

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**Broome County Public Library**

**185 Court Street**

**Binghamton, New York 13901**

**Friday, February 12, 2010, 12:00 p.m.**

**SYNOPSIS OF MEETING**

**PRESENT:** E. Burns, B. Fiala, T. Grippen, W. Howard V. Pasquale and J. Rounds

**ABSENT:** G. Akel, P. Hankin and S. Herz

**GUESTS:** Dan Reynolds, Broome County Legislature Chairman  
Timothy Cleary, Broome County Legislator  
Justin A. Marchuska, Marchuska Bros. Construction  
Alton Butkewich, Marchuska Bros. Construction

**COUNSEL:** J. Meagher

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

**PRESIDING:** B. Fiala

Ms. Fiala called the meeting to order at 12:00 pm.

**ITEM # 1. APPROVE MINUTES FOR JANUARY 15, 2010 REGULAR MEETING:** Mr. Burns requested a correction to the January minutes. In the Executive Director's report, there is reference to the creation of a Millennium Community Benefits Fund to assist the counties that were affected by construction of the pipeline. The word "counties" has been replaced with the word "towns". Ms. Fiala requested approval of the minutes for the January 15, 2010 meeting.

**MOTION:** To approve the January 15, 2010 minutes with revisions. On a MOTION by Mr. Grippen, seconded by Mr. Rounds, MOTION CARRIED UNANIMOUSLY.

**ITEM # 2. PUBLIC COMMENT:** None.

**MOTION:** No motion necessary.

**ITEM #3. EXECUTIVE DIRECTOR'S REPORT:** Mr. D'Attilio updated the Board on the DOT property. The Agency and the County agreed to use \$32,000 of residual funding from the County Planning Department for a Phase I environmental investigation. The next meeting of the Southern Tier Economic Partnership (STEP) is February 20, 2010. Mr. D'Attilio received a letter from the New York State Department of Tax and Finance requesting payment from the Agency in the sum of \$148,000 based on Agency revenue for 2008. Mr. D'Attilio is consulting with the Agency's attorney on the matter. Mr. D'Attilio said the Agency is working on a "Don's list" of businesses that might be able to offer services to drilling companies. Ms. Fiala explained that Mr. Joseph Sluzar, the Broome County Attorney, is in Houston attending a gas-drilling conference; he has reported a good deal of interest in Broome County.

**MOTION:** No motion necessary.

**ITEM # 4. LOAN FUNDS AVAILABILITY AS OF JANUARY 31, 2010:** Mr. Gray presented the Loan Funds Availability report to the Board. The balances available to lend are \$318,167.86 (STEED) and \$467,039.81 (TITLE IX). Mr. Pasquale asked about litigation regarding Digicon and Ithaca Produce. Mr. Meagher advised that litigation is currently proceeding on Digicon. Mr. Meagher said for Ithaca Produce the

machinery and equipment that the Agency holds as collateral will have no value outside of the building; the Agency is considering litigation.

**MOTION:** No motion necessary.

**NEW BUSINESS:**

**ITEM# 5. A REQUEST FROM TITLE IX BORROWER PENROSE PROPERTIES LLC TO CONTINUE REGULAR P&I PAYMENTS FOR THE REMAINING FIVE YEAR TERM OF ITS LOAN:** Discussion in Executive Session.

**ITEM# 6. ACCEPT AND REVIEW A SALE/LEASEBACK APPLICATION FROM WASHINGTON DEVELOPMENT ASSOCIATES, LLC FOR THE DEVELOPMENT OF THE COLLEGE SUITES AT BINGHAMTON STUDENT HOUSING PROJECT:** Mr. D'Attilio said that Chairman Akel had disclosed an interest in the Washington Development Associates, LLC project and therefore excused himself from the meeting. Mr. D'Attilio presented the sale/leaseback application from Washington Development Associates for the development of the College Suites at Binghamton student housing project, a significant 173,600 square foot ground-up build. Mr. Burns asked if the IDA has a current value of taxes collected. Mr. D'Attilio responded in the affirmative and said the figures would be provided to the Board; he added that those assessments were with buildings on the property, before demolition. Mr. Burns then noted that the Newman Group was referenced in the application and asked about the relationship. Mr. D'Attilio said the application was submitted by Washington Development Associates, LLC. Mr. Meagher said that in the future the two groups will have to merge. Mr. Burns asked if the construction jobs will be local. Mr. D'Attilio stated the he expressed to Mr. Marc Newman that the Board strongly supports the use of local labor. Mr. Newman understood and expected that to be the case. Mr. Pasquale asked Mr. D'Attilio if had spoken with Mayor Ryan of the City of Binghamton. Mr. D'Attilio said that he planned to on the following Tuesday.

**MOTION:** To accept a sale/leaseback application from Washington Development Associates, LLC. On a MOTION by Mr. Grippen, seconded by Mr. Howard, the MOTION CARRIED UNANIMOUSLY.

**ITEM# 7. AUTHORIZE THE SETTING OF A PUBLIC HEARING FOR THE REVIEW OF THE WASHINGTON DEVELOPMENT ASSOCIATES, LLC FOR THE DEVELOPMENT OF THE COLLEGE SUITES AT BINGHAMTON STUDENT HOUSING PROJECT:** Mr. Burns asked when the public hearing might be scheduled. Mr. Meagher advised that a date has not been set. Mr. D'Attilio expressed that the March regular Board meeting may have to changed to accommodate the project approval schedule.

**MOTION:** To authorize the setting of a public hearing. On a MOTION by Mr. Grippen, seconded by Mr. Howard, the MOTION CARRIED UNANIMOUSLY.

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

**MOTION:** To convene to executive session. On a MOTION by Mr. Pasquale, seconded by Mr. Howard, the MOTION CARRIED UNANIMOUSLY.

**ITEM #9. RESUMPTION OF PUBLIC SESSION:**

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

**MOTION:** To approve a request from Title IX borrower Penrose Properties LLC to continue regular P&I

payments. On a MOTION by Mr. Howard, seconded by Mr. Grippen, the MOTION CARRIED UNANIMOUSLY.

**MOTION:** To authorize the Executive Director to spend no more than \$60,000 for a feasibility study and appraisal on the former Broome County Library located at 78 Exchange Street, Binghamton, NY 13901.

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

**OLD BUSINESS:**

**ITEM # 10. ADJOURNMENT:** Ms. Fiala requested a motion for adjournment.

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

The next scheduled Board Meeting of the BCIDA Board of Directors is April 30, 2010 at 12:00 p.m., Broome County Public Library, Binghamton, NY.