

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**Broome County Public Library  
185 Court Street  
Binghamton, New York 13901  
Friday, July 17, 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:** None

**GUESTS:** Darcy Fauci, Broome County Deputy Executive  
Dan Reynolds, Broome County Legislative Chairman  
Tim Cleary, Broome County Legislator  
Sue Gorman Messina, Broome County Legislator  
Barry Messina, Resident of Broome County

**COUNSEL:** None

**STAFF:** R. D'Attilio, P. Doyle, R. Fiato, and T. Gray

**PRESIDING:** G. Akel, Chairman

Chairman Akel called the meeting to order at 12:05 pm.

**ITEM #1. APPROVE MINUTES FOR JUNE 19, 2009 BOARD MEETING:** Mr. Akel requested approval of the minutes for the June 19, 2009 meeting.

**MOTION:** To approve the June 19, 2009 meeting minutes with revisions. On a MOTION by Mr. Burns, seconded by Mr. Howard, 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 financing for the Impress USA, Inc., project in the Broome Corporate Park is scheduled to close on August 18<sup>th</sup> and 19<sup>th</sup>. The public hearing is set for August 6<sup>th</sup>, 12:00 noon at the Town of Conklin Town Hall, Conklin, New York. Mr. D'Attilio also stated that it will be very important for the board to have a quorum at the next meeting to vote on the final resolution regarding the Impress project. After a brief discussion, the board determined that August 17<sup>th</sup> would be the best time to schedule the next board meeting. Mr. Burns encouraged that at least one board member be present at the August 6<sup>th</sup> public hearing as well as all future public hearings. Mr. Akel requested that a reminder notice of the public hearing be sent to the board members; Ms. Fiato noted the request. Mr. D'Attilio updated the Board on the status of L-3 Communications and its lease with the Agency. The current lease terminates in February 2010. Mr. D'Attilio and Mr. Doyle had a productive meeting with a representative from CB Richard Ellis regarding L-3 Communications future in the building. Although the company is looking at other facilities, the preference is to stay in the building. Mr. D'Attilio stated that he is willing to work with L-3 Communications to keep them in the building as well as in the community. CB Richard Ellis will be sending out a Request for Proposal to the local market regarding space requirements for L-3 Communications. Mr. D'Attilio continued by stating that he met with LeChase Construction Services, LLC regarding facilities management services for the L-3 building. A representative offered to do a courtesy walk through of the building to advise him of the condition of the

building and to discuss a future facilities management program. Mr. D'Attilio then updated the Board on an emergency situation with one of the dams at the Broome Corporate Park. He stated that the DEC notified him that there was a breach in one of the culverts on Tyler Road near the NY Carolina Express facility. The culvert collapsed leaving an eight foot wide, five to six foot deep gap in the road. With the help of Broome County Public Works, the culvert has been blocked off for safety purposes. Since this incident, the DEC is now requiring a complete dam rebuild with all plans to be reviewed and approved by the DEC prior to bid. Mr. D'Attilio updated the Board on the initiative to preserve/redevelop the library. Two engineers from Delta Engineers did a walk through of the building and reported that there is serious disrepair from the roof down to the foundation, asbestos in the tiles as well as the need for all new plumbing, heating and cooling mechanics due to the extensive neglect to the building. Delta gave a very preliminary renovation cost estimate from \$5 million. A lengthy discussion took place regarding the availability of outside funding sources, whether through a government agency, stimulus money, the private sector or some combination. Dialog continued on strategies for securing funding as well as how to gain control of the building. Mr. Burns asked if there was an appraisal on the building. Mr. D'Attilio responded that he spoke with Mr. John H. McDonald, Town Assessor of Conklin and Union; Mr. McDonald stated that to get a true appraisal on the building, an engineering appraisal needed to be done first. Ms. Fiala expressed her concern that the longer we wait to take action, the greater the cost will be to renovate it. Ms. Fiala also stated that she did speak with the City of Binghamton and they are supportive of Broome County taking ownership of the library. She said she would contact the City again regarding assistance in enforcing public safety or code enforcement laws due to neglect of the building. Mr. Grippen inquired about whether or not the BLDC has been contacted about this project and suggested that they could assist the Agency with acquiring the building as well as redeveloping the library. Mr. D'Attilio also stated he had a discussion with a local development group who expressed interest in the building. The discussion concluded with Mr. D'Attilio stating the next steps in moving forward with library renovation initiative are: 1) contact the City of Binghamton for their assistance regarding public safety issues/code enforcement for the library; 2) advise the current owner of the approximate cost to renovate the building; 3) contact the local development group who expressed interest; and 4) discuss condemnation with legal counsel.

**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 \$296,291.60 (STEED) and \$668,687.20 (Title IX). In addition, Mr. Gray reported that he is reviewing a loan application from a company from Oneonta as well as entertaining interest from a few other companies, one of them being a local company.

**MOTION:** No motion necessary.

#### **NEW BUSINESS**

**ITEM #5: RESULTS AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH DIEKOW ELECTRIC, INC., THE LOWEST QUALIFIED BIDDER FOR THE PROPOSED LIGHTING SYSTEM AT THE CHARLES STREET BUSINESS PARK:**

Mr. D'Attilio updated the Board on the bid results for the lighting system project for the Charles Street Business Park. Seven companies responded to the bid request. Mr. Timothy Bailey from Hawk Engineering opened all sealed bids on June 19, 2009. Diekow Electric, Inc., was the lowest qualified bidder. Mr. Bailey contacted the City of Binghamton to make sure they were satisfied with the vendor. The City responded with an affirmative response. The Agency will convey the streets and lighting system to the City of Binghamton upon completion of the project.

**MOTION:** To award Diekow Electric, Inc., the proposed lighting system project at the Charles Street Business Park. On a MOTION by Ms. Fiala, seconded by Mr. Burns, MOTION CARRIED UNANIMOUSLY.

Mr. Herz asked that the board discuss agenda item 7 before agenda item 6.

**ITEM #7. REVIEW OF THE AGENCY'S FINANCIAL POSITION:** Mr. D'Attilio presented two scenarios of the agency's financial position for the next five years; one including an accelerated payback to Broome County for the Broome Corporate Park Debt Service and the other without the payback. Mr. D'Attilio pointed out that there have been some adjustments made to the approved 2009 budget with actual figures to represent a more accurate five year forecast. If the Agency pays the County back in two accelerated payments, in five years, the Agency will have a deficit of approximately \$588,748; if the Agency doesn't pay back the County in five years, it shows a positive cash flow of \$719,105. Mr. D'Attilio continued by explaining the agreement the Agency has with the County regarding repayment of the Corporate Park debt. When the aggregate revenue exceeds the expense, the Agency is required to pay the County 50% of those revenues. The Agency recently made a payment to the County for years 2007 and 2008 in the amount totaling \$101,991. Mr. D'Attilio stated that the Agency would probably exceed expenses this year as well due to pending land sales that are scheduled to close prior to year end. If that happens, the Agency will have to make another payment to the County per the current agreement. Mr. Herz wanted to clarify that he wasn't pressuring the Agency to pay the County back at an accelerated rate but that it's appropriate for the Agency to pay the County back at an accelerated rate due to the current economic conditions the County is facing. A discussion took place regarding amending the current agreement; any changes to the current agreement will need to go before the County Legislators for approval. Suggestions were made to have a set dollar amount and time frame in place for repayment. Ms. Fiala stated that it would be beneficial for the County if there was a dedicated amount established so that the County could count on those funds in the county's budget to help assist in the funding of present and future public service contracting agencies. It was also suggested that the Agency use the monies from the Millennium Pipeline Company's Community Benefits Package funds to pay back the County. Mr. Herz commented that the two issues should not be discussed together. Mr. D'Attilio stated that Millennium put no restrictions on what the Agency does with the money and it's the Board's discretion to determine its use. After further discussion, Mr. Herz stated that he wasn't opposed to using the Millennium funds to pay back the County but would like to see the Agency help with the WiFi, high speed internet project in Eastern Broome with a PILOT Agreement and any other support the Agency can give to this project. Mr. D'Attilio commented that the Agency would do it's best to support any project that was brought in front of them. Mr. D'Attilio concluded the discussion by confirming the outcome of the discussion. The Agency will pay back the County \$1,230,918.14 for the Broome Corporate Park Debt Service over a five year period of equal payment of \$246,183.63. The Agency will use the annual payments of \$100,000 from the Millennium Pipeline Company's Community Benefits Package Funds for five (5) years as well as taking \$146,183.63 out of their general fund for the balance of the payment. Payments will begin in 2010. The Millennium Community Benefits Package funding is for a ten (10) year period, the Board will revisit how to distribute the funds after the first five (5) years.

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

**ITEM #6. DISCUSSION HOW TO DISTRIBUTE THE MILLENNIUM PIPELINE COMPANY'S COMMUNITY BENEFIT PACKAGE FUNDS AND CONSIDER A REQUEST FROM STEVE HERZ REGARDING A HIGH SPEED INTERNET PROJECT IN EASTERN BROOME:** No discussion needed, distribution of the Millennium Pipeline Company's Community Benefit Package has been determined and approved of in the previous agenda item for the first five (5) years; the Board will revisit after that time period has ended.

**MOTION:** No motion necessary.

**ITEM #8. EXECUTIVE SESSION TO DISCUSS CONFIDENTIAL PLANS OF CERTAIN AGENCY CLIENTS:**

**MOTION:** To convene to Executive Session. On a MOTION by Mr. Howard, seconded by Mr. Burns, the MOTION CARRIED UNANIMOUSLY.

**ITEM #9. 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 #10. 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 August 17, 2009 at 12:00pm, at the Broome County Public Library, Binghamton, NY.