

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Broome County Public Library

185 Court Street

Binghamton, New York 13901

Friday, May 8, 2009, 12:00pm

SYNOPSIS OF MEETING

PRESENT: G. Akel, E. Burns, B. Fiala, T. Grippen, P. Hankin, S. Herz, W. Howard, V. Pasquale and J. Rounds

ABSENT:

GUESTS: Darcy Fauci, Broome County Deputy Executive
Barry Klispch, Broome County Legislature
Mario Nirchi, Broome County Legislature
Jon Klenovic, BAE Systems
Terry Kane, Binghamton University

COUNSEL: J. Meagher

STAFF: R. D'Attilio, P. Doyle, R. Fiato, T. Gray, C. Campon

PRESIDING: G. Akel, Chairman

Chairman Akel called the meeting to order at 12:06pm.

ITEM #1. APPROVE MINUTES FOR APRIL 17, 2009 BOARD MEETING: Mr. Akel requested approval of the minutes for the April 17, 2009 meeting.

MOTION: To approve the April 17, 2009 meeting minutes. On a MOTION by Mr. Burns, seconded by Mr. Howard, MOTION CARRIED UNANIMOUSLY.

ITEM #2. PUBLIC COMMENT: Mr. Terry Kane of Binghamton University and Mr. Jon Klenovic of BAE Systems brought a proposal to the Board. Binghamton University, in partnership with BAE Systems, is seeking secure federal stimulus money to establish a graduate studies program in alternative power sources. Mr. Kane and Mr. Klenovic came to the BCIDA in hopes of securing a contribution of \$100,000 to be paid over 3 years. They also hoped the IDA could provide a letter of community support. Mr. Barry Klispch, of the Broome County Legislature, addressed the Board, asking if the IDA would consider reserving mineral rights when selling properties in the future. The Board responded that they had not considered the option in the past, but that they would need to look further into it.

MOTION: To supply a letter of support and financial support for Binghamton University's Master of Engineering degree program. On a MOTION by Mr. Herz, seconded by Mr. Howard, the MOTION CARRIED. Mr. Pasquale abstained.

ITEM #3. EXECUTIVE DIRECTOR'S REPORT: Mr. D'Attilio informed the Board that due to the time sensitivity of the real estate closing for the VMR project, the Board was asked to subordinate its position. There was not adequate time to call a meeting of the Advisory Loan Committee so Mr. D'Attilio authorized the subordination agreement. The Loan Committee was advised and concurred with Mr. D'Attilio's action. Mr. D'Attilio also stated that the Lockheed Martin presidential helicopter program has officially been cut from the President's budget; however the budget still needs to be approved by Congress. He spoke with a journalist from the Wall Street Journal on the matter earlier in the week, to which he provided an optimistic outlook for the region and noted the resiliency of the community. Mr. D'Attilio informed the Board that preliminary talks have begun as to the future of the Empire Development Zone program. Beginning later this year, New York State will cease funding the EDZ at the local level. Mr. D'Attilio advised that the Agency may consider funding the administration of the program in the area and possibly put Margaret Scarinzi, local Empire Zone Coordinator, on the IDA staff. Mr. Herz proposed that IDA reorganization efforts continue to be a topic of discussion at board

meetings. Ms. Fiala echoed these sentiments and added that John Serino has agreed to oversee the reorganization effort and that he could report to the IDA monthly to give progress updates. Lastly, Mr. D'Attilio advised the Board that he had conducted a survey with a number of IDAs within the region and determined that it would be appropriate to increase the Agency's fee to 1% on all projects that are facilitated by the BCIDA. He further recommended that the Agency set a minimum fee of no less than \$5,000.

MOTION: To accept the suggested Agency fee. On a MOTION by Mr. Grippen, seconded by Mr. Herz, the MOTION CARRIED UNANIMOUSLY.

ITEM #4. LOAN FUNDS AVAILABILITY AS OF APRIL 30, 2009: Mr. Gray presented the Loan Funds Availability report for the Board. The balances available to lend are \$230,013.92 (STEED) and \$647,429.93 (Title IX).

MOTION: No motion necessary.

NEW BUSINESS

ITEM #5: RESOLUTION TO ACCEPT THE SALE-LEASEBACK APPLICATION FROM VESTAL PARK, LLC: Mr. Akel stated he had a conflict of interest and excused himself from the room. Mr. D'Attilio presented the Sale-Lease Back application from Vestal Park, LLC on behalf of its tenant, Nationwide Credit, Inc., requesting the Agency to extend its current Payment-In-Lieu-Of-Tax Agreement (PILOT) for an additional seven and half years (7 ½). Mr. D'Attilio stated that this request is a deviation from the Agency's standard PILOT Agreement and requires a request from the Town of Vestal Supervisor supporting the deviation. The Agency has received a request from the Town of Vestal requesting the extension of the PILOT for Vestal Park, LLC on behalf of their tenant, Nationwide Credit, Inc. for a period not to exceed 7 ½ years.

MOTION: On a MOTION by Mr. Hankin, seconded by Mr. Howard, the MOTION CARRIED. Mr. Rounds opposed.

ITEM #6. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SET A PUBLIC HEARING FOR THE VESTAL PARK, LLC PROJECT: Mr. Herz requested that the public hearing be held in the evening.

MOTION: On a MOTION by Mr. Hankin, seconded by Mr. Herz, the MOTION CARRIED UNANIMOUSLY.

ITEM #7. EXECUTIVE SESSION TO DISCUSS CONFIDENTIAL PLANS OF CERTAIN AGENCY CLIENTS:

MOTION: To convene to Executive Session. On a MOTION by Mr. Pasquale, seconded by Mr. Hankin, the MOTION CARRIED UNANIMOUSLY.

ITEM #8. RESUMPTION OF PUBLIC SESSION:

MOTION: To reconvene back to public session. On a MOTION by Mr. Howard, seconded by Mr. Hankin, the MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

Mr. Herz advised the Board that he had spoken with a WiFi provider who was considering offering wireless internet access from Binghamton to Deposit. Mr. Herz explained that the WiFi provider may come to the Agency for support down the road.

Mr. Rounds asked if a letter sent to Senator Libous opposing proposed legislation on IDAs was representative of the Agency. Mr. D'Attilio explained that the letter was written on behalf of the Agency and that he had sent notification of the letter to the Board the same day he sent it to Senator Libous and received no feedback. Mr. Rounds stated that he was opposed to the content of the letter.

ITEM #9. ADJOURNMENT: Chairman Akel requested a motion for adjournment.

MOTION: To adjourn the meeting. On a MOTION by Mr. Howard, seconded by Mr. Pasquale, THE MOTION CARRIED UNANIMOUSLY and the meeting was adjourned.

The next scheduled meeting of the BCIDA Board of Directors is June 19, 2009 at 12:00pm, at the Broome County Public Library, Binghamton, NY.