUARY 1, 2023: Ms. Duncan stated this is an annual requirement of the Authority Budget Office. She reviewed the summary results with Chairman Bernardo. The results of the summary have been provided to the entire board. Chairman Bernardo asked Mr. Bucci if the Governance Committee moved to approve. Mr. Bucci stated yes.

MOTION: TO APPROVE A RESOLUTION APPROVING THE SUMMARY RESULTS OF THE CONFIDENTIAL EVALUATION OF BOARD PERFORMANCE DATED FEBRUARY 1, 2023. On a MOTION by Mr. Bucci, seconded by Mr. Peduto, the MOTION CARRIED.

ITEM #7. RESOLUTION APPROVING THE 2022 MISSION AND MEASUREMENT REPORT OF THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS ATTACHED HERETO AS EXHIBIT "A": Ms. Abbadessa stated this is an annual requirement of the Authority Budget Office. The report is based on the achievements of the staff in 2022, and objectives and goals for the staff, for 2023. It's a requirement that is to be completed annually. It ties last year's and this year's goals to the Strategic Plan approved by the Board. Chairman Bernardo asked Mr. Bucci if the Governance Committee moved to approve. Mr. Bucci stated yes.

MOTION: TO APPROVE A RESOLUTION APPROVING THE 2022 MISSION AND MEASUREMENT REPORT OF THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS ATTACHED HERETO AS EXHIBIT "A". On a MOTION by Mr. Bucci, seconded by Mr. Crocker, the MOTION CARRIED.

ITEM #8. RESOLUTION APPROVING THE READOPTION OF THE AGENCY'S BYLAWS, THE CODE OF ETHICS POLICY, THE DEFENSE AND INDEMNIFICATION POLICY, THE WHISTLEBLOWER PROTECTION POLICY, THE COMPENSATION, REIMBURSEMENT AND ATTENDANCE POLICY, AND THE TRAVEL POLICY WITH NO CHANGES: Ms. Abbadessa stated this is another annual requirement of the Authority Budget Office that the staff and Board review the Bylaws and its Policies and Procedures on an annual basis to make sure that they are in line with the Board's direction. The staff has reviewed these documents and recommends that the Committee readopt the Bylaws and Policies and Procedures, with no changes. Chairman Bernardo asked Mr. Bucci if the Governance Committee moved to approve. Mr. Bucci stated yes.

MOTION: TO APPROVE A RESOLUTION APPROVING THE READOPTION OF THE AGENCY'S BYLAWS, THE CODE OF ETHICS POLICY, THE DEFENSE AND INDEMNIFICATION POLICY, THE WHISTLEBLOWER PROTECTION POLICY, THE COMPENSATION, REIMBURSEMENT AND ATTENDANCE POLICY, AND THE

TRAVEL POLICY WITH NO CHANGES. On a MOTION by Mr. Bucci, seconded by Mr. Gates, the MOTION CARRIED.

ITEM #9: RESOLUTION APPROVING AN EXTENSION OF THE JUNE 10, 2021 SALES AND USE TAX EXEMPTION AGREEMENT AND THE SALES AND USE TAX EXEMPTION INCREASE AGREEMENT OF EJ VICTORY BUILDING, LLC EXPIRING ON FEBRUARY 17, 2022, FROM FEBRUARY 17, 2023 THROUGH, AND INCLUDING, DECEMBER 31, 2023, THE TOTAL OF WHICH SHALL NOT EXCEED \$1,848,000.00: EJ Victory Building LLC, is requesting an extension of time for their sales tax exemption. MS. Duncan reviewed the project with the Board. Chairman Bernardo asked Mr. Bucci if the Governance Committee moved to approve. Mr. Bucci stated yes.

MOTION: TO APPROVE A RESOLUTION OF EXTENSION OF THE JUNE 10, 2021, SALES AND USE TAX EXEMPTION AGREEMENT AND THE SALES AND USE TAX EXEMPTION INCREASE AGREEMENT OF EJ VICTORY BUILDING, LLC, EXPIRING ON FEBRUARY 17, 2022, FROM FEBRUARY 17, 2023 THROUGH, AND INCLUDING, DECEMBER 31, 2023, THE TOTAL OF WHICH SHALL NOT EXCEED \$1,848,000.00. On a MOTION by Mr. Bucci, seconded by Mr. Newman, the MOTION CARRIED.

ITEM #10 RESOLUTION ACCEPTING AN APPLICATION FROM PHOENIX ENDICOTT INDUSTRIAL INVESTORS LLC AND AUTHORIZING A NEW YORK STATE AND LOCAL SALES AND USE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$8,000.00, FOR A TERM NOT TO EXCEED TWELVE MONTHS, CONSISTENT WITH THE POLICIES OF THE AGENCY IN CONNECTION WITH THE PREPARATION OF THE ROOF ON PREMISES LOCATED AT 1301 CLARK STREET IN THE VILLAGE OF ENDICOTT, BROOME COUNTY, NEW YORK FOR THE INSTALLATION OF A NEW THERMOPLASTIC POLYOLEFIN (TPO) ROOF SYSTEM: Ms. Duncan stated Phoenix Endicott Industrial Investors LLC is requesting a sales tax exemption from the Small Business Incentive Program. The project consists of demolishing old mechanical equipment that is no longer used for the roof to be prepared for a new TPO roof system. The exemption is not to exceed \$8,000. Chairman Bernardo asked Mr. Bucci if the Governance Committee moved to approve. Mr. Bucci stated yes.

MOTION: RESOLUTION ACCEPTING AN APPLICATION FROM PHOENIX ENDICOTT INDUSTRIAL INVESTORS LLC AND AUTHORIZING A NEW YORK STATE AND LOCAL SALES AND USE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$8,000.00, FOR A TERM NOT TO EXCEED TWELVE MONTHS, CONSISTENT WITH THE POLICIES OF THE AGENCY IN CONNECTION WITH THE PREPARATION OF THE ROOF ON PREMISES LOCATED AT 1301 CLARK STREET IN THE VILLAGE OF ENDICOTT, BROOME COUNTY, NEW YORK FOR THE

INSTALLATION OF A NEW THERMOPLASTIC POLYOLEFIN (TPO) ROOF SYSTEM. On a MOTION by Mr. Bucci, seconded by Mr. Peduto, the MOTION CARRIED UNANIMOUSLY.

ITEM #11: EXECUTIVE SESSION. No Executive Session was needed.

MOTION: No Motion Necessary.

ITEM #12: ADJOURNMENT: Chairman Bernardo requested a motion to adjourn.

MOTION: On a MOTION by Mr. Crocker, seconded by Mr. Gates, the MOTION CARRIED, and the meeting was adjourned at 12:29 p.m.

The next meeting of The Agency Board of Directors is scheduled for Wednesday, March 15, 2023, at 12:00 p.m. at FIVE South College Drive, Suite 201, Binghamton, NY 13905.