

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
BOARD MEETING  
FIVE South College Drive, Suite 201  
Binghamton, New York 13905  
Wednesday, February 21, 2024, 12:00 pm**

**SYNOPSIS OF MEETING**

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

**GUESTS:** Lisa Nagle -EDR  
Frank Pavia – Harris Beach  
Jonathan Scott - Broome County Legislative Office  
Kelvin Herralo- IBEW Local 325  
Bob Utter- Town of Maine Resident  
Diane Sattler-Town of Maine Resident  
Mike Decker-Smith Site Development  
Lillian Levy-HH&K  
Carole Doppens-YWCA  
John Dersek- Town of Maine Resident  
Art Robinson-Town of Maine Board Member  
Jim Ehmke-Channel 34  
John Solak-City of Binghamton Resident  
Megan Cunga- HH&K  
Tim Henzy- Smith & Henzy Affordable Group  
Renee Franco- Exact Capital  
Chris Andreucci- Harris Beach  
Jack Heaney- Exact Capital  
Craig Livingston- Exact Capital  
Mayor Martin Meaney- JC Mayor

**ABSENT:** D. Gates

**STAFF:** S. Duncan, N. Abbadessa, A. Williams, S. Guokas, M. Lucas, and G. Paugh

**COUNSEL:** J. Meagher

The meeting was called to order at 12:06 p.m.

**ITEM #1. APPROVE THE MINUTES FOR THE JANUARY 17, 2024, MEETING:** Chairman Bernardo requested a motion to approve the January 17.2024 minutes.

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

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

Mr. Utter stated his concerns again about the proposed New Development Park on Airport Road. He is upset that the Town of Maine is the only one interested in the park besides the Agency. He brought a resolution from the Town of Maine showing that a vote was taken on re-zoning specific parcels of land; he also brought topographical maps that Mr. Bystrak made.

Mr. Solak spoke about the fraud going on in NYS. Also, he spoke about his concerns with the new development of affordable housing downtown.

Mr. Herralo spoke about 200 Court Street. His concerns were with the electrical work. He stated that the bid was given to a non-local contractor that is out of Rochester. Local labor and permits/licenses are his main concern.

Mr. Dyster spoke of his concerns with the proposed New Development Park. He is looking for more answers to his questions. Also, asking about sewer and flooding and would like The Agency to be more transparent with the process.

**ITEM #3. EXECUTIVE DIRECTOR'S REPORT:**

Ms. Duncan provided updates on the following:

**200 Main St-** Ms. Duncan and Ms. Abbadessa met with a member of the Binghamton City Council and Mr. Herralo to discuss concerns they were having about the electrical contractor selected for the project. Ms. Duncan said it shed some light on how the process works in the City of Binghamton and that they would investigate further.

**600 Main St-** FAST Application waiting on approval.

**Newmark-** Starting Global Southern Tier Clean Tech Corridor initiative, being led by The Agency.

**ITEM #4. LOAN ACTIVITY REPORTS AS OF JANUARY 31, 2024:** The Loan Activity Reports for April were presented to the Board. The balances available to lend are \$821,958.39(STEED), \$504,832.26(BDF), and \$ 114,808.94(BR + E). Chairman Bernardo asked if there were any questions on the Loan Activity Reports or any of the loans. There were none.

**MOTION:** No motion necessary.

**ITEM #5. RESOLUTION APPROVING THE SUMMARY RESULTS OF THE CONFIDENTIAL EVALUATION OF BOARD PERFORMANCE DATED FEBRUARY 12, 2024.** Ms. Duncan stated that this is an annual requirement of the Authority Budget Office. The results of the summary have been provided to the entire board. Chairman Bernardo noted to the Board that if anyone had any concerns with anything, they could come to him to discuss. Chairman Bernardo asked for a motion.

**MOTION:** TO ACCEPT A RESOLUTION APPROVING THE SUMMARY RESULTS OF THE CONFIDENTIAL EVALUATION OF BOARD PERFORMANCE DATED FEBRUARY 12, 2024. On a MOTION by Mr. Bucci, seconded by Mr. Sopchak, the MOTION CARRIED.

**ITEM #6: RESOLUTION APPROVING THE 2023 MISSION AND MEASUREMENT REPORT OF THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS ATTACHED HERETO AS EXHIBIT "A.** Chairman Bernardo asked Mr. Bucci if the Governance Committee moved to approve. Mr. Bucci stated yes.

**MOTION:** TO ACCEPT A RESOLUTION APPROVING THE 2023 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. Mirabito, the MOTION CARRIED.

**ITEM #7: RESOLUTION APPROVING THE READOPTION OF THE AGENCY'S BYLAWS, THE CODE OF ETHICS POLICY, THE DEFENSE AND INDEMNIFICATION POLICY, THE WHISTLE BLOWER PROTECTION POLICY, THE COMPENSATION, REIMBURSEMENT AND ATTENDANCE POLICY, AND THE TRAVEL POLICY WITH NO CHANGES.** Chairman Bernardo asked Mr. Bucci if the Governance Committee moved to approve. Mr. Bucci stated yes.

**MOTION:** TO ACCEPT A RESOLUTION APPROVING THE READOPTION OF THE AGENCY'S BYLAWS, THE CODE OF ETHICS POLICY, THE DEFENSE AND INDEMNIFICATION POLICY, THE WHISTLE BLOWER PROTECTION POLICY, THE COMPENSATION, REIMBURSEMENT AND ATTENDANCE POLICY, AND THE TRAVEL POLICY WITH NO CHANGES. On a MOTION by Mr. Bucci, seconded by Mr. Peduto, the MOTION CARRIED.

**ITEM#8: 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 \$3,196.00, FOR A TERM NOT TO EXCEED TWELVE MONTHS, CONSISTENT WITH THE POLICIES OF THE AGENCY IN CONNECTION WITH THE NEW INSTALLATION OF COMBUSTION INTAKE AIR, FLUE GAS RECIRCULATION, AND ECONOMIZER INLET AND OUTLET DUCTWORK ON BOILER NUMBER FOUR ON PREMISES LOCATED AT 1301 CLARK STREET IN THE VILLAGE OF ENDICOTT, BROOME COUNTY, NEW YORK.** Chairman Bernardo asked Mr. Bucci if the Governance Committee moved to approve. Mr. Bucci stated yes.

**MOTION:** TO ACCEPT A 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 \$3,196.00, FOR A TERM NOT TO EXCEED TWELVE MONTHS, CONSISTENT WITH THE POLICIES OF THE AGENCY IN CONNECTION WITH THE NEW INSTALLATION OF COMBUSTION INTAKE AIR, FLUE GAS RECIRCULATION, AND ECONOMIZER INLET AND OUTLET DUCTWORK ON BOILER NUMBER FOUR ON PREMISES LOCATED AT 1301 CLARK STREET IN THE VILLAGE OF ENDICOTT, BROOME COUNTY, NEW YORK. On a MOTION by Mr. Bucci, seconded by Mr. Crocker, the MOTION CARRIED.

**ITEM # 9: RESOLUTION ACCEPTING AN APPLICATION FROM VE BINGHAMTON L.P. (THE "COMPANY") FOR A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE FINANCING OF THE REHABILITATION AND PRESERVATION OF TWENTY-TWO THREE STORY BRICK GARDEN-STYLE APARTMENT BUILDINGS LOCATED AT 380 CHENANGO STREET AND 13 PEARNE STREET IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK TO PROVIDE FOR A SALES AND USE TAX EXEMPTION BENEFIT IN AN AMOUNT NOT TO EXCEED \$3,156,394.00 TO PROVIDE FOR A MORTGAGE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$86,800.00, TO PROVIDE FOR A REAL PROPERTY TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$10,233,658.00 AND AUTHORIZING THE AGENCY TO SET AND CONDUCT A PUBLIC HEARING**

**WITH RESPECT THERETO.** Ms. Duncan stated that this project is more commonly known as the Town & Country apartments. The proposed project consists of rehabilitating and preserving 22 three-story brick garden-style apartment buildings. This is a high priority for the city of Binghamton. They are receiving ARPA funds for this project as well. The project will preserve 256 affordable housing units in need of substantial rehabilitation. 98 of the 256 units are restricted by HAP Contract, while the remaining are leased to low- and moderate-income households. After completion, all units will be limited to families earning less than 60% of AMI. Ms. Duncan reviewed the project review form and the cost-benefit analysis provided in the Board packets and pointed out that the PILOT is for 35 years. Chairman Bernardo asked for a motion.

**MOTION:** TO ACCEPT A RESOLUTION ACCEPTING AN APPLICATION FROM VE BINGHAMTON L.P. (THE "COMPANY") FOR A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE FINANCING OF THE REHABILITATION AND PRESERVATION OF TWENTY-TWO THREE STORY BRICK GARDEN-STYLE APARTMENT BUILDINGS LOCATED AT 380 CHENANGO STREET AND 13 PEARNE STREET IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK TO PROVIDE FOR A SALES AND USE TAX EXEMPTION BENEFIT IN AN AMOUNT NOT TO EXCEED \$3,156,394.00 TO PROVIDE FOR A MORTGAGE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$86,800.00, TO PROVIDE FOR A REAL PROPERTY TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$10,233,658.00 AND AUTHORIZING THE AGENCY TO SET AND CONDUCT A PUBLIC HEARING WITH RESPECT THERETO. On a MOTION by Mr. Bucci, seconded by Mr. Sopchak, the MOTION CARRIED.

**ITEM # 10: RESOLUTION AUTHORIZING THE AGENCY TO TRANSFER TO THE BINGHAMTON LOCAL DEVELOPMENT CORPORATION, BY QUIT CLAIM DEED, ALL OF ITS RIGHT, TITLE, AND INTEREST IN AND TO PREMISES LOCATED AT 11-13 COURT STREET IN THE CITY OF BINGHAMTON, NEW YORK, MORE PARTICULARLY DESCRIBED AS BROOME COUNTY TAX MAP PARCEL NUMBERS 160.40-2-5 AND 160.40-2-4, AND COMMONLY REFERRED TO AS BOSCOV'S DEPARTMENT STORE.** Ms. Duncan stated this was purely an administrative action. Chairman Bernardo asked for a motion.

**MOTION:** TO ACCEPT A RESOLUTION AUTHORIZING THE AGENCY TO TRANSFER TO THE BINGHAMTON LOCAL DEVELOPMENT CORPORATION, BY QUIT CLAIM DEED, ALL OF ITS RIGHT, TITLE, AND INTEREST IN AND TO PREMISES LOCATED AT 11-13 COURT STREET IN THE CITY OF BINGHAMTON, NEW YORK, MORE PARTICULARLY DESCRIBED AS BROOME COUNTY TAX MAP PARCEL NUMBERS 160.40-2-5 AND 160.40-2-4, AND COMMONLY REFERRED TO AS BOSCOV'S DEPARTMENT STORE. On a MOTION by Mr. Bucci, seconded by Ms. Miller, the MOTION CARRIED.

**ITEM # 11: RESOLUTION ACCEPTING AN APPLICATION FROM THE OWNER AFFILIATE OF THE YWCA BINGHAMTON & BROOME COUNTY (THE "COMPANY") FOR A LEASE/ LEASEBACK TRANSACTION TO FACILITATE THE FINANCING OF THE DEVELOPMENT OF AN AFFORDABLE, RESIDENTIAL HOUSING FACILITY AND DAYCARE CENTER LOCATED AT 20 LISLE AVENUE IN THE CITY OF BINGHAMTON, NEW YORK, 22 LISLE AVENUE IN THE CITY OF BINGHAMTON, NEW YORK, 24 LISLE AVENUE IN THE CITY OF BINGHAMTON, NEW YORK, 34 LISLE AVENUE IN THE CITY OF BINGHAMTON, NEW YORK, AND 45 CARROLL STREET IN THE CITY OF BINGHAMTON, NEW YORK, TO PROVIDE FOR A SALES AND USE TAX EXEMPTION BENEFIT IN AN AMOUNT NOT TO EXCEED \$1,865,302.00, TO PROVIDE FOR A MORTGAGE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$274,500.00, TO PROVIDE FOR A REAL PROPERTY TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$993,935.00, AND AUTHORIZING THE AGENCY TO SET AND CONDUCT A PUBLIC HEARING WITH RESPECT THERETO.** Ms. Duncan stated that this project proposes to develop the new Lisle-Carroll Intergenerational Campus into a 58,574 square foot mixed-

use project consisting of 68 units of affordable housing for individuals and families, 38 of those units are for domestic violence survivors plus an 11,158 square foot childcare center. Ms. Duncan reviewed the project review form and the cost-benefit analysis provided in the Board packets. Chairman Bernardo asked for a motion.

**MOTION:** TO ACCEPT A RESOLUTION ACCEPTING AN APPLICATION FROM THE OWNER AFFILIATE OF THE YWCA BINGHAMTON & BROOME COUNTY (THE "COMPANY") FOR A LEASE/ LEASEBACK TRANSACTION TO FACILITATE THE FINANCING OF THE DEVELOPMENT OF AN AFFORDABLE, RESIDENTIAL HOUSING FACILITY AND DAYCARE CENTER LOCATED AT 20 LISLE AVENUE IN THE CITY OF BINGHAMTON, NEW YORK, 22 LISLE AVENUE IN THE CITY OF BINGHAMTON, NEW YORK, 24 LISLE AVENUE IN THE CITY OF BINGHAMTON, NEW YORK, 34 LISLE AVENUE IN THE CITY OF BINGHAMTON, NEW YORK, AND 45 CARROLL STREET IN THE CITY OF BINGHAMTON, NEW YORK, TO PROVIDE FOR A SALES AND USE TAX EXEMPTION BENEFIT IN AN AMOUNT NOT TO EXCEED \$1,865,302.00, TO PROVIDE FOR A MORTGAGE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$274,500.00, TO PROVIDE FOR A REAL PROPERTY TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$993,935.00 AND AUTHORIZING THE AGENCY TO SET AND CONDUCT A PUBLIC HEARING WITH RESPECT THERETO. On a MOTION by Mr. Bucci, seconded by Ms. Miller, the MOTION CARRIED. Mr. Bernardo and Mr. Newman abstained.

**ITEM # 12: RESOLUTION DECLARING LEAD AGENCY STATUS AND DETERMINING ENVIRONMENTAL SIGNIFICANCE OF PROPOSED BROOME TECHNOLOGY PARK PURSUANT TO SEQRA:** Ms. Duncan stated that the Town of Maine and the Town of Maine Planning Board have challenged the BCIDA declaring themselves as lead agency for the SEQR process, but said that this does not preclude the IDA Board from passing this resolution. Harris Beach is in the process of completing a Lead Agency Dispute letter to the DEC. The DEC will be the ultimate decision maker on who will obtain Lead Agency Status. A discussion ensued. Chairman Bernardo asked for a motion.

**MOTION:** TO ACCEPT A RESOLUTION DECLARING LEAD AGENCY STATUS AND DETERMINING ENVIRONMENTAL SIGNIFICANCE OF PROPOSED BROOME TECHNOLOGY PARK PURSUANT TO SEQRA. On a MOTION by Mr. Peduto seconded by Ms. Miller, the MOTION CARRIED.

**ITEM # 13: EXECUTIVE SESSION-** There was none.

**MOTION:** No motion necessary.

**ITEM # 14: ADJOURNMENT:** Chairman Bernardo requested a motion to adjourn.

**MOTION:** On a MOTION by Mr. Newman, seconded by Mrs. Mirabito, the MOTION CARRIED, and the meeting was adjourned at 1:14 p.m.

The next meeting of The Agency Board of Directors is scheduled for March 20, 2024, at 12:00 p.m. at FIVE South College Drive, Suite 201, Binghamton, NY 13905.