

THE AGENCY

BROOME COUNTY IDA / LDC

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
GOVERNANCE COMMITTEE MEETING**

APRIL 17, 2024 • 11:45 A.M. • THE AGENCY CONFERENCE ROOM
FIVE SOUTH COLLEGE DRIVE, SUITE 201, 2ND FLOOR
BINGHAMTON, NEW YORK 13905

AGENDA

1. CALL TO ORDER R. BUCCI
2. ACCEPT THE MINUTES FROM MARCH 20, 2024 R. BUCCI
3. PUBLIC COMMENT R. BUCCI
4. REVIEW/DISCUSSION/RECOMMENDATION OF AN APPLICATION FROM CMP ADVANCED MECHANICAL SOLUTIONS (NY), LLC AND AUTHORIZING A NEW YORK STATE AND LOCAL SALES AND USE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$24,720.00, FOR A TERM NOT TO EXCEED TWELVE MONTHS, CONSISTENT WITH THE POLICIES OF THE AGENCY IN CONNECTION WITH INFRASTRUCTURE ADJUSTMENTS, INSTALLATION OF NEW MANUFACTURING EQUIPMENT, UPGRADES TO ELECTRICAL AND MECHANICAL SYSTEMS, LIGHTING, HEATING AND COOLING EQUIPMENT, LANDSCAPING, ROOF REPAIR, AND PARKING LOT RESURFACING ON PREMISES LOCATED AT 159.5 N GRISWOLD STREET IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK. S. DUNCAN
5. ADJOURNMENT R. BUCCI

**Broome County Industrial Development Agency
Governance Committee Meeting Minutes
March 20, 2024 – 11:00 AM
The Agency Conference Room, 2nd Floor
FIVE South College Drive, Suite 201
Binghamton, NY 13901**

Committee Members Present: P. Newman, M. Sopchak, and J. Peduto

Absent: R. Bucci

Board Members Present: None

Guests: Tim Henzy- Smith & Henzy Affordable Group
Renee Franco- Exact Capital
Megan Curinga – HH&K
Lillian Levy- HH&K

Staff: S. Duncan, N. Abbadessa, A. Williamson, S. Guokas, M. Lucas and G. Paugh

Presiding: J. Peduto

AGENDA ITEM 1: Mr. Peduto called the meeting to order at 11:03 am

AGENDA ITEM 2: Accept the Governance Committee Minutes from February 21, 2024: Chairman Peduto stated that the minutes were forwarded to all members; they had an opportunity to review; any modifications were forwarded.

Motion: Mr. Sopchak moved the Motion for approval, seconded by Mr. Newman; the MOTION CARRIED.

AGENDA ITEM 3: Public Comment: No Public Comments were made.

AGENDA ITEM 4: REVIEW/DISCUSSION/RECOMMENDATION AUTHORIZING THE EXECUTIVE DIRECTOR, ON BEHALF OF THE AGENCY, TO RENEW THE AGENCY'S CONTRACT WITH HUE FOR DIGITAL ACCOUNT SERVICES FROM MARCH 1, 2024 TO FEBRUARY 28, 2027. Ms. Williamson explained that this is a required RFP completed every three years. The Agency has been using Hue for several years now, and they were the only ones who had responded to the RFP for these required services. Discussion ensued. Mr. Peduto asked for a motion.

MOTION: Mr. Sopchak moved the Motion to Recommend to the entire Board for Approval, seconded by Mr. Newman, the MOTION CARRIED.

AGENDA ITEM 5: REVIEW/DISCUSSION/RECOMMENDATION AUTHORIZING THE EXECUTIVE DIRECTOR, ON BEHALF OF THE AGENCY, TO RENEW THE AGENCY'S CONTRACT WITH RIGER MARKETING COMMUNICATIONS FOR DIGITAL ACCOUNT SERVICES FROM MARCH 1, 2024 TO FEBRUARY 28, 2027. Ms. Williamson explained that this is a required RFP completed every three years. The Agency has been using Riger for several years now, and they were the only ones who had responded to the RFP for these required services. Mr. Peduto asked for a motion.

MOTION: Mr. Sopchak moved the Motion to Recommend to the entire Board for Approval, seconded by Mr. Newman, the MOTION CARRIED.

AGENDA ITEM 6: REVIEW/DISCUSSION/RECOMMENDATION AUTHORIZING A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE DEMOLITION, REDEVELOPMENT, RENOVATION, DEVELOPMENT AND EQUIPPING OF THE YWCA LISLE-CARROLL INTERGENERATIONAL CAMPUS, INCLUDING THE YOUNG WONDERS CHILDCARE CENTER, WITH 68 APARTMENTS FOR LOW-INCOME, MULTI-FAMILY, AND SUPPORTIVE HOUSING TO INCLUDE TWO ELEVATORS, ONE IN

THE APARTMENT BUILDING AND ONE IN THE CHILDCARE CENTER, COMMUNITY ROOMS, A LAUNDRY ROOM, A RECEPTION AREA, A LOBBY, A CONFERENCE ROOM, A MAILROOM, STAFF OFFICES, THREE OUTDOOR PLAYGROUNDS, AND A TERRACE GARDEN TO BE LOCATED AT 20 LISLE AVENUE, 22 LISLE AVENUE, 24 LISLE AVENUE, 34 LISLE AVENUE, AND 45 CARROLL STREET ALL IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK APPOINTING THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF BINGHAMTON AND BROOME COUNTY, NEW YORK (THE "COMPANY") AGENT OF THE AGENCY FOR THE PURPOSE OF DEVELOPING, REDEVELOPING, RENOVATING, AND EQUIPPING THE PROJECT AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT THERETO, INCLUDING A PAYMENT IN LIEU OF TAX AGREEMENT, A SALES AND USE TAX EXEMPTION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$1,865,302.00, A MORTGAGE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$274,500.00, AND A REAL PROPERTY TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$993,935.00. 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 that was provided in the Board packets. Discussion ensued. Mr. Newman abstained.

MOTION: No motion. Moved to the full Board.

AGENDA ITEM 7: REVIEW/DISCUSSION/RECOMMENDATION AUTHORIZING A LEASE/LEASEBACK TRANSACTION TO FACILITATE THE REHABILITATION, PRESERVATION, AND EQUIPPING 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 BE USED AS A NEW AFFORDABLE HOUSING COMPLEX IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK TO INCLUDE 66 ONE BEDROOM APARTMENTS, 169 TWO BEDROOM APARTMENTS, 21 THREE BEDROOM APARTMENTS, AND 296 PARKING SPACES APPOINTING VE BINGHAMTON L.P. (THE "COMPANY") AGENT OF THE AGENCY FOR THE PURPOSE OF REHABILITATING, PRESERVING AND EQUIPPING THE PROJECT AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT THERETO, INCLUDING A PAYMENT IN LIEU OF TAX AGREEMENT DEVIATING FROM THE AGENCY'S UNIFORM TAX EXEMPTION POLICY, A SALES AND USE TAX EXEMPTION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$3,156,394.00, A MORTGAGE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$86,800.00, AND A REAL PROPERTY TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$10,233,658. Ms. Duncan stated that this project is more commonly known as the Town & Country apartments. The proposed project consists of the rehabilitation and preservation of 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 units of affordable housing 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. Discussion ensued.

MOTION: Mr. Newman moved the Motion to Recommend to the entire Board for Approval, seconded by Mr. Sopchak, the MOTION CARRIED.

AGENDA ITEM 8: REVIEW/DISCUSSION/RECOMMENDATION ACCEPTING AN APPLICATION FROM MARCHUSKA PRODUCTIONS, L.L.C. AUTHORIZING A NEW YORK STATE AND LOCAL SALES AND USE TAX EXEMPTION IN AN AMOUNT NOT TO EXCEED \$18,376.00, FOR A TERM NOT TO EXCEED TWELVE MONTHS, CONSISTENT WITH THE POLICIES OF THE AGENCY IN CONNECTION WITH THE EXPANSION, RENOVATION AND EQUIPPING OF VACANT SPACE AT 49 COURT STREET IN THE CITY OF BINGHAMTON, COUNTY OF BROOME AND STATE OF NEW YORK. Ms. Duncan stated that this is an application for the Small Business Incentive Program. The project will renovate existing space and create new space for tenants at the Metro Center in downtown Binghamton.

MOTION: Mr. Sopchak moved the Motion to Recommend to the entire Board for Approval, seconded by Mr. Newman, the MOTION CARRIED.

ADJOURNMENT: Mr. Peduto asked for a Motion to Adjourn.

MOTION: On a MOTION by Mr. Sopchak, seconded by Mr. Newman, the MOTION CARRIED, and the meeting was adjourned at 11:26 a.m.

The next meeting of The Agency Governance Committee is to be determined.

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 CMP-Advanced Mechanical Solutions NYLLC
Address 159.5 N Griswold Street
City/State/Zip Binghamton, NY 13904
Tax ID No. 030597227
Contact Name Dan Micholychak
Title Sr. Manufacturing Engineer
Telephone (607) 201-9244
E-Mail dmicholychak@cmp-ams.com

Owners of 20% or more of Applicant Company

Name	%	Corporate Title

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)

Infrastructure adjustments are to be made in the facility and also to the grounds of the facility. Examples of the modifications include but are not limited to: Purchase and installation of new manufacturing equipment such as welding power supplies, welding positioners, dust collection systems, finishing systems, water testing systems, assembly and fulfillment systems, & handling and organization equipment. Upgrades to electrical & mechanical systems, as well as lighting, heating & cooling equipment. And, external modifications such as landscaping, roof repair, and parking lot resurfacing.

TAX MAP ID NUMBER: 144.52-1-22.11

PROJECT TIMELINE

2022

Start Date

2025

End Date

159.5 N Griswold Street

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. \$ 0
 b. LABOR b. \$ 121,000

Site Work

- c. MATERIALS c. \$ 287,000
 d. LABOR d. \$ 168,000
 e. Non-Manufacturing Equipment e. \$ 12,000
 f. Furniture and Fixtures f. \$ 10,000
 g. LAND and/or BUILDING Purchase g. \$ 0
 h. Soft Costs (Legal, Architect, Engineering) h. \$ 2,000
 Other (specify) i. Surveying i. \$ 2,000
 j. Landclearing j. \$ 25,000
 k. _____ k. \$ _____

TOTAL PROJECT COSTS \$ 627,000

B. Sources of Funds for Project Costs:

- a. Bank Financing a. \$ 627,000
 b. Public Sources b. \$ _____

Identify each state and federal grant/credit

_____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

- c. Equity \$ _____

TOTAL SOURCES \$ 627,000

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

Yes No

If so, please specify bank, underwriter, etc.

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**) \$ 309,000.00

Estimated value of New York State and local sales tax exemption (8% of value of eligible goods) \$ 24,720.00

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? 75.00

Current number of full time employees: 145.00

Estimated annual salary range of jobs to be created:

Annual Salary range from: 50,000 to 110,000

Estimated annual salary range of current jobs:

Annual Salary range from: 45,000 to 100,000

****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.***

NATALIE C. ABBADESSA
 Notary Public, State of New York
 Registration #01AB6221930
 Qualified in Broome County
 Commission Expires 3/17/23

APPLICANT COMPANY

Sworn to before me this

[Signature]

 Signature, Title: Sr. Manufacturing Engineer, Date: 4.8.24

Sworn to before me this 8 day of April, 2024.
[Signature]

 (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** *CMP - Advanced Manufacturing* (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 4/8/24 (Submission date).

APPLICANT:

REPRESENTATIVE FOR CONTRACT BIDS/AWARDS:

ADDRESS:

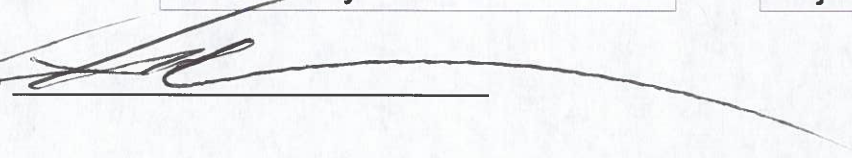
CITY: STATE: ZIP: PHONE:

EMAIL:

PROJECT ADDRESS:

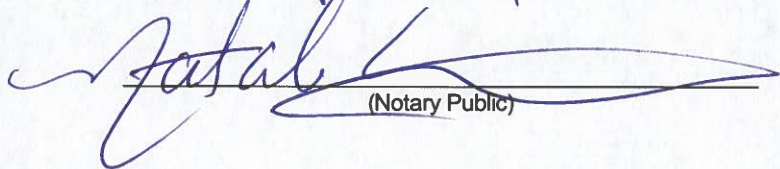
AUTHORIZED REPRESENTATIVE:

TITLE:

SIGNATURE: 

Sworn to before me this

8 day of April, 2024.


(Notary Public)

NATALIE C. ABBADESSA
Notary Public, State of New York
Registration #01AB6221930
Qualified In Broome County
Commission Expires 3/17/27



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
businessmanager@ibewlocal139.org
(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

IBEW Local 241
134 Cecil A. Malone Dr.
Building Trades
Ithaca, NY 14850
businessmanager@ibewlocal241.com
(607) 272-2809

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:

PROJECT ADDRESS: CITY: STATE: ZIP:

EMAIL: PHONE:

GENERAL CONTRACTOR/CONSTRUCTION MANAGER:

CONTACT:

ADDRESS: CITY: STATE: ZIP:

EMAIL: PHONE:

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

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.

 Company Representative

 Date

NON LOCAL LABOR UTILIZATION REPORT To be completed for all contractors not residing within the Broome County IDA Local Labor Area

APPLICANT:

PROJECT ADDRESS: CITY: STATE: ZIP:

EMAIL: PHONE:

GENERAL CONTRACTOR/CONSTRUCTION MANAGER:

CONTACT:

ADDRESS: CITY: STATE: ZIP:

EMAIL: PHONE:

ITEM	CONTRACT/SUB	ADDRESS	EMAIL	PHONE	AMOUNT
Site/Demo					
Foundation/Footings					
Building					
Masonry					
Metals					
Wood/Casework					
Thermal/Moisture					
Doors, Windows & Glazing					
Finishes					
Electrical					
HVAC					
Plumbing					
Specialties					
M&E					
FF & E					
Utilities					
Paving/Landscaping					

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.

 Company Representative Date