

BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

**Broome County Public Library
185 Court Street
Binghamton, New York 13901
Friday, June 19, 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
Dan Reynolds, Broome County Legislative Chairman

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 12:05 pm.

ITEM #1. APPROVE MINUTES FOR MAY 8, 2009 BOARD MEETING: Mr. Akel requested approval of the minutes for the May 8, 2009 meeting. Mr. Rounds asked about a statement in the Old Business section of the minutes regarding the letter to Senator Libous opposing proposed legislation on IDAs. The minutes state that Mr. D'Attilio sent out notification of the letter before sending it to Senator Libous. Mr. D'Attilio corrected that statement and asked that the minutes reflect that notification of the letter was sent out on the same day that the letter was sent, rather than before. The correction has since been made, and the minutes have been posted.

MOTION: To approve the May 8, 2009 meeting minutes with revisions. On a MOTION by Mr. Burns, seconded by Mr. Herz, MOTION CARRIED UNANIMOUSLY.

ITEM #2. PUBLIC COMMENT: None.

MOTION: No motion necessary.

ITEM #3. EXECUTIVE DIRECTOR'S REPORT: Mr. D'Attilio advised the Board that the Agency had received a request from the Broome County Budget Office to make a payment in accordance with the agreement between the BCIDA and Broome County on the condition that the Agency's revenue exceeds its expenses in connection to the Broome Corporate Park. The Agency made a payment to Broome County for \$101,991. Mr. D'Attilio then updated the Board on progress on the dam project at the Broome Corporate Park. He stated that the project has been stalled and action is dependent on DEC approval. Mr. D'Attilio said that seeding at the Charles Street Business Park has been completed. Ms. Fiala then asked what the status is of the \$1 million grant for the Charles Street Business Park to which Mr. D'Attilio stated that upon completion of the project, the Agency will submit the expenses and be reimbursed. Mr. D'Attilio also announced that the opening bids would begin at 2:00 pm on June 19, 2009 for the lighting project at Charles Street. Mr. D'Attilio informed the Board that Broome County has hired consultants to do an environmental report on the New York State Department of Transportation garage that the Agency has been interested in acquiring. Mr. Rounds asked if the State has an obligation to clean up the site before they sell it. The report included the estimated cost of demolition and cleanup. Mr. D'Attilio stated that he believes they do; however, the State would like to sell the property "as-is". He then reported that the request from Terry Kane from Binghamton University and BAE to financially support their engineering program is null as the project did not materialize. Mr. D'Attilio also stated that proposed Agency contributions would not be necessary at this time for the Empire Development Zone program to continue as EDZ reserves and City of Binghamton contributions will provide sufficient funding. Mr. Herz then addressed the Board, saying that he believed Agency assets are increasing at the expense of the

taxpayers and the Board should revisit the conditions of the loan the Agency has with the County in order to get the loan paid off at an accelerated rate. Mr. D'Attilio expressed his intentions of briefing the Board on the Agency's current and projected financial situation as many of the reserves may be depleted in the near-future. Board Members requested that a discussion take place at the next board meeting regarding the Agency's future financial responsibilities.

MOTION: No motion necessary.

ITEM #4. LOAN FUNDS AVAILABILITY AS OF MAY 31, 2009: Mr. Gray presented the Loan Funds Availability report for the Board. The balances available to lend are \$258,359.47 (STEED) and \$658,980.07 (Title IX). In addition, Mr. Gray reported that he is currently entertaining interest from three potential regional projects.

MOTION: No motion necessary.

NEW BUSINESS

Mr. Akel excused himself from the room.

ITEM #5: RESULTS PRESENTED FROM THE PUBLIC HEARING FOR THE VESTAL PARK, LLC-NCI, INC. PROJECT: Mr. D'Attilio updated the Board that there were no members of the public in attendance at the public hearing. The Board then discussed the tax analysis for the property. Mr. Pasquale asked if a fixed payment rather than a rate based on a fixed percentage was typical. Mr. D'Attilio stated that it is a deviation from standard policy.

MOTION: No motion necessary.

ITEM #6. RESOLUTION AUTHORIZING THE FINAL INDUCEMENT FOR THE VESTAL PARK, LLC-NCI, INC. PROJECT:

MOTION: On a MOTION by Mr. Grippen, seconded by Mr. Hankin the MOTION CARRIED. Mr. Akel abstained.

ITEM #7. RESOLUTION AUTHORIZING THE EXTENSION OF THE VESTAL PARK, LLC-NCI, INC.'S PAYMENT IN LIEU OF TAX AGREEMENT (PILOT) AS REQUESTED BY THE TOWN OF VESTAL: Mr. D'Attilio stated that this was a continuation request for the extension of the PILOT is a deviation and required a request from the Town of Vestal Supervisor supporting the deviation. The Agency 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. The County and the Vestal School Board are not taking a position one way or another on the matter. The PILOT will be extended for a term not to exceed seven and half years (7 ½ years).

MOTION: On a MOTION by Mr. Grippen, seconded by Mr. Hankin, the MOTION CARRIED. Mr. Akel abstained.

Mr. Akel returned to the room.

ITEM #8. RESOLUTION TO ACCEPT THE TAXABLE REVENUE BOND APPLICATION AND TO AUTHORIZE THE PRELIMINARY INDUCEMENT FOR THE DEVELOPMENT/CONSTRUCTION PROJECT FOR IMPRESS USA, INC'S MANUFACTURING AND DISTRIBUTION FACILITY: Mr. D'Attilio stated that Impress has secured financing from GE Capital. Impress USA, Inc., chose not to use a developer and went through an extensive interview process with five local contractors to make a decision who to use to construct their project. Impress USA, Inc., selected T.J. Madison.

MOTION: On a MOTION by Mr. Burns, seconded by Mr. Grippen, the MOTION CARRIED UNANIMOUSLY.

ITEM #9. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SET A PUBLIC HEARING FOR THE DEVELOPMENT/CONSTRUCTION PROJECT FOR IMPRESS USA, INC'S MANUFACTURING AND DISTRIBUTION FACILITY: Mr. Burns requested email notification of the public hearing notice.

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

ITEM #10. RESOLUTION AUTHORIZING THE BCIDA TO DISTRIBUTE MILLENNIUM PIPELINE COMPANY'S COMMUNITY BENEFIT PACKAGE FUNDS TO THE TOWNS AND VILLAGES IN BROOME COUNTY WHERE THE PIPELINE RUNS THROUGH:

Mr. D'Attilio advised the Board that Millennium Pipeline had agreed at the onset of their project to reward the towns and villages of Broome County that were affected with construction of the pipeline. The Agency has received Millennium Pipeline's first payment of \$108,000. The eight towns and one village would receive a total of \$100,000 per year for ten years and the Agency will hold \$8,000 per year as an administrative fee. Mr. D'Attilio suggested that the \$100,000 be distributed equally between the municipalities. Mr. Herz suggested giving the recipients the alternative of one large community project to benefit the entire county. Mr. D'Attilio suggested the issue be tabled until the Agency can research the specifics of the previously agreed-upon obligation.

MOTION: MOTION tabled until next meeting.

ITEM #11. RESOLUTION OF THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY RESCINDING A RESOLUTION DATED FEBRUARY 13, 2009, WHICH APPROVED THE DELIVERY OF A SUBSTITUTE SUPPORT LETTER OF CREDIT AND THE APPOINTMENT OF A SUCCESSOR TRUSTEE, TENDER AGENT AND REMARKETING AGENT AND APPROVING THE FORM, SUBSTANCE AND EXECUTION OF RELATED DOCUMENTS AND APPROVING A NEW RESOLUTION AUTHORIZING AND CONSENTING TO THE DELIVERY OF A SUBSTITUTE SUPPORT LETTER OF CREDIT AND THE APPOINTMENT OF A SUCCESSOR TRUSTEE AND TENDER AGENT IN CONNECTION WITH THE ISSUER'S VARIABLE RATE DEMAND INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 2006 (PARLOR CITY PAPER BOX CO., INC. FACILITY), AND THE EXECUTION OF RELATED DOCUMENTS:

Mr. D'Attilio stated that US Bank National Association is a substitute for Wachovia. Mr. Akel stated that this will have no recourse with the Agency; it is simply a formality.

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

ITEM #12. 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. Howard, the MOTION CARRIED UNANIMOUSLY.

ITEM #13. RESUMPTION OF PUBLIC SESSION:

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

OLD BUSINESS

ITEM #14. ADJOURNMENT: Chairman Akel requested a motion for adjournment.

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

The next scheduled meeting of the BCIDA Board of Directors is July 17, 2009 at 12:00pm, at the Broome County Public Library, Binghamton, NY.