

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY
BOARD MEETING
FIVE South College Drive, Suite 201
Binghamton, New York 13905
Wednesday, October 16, 2024, 12:00 pm**

SYNOPSIS OF MEETING

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

ABSENT: None

GUESTS: Jim Ehmke, WICZ
Mark Lane, William H. Lane
Conan Cerretani, William H. Lane
Amelia McLean-Robertson, Harris Beach

STAFF: S. Duncan, N. Abbadessa, A. Williamson, G. Dean and M. Lucas

COUNSEL: J. Meagher

The meeting was called to order at 12:03 p.m.

ITEM #1. APPROVE THE MINUTES FOR SEPTEMBER 21, 2024, MEETING: Chairman Bernardo requested a motion to approve the September 16, 2024 minutes.

MOTION: Mr. Newman motioned to approve, seconded by Mr. Sopchak; the MOTION CARRIED.

ITEM #2. PUBLIC COMMENT: Chairman Bernardo asked if there were any public comments. Hearing none, Mr. Bernardo closed the public comment section.

ITEM #3. EXECUTIVE DIRECTOR'S REPORT:

Ms. Duncan provided updates on the following:

- RFQ for Engineering and Architectural services for the 600 Main Street property issued in late September and due October 25th.
- Ms. Duncan attended the Battery Show in Detroit from October 7-10. Ms. Duncan noted that she is making several connections she plans to follow up on at the NYBEST Battery Show on October

23rd and 24th.

- Ms. Duncan informed the Board that she and Dr. Bill Mullaney were selected to lead the Southern Tier's application to the One Regional Network for Advanced Manufacturing Partnerships (ON-RAMP).
- Ms. Duncan noted that the Newmark Southern Tier Cleantech Strategy is nearing completion, and the Board will be invited to a final presentation in early December.
- Ms. Duncan noted that the Board received both August and September financials this month due to staff absences related to maternity leave.
- Ms. Miller inquired regarding the amount of battery production in Greater Binghamton. Ms. Duncan noted that much of the activity surrounds battery packaging more so than actual cell manufacturing. A discussion ensued regarding Binghamton University and New Energy New York.

ITEM #4. LOAN ACTIVITY REPORTS AS OF SEPTEMBER 30, 2024: The Loan Activity Reports for June were presented to the Board. The balances available to lend are \$1,002,874.01(STEED), \$547,246.24(BDF), and \$128,285.84(BR + E). Chairman Bernardo asked if there were any questions on the Loan Activity Reports or any of the loans.

Mr. Newman inquired regarding the status of Antonio's loan. Ms. Abbadessa shared that there is a new contact for Antonio, and the IDA and its counsel are attempting to make contact. Mr. Meagher noted that he is preparing the necessary paperwork for litigation and anticipates filing if he cannot make contact within 30 days.

MOTION: No motion necessary.

ITEM #5: Resolution Accepting Final Scoping Document for Generic Environmental Impact Statement Pursuant to SEQRA. Ms. Duncan noted this is a required step per New York State guidelines for the State Environmental Quality Review Act (SEQRA). Ms. Duncan also noted that public comments were received from the Town of Maine, some of which have been incorporated into the final Scoping Document. Those public comments are available at broometechpark.com. Chairman Bernardo asked for a motion

MOTION: Resolution Accepting Final Scoping Document for Generic Environmental Impact Statement Pursuant to SEQRA. Mr. Peduto motioned to approve, seconded by Ms. Miller; the MOTION CARRIED.

ITEM #6. Resolution approving an extension of the Sales and Use Tax Exemption Letter of 333 Grande

Avenue LLC from October 18, 2024 through, and including, October 18, 2026, the total of which shall not exceed \$955,000.00. Mr. Crocker noted that the construction bid process was unsatisfactorily related to commitment to the local labor policy. Mr. Crocker provided some recommendations for updating the IDA's labor policy, which will be discussed at a future meeting. Chairman Bernardo asked for a Motion.

MOTION: To accept a Resolution approving an extension of the Sales and Use Tax Exemption Letter of 333 Grande Avenue LLC from October 18, 2024 through, and including, October 18, 2026, the total of which shall not exceed \$955,000.00, and authorizing the execution and delivery of certain documents with respect thereto. On a MOTION by Mr. Bucci, seconded by Mr. Mirabito, the MOTION CARRIED. (8-1 Chairman Bernardo Abstained.)

ITEM #7. Resolution authorizing a Lease/Leaseback Transaction to facilitate the Acquisition, Renovation and Equipping of property located at 435 Main Street and 435 Main Street-Rear in the Village of Johnson City, Broome County, New York to be used as an apartment building with a resident lounge and gymnasium as well as commercial or office space with additional parking spaces and appointing The Lane Group of NY, LLC, A New York Limited Liability Company (The "Company"), Agent of The Agency for the purpose of Acquiring, Renovating and Equipping the Project and to provide for a Sales and Use Tax Exemption Benefit in an amount not to exceed \$560,000.00, to provide for a Mortgage Recording Tax Exemption Benefit in an amount not to exceed \$160,500, to provide for a Real Property Tax Exemption in an amount not to exceed \$3,131,208.00, including authorizing a Payment in Lieu of Tax Agreement and Authorizing the execution and delivery of certain documents with respect thereto. Chairman Bernardo asked the project representative to recap the events leading up to the uninhabitable determination. Mark Lane of The Lane Group of NY, LLC provided an overview on how the uninhabitable determination came to be and how The Lane Group is planning to assist current tenants while working with the current owners to preserve the integrity of the building. A discussion ensued. Chairman Bernardo called for a motion.

MOTION: To accept a Resolution authorizing a Lease/Leaseback Transaction to facilitate the Acquisition, Renovation, and Equipping of property located at 435 Main Street and 435 Main Street-Rear in the Village of Johnson City, Broome County, New York, to be used as an apartment building with a resident lounge and gymnasium as well as commercial or office space with additional parking spaces and appointing The Lane Group of NY, LLC, A New York Limited Liability Company (The "Company"), Agent of The Agency for the purpose of Acquiring, Renovating and Equipping the Project and to provide for a Sales and Use Tax Exemption Benefit in an amount not to exceed \$560,000.00, to provide for a Mortgage Recording Tax Exemption Benefit in an amount not to exceed \$160,500, to provide for a Real Property Tax Exemption in an amount not to exceed \$3,131,208.00, including authorizing a Payment in Lieu of Tax Agreement and Authorizing the execution and delivery of certain documents with respect thereto. On a MOTION by Mr. Bucci, seconded by Mr. Peduto, the MOTION CARRIED.

ITEM #8: Resolution approving an extension of the October 18, 2023 Sales and Use Tax Exemption Agreement with Crowley Factory Lofts, LLC from October 18, 2023 through, and including, October 18,

2025, the total of which shall not exceed \$301,114.00. Chairman Bernardo inquired regarding the financial structure of the project. Ms. Duncan noted that the financials have not yet been finalized due to unexpectedly high construction costs and, thus, the need to re-bid the project. A discussion ensued among Board members regarding whether the benefit should not be voted on until the financials are solidified. Mr. Gates recommended voting for this meeting as the benefit does not begin until the project construction begins, and this incentive may be necessary in finalizing the financials. Chairman Bernardo called for a motion.

MOTION: To accept a Resolution approving an extension of the October 18, 2023 Sales and Use Tax Exemption Agreement with Crowley Factory Lofts, LLC from October 18, 2023 through, and including, October 18, 2025, the total of which shall not exceed \$301,114.00. On a motion by Mr. Bucci, seconded by Mr. Peduto, the MOTION CARRIED. (8-1 Mr. Newman abstained)

ITEM #9: Resolution authorizing a Lease/Leaseback Transaction to facilitate the acquisition, 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 an affordable housing complex in the City of Binghamton, Broome County, New York including 66 one bedroom apartments, 169 two bedroom apartments, 21 three bedroom apartments, and 296 parking spaces appointing V V Binghamton LLC, or an entity to be later named, (The "Company") Agent of the Agency for the purpose of acquiring, 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 \$3,256,604.00, a Mortgage Tax Exemption in an amount not to exceed \$541,077.00, and a Real Property Tax Exemption in an amount not to exceed \$10,842,402.00. No discussion was held. Chairman Bernardo called for a motion.

MOTION: To accept a Resolution authorizing a Lease/Leaseback Transaction to facilitate the acquisition, 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 an affordable housing complex in the City of Binghamton, Broome County, New York including 66 one bedroom apartments, 169 two bedroom apartments, 21 three bedroom apartments, and 296 parking spaces appointing V V Binghamton LLC, or an entity to be later named, (The "Company") Agent of the Agency for the purpose of acquiring, 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 \$3,256,604.00, a Mortgage Tax Exemption in an amount not to exceed \$541,077.00, and a Real Property Tax Exemption in an amount not to exceed \$10,842,402.00. On a MOTION by Mr. Bucci, seconded by Ms. Miller, the MOTION CARRIED.

ITEM #10: Resolution approving the 2025 Agency Operational Budget. Ms. Duncan provided an overview of the changes made to the 2025 Agency Operational Budget as requested by the Audit and Finance Committee. At Chairman Bernardo's request, Ms. Duncan provided an overview of the Tech Park budget which will be included in monthly financials. Ms. Duncan noted that this could be considered a phase 1 budget, including all soft costs pre-construction start. Ms. Duncan stated that the IDA has yet to formally close on any of the properties it has an option on, which will impact the expenditure line. Ms. Duncan outlined some next steps related to project financing, including a potential FAST application and other anticipated costs related to development. Chairman Bernardo called for a motion.

MOTION: To accept a Resolution approving the 2025 Agency Operational Budget. On a MOTION by Mr. Crocker, Seconded by Mr. Newman, the MOTION CARRIED.

ITEM #11 ADJOURNMENT: Chairman Bernardo requested a motion to adjourn.

MOTION: On a MOTION by Mr. Gates, seconded by Mr. Crocker, the MOTION CARRIED, and the meeting was adjourned at 12:47 pm

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