

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**Broome County Public Library**

**185 Court Street**

**Binghamton, New York 13901**

**Monday, December 20, 2010, 12:00 p.m.**

**SYNOPSIS OF MEETING**

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

**ABSENT:** None

**GUESTS:** Darcy Fauci, Broome County Deputy Executive  
Stephen Gladstone, Stellar 83 Court Street  
Tom Spicer, Electrical Workers Local Union 325  
Charles Joclyn, Electrical Workers Local Union 325  
Dan Richardson, Roofers Local Union 203

**COUNSEL:** J. Meagher

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

**PRESIDING:** G. Akel

Mr. Akel called the meeting to order at 12:00 pm.

**ITEM # 1. APPROVE MINUTES FOR OCTOBER 29, 2010 REGULAR MEETING:** Mr. Akel requested approval of the minutes for the October 29, 2010 meeting.

**MOTION:** To approve minutes. On a MOTION by Mr. Pasquale, seconded by Mr. Hankin, MOTION CARRIED UNANIMOUSLY.

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

**MOTION:** No motion necessary.

**ITEM #3. EXECUTIVE DIRECTOR'S REPORT:** Mr. D'Attilio said financing and the leaseback transaction has closed for the Stellar 83 Court Street project at the former Midtown Mall in downtown Binghamton. The County Legislature has approved a resolution creating a local development corporation (LDC). The LDC will be able to facilitate tax exempt financing for hospitals, colleges, and other nonprofit organizations in Broome County. BAE plans to invest \$1.4 million in a heating and cooling system in its facility in Johnson City. The building is owned by the Broome County IDA. The County Executive has authorized a joint public hearing with communities in Pennsylvania and New York for a \$300 million bond issue for Guthrie Healthcare. The bond issue will support health care projects across the region and are expected to have a significant impact on the regional economy. The NYS Comptroller has issued for the second year an assessment or tax on the Agency's income. IDAs across the state plan to fight the assessments and are creating a fund to cover the costs of potential litigation. Mr. D'Attilio asked the Board to consider contributing to such a fund. Last year the agency paid the assessment and it was returned. Lastly, Mr. D'Attilio stated that the new County flood plain maps are scheduled to be released in February/March. According to the new maps, a portion of the Charles Street Business Park as well as a portion of the Emerson Network Power building are in a flood zone. Mr. Frank Evangelisti, Commissioner of the County Planning Department, suggested commissioning a

topographical survey to prove a difference from the time of the map drawings to the present. If no difference can be discerned, the Agency must develop a storm water retention plan. The Board authorized Mr. D'Attilio to further explore the options.

**MOTION:** Resolution to contribute an amount not to exceed \$4,000 to the New York State Economic Development Council's legal defense fund to fight the assessments being placed on IDAs from the NYS Comptroller's office. On a MOTION by Mr. Pasquale, seconded by Mr. Herz, the MOTION CARRIED. Mr. Grippen abstained as he is an employee of the State of New York.

**ITEM # 4. LOAN FUNDS AVAILABILITY AS OF NOVEMBER 30, 2010:** Mr. Gray presented the Loan Funds Availability report to the Board. The balances available to lend are \$630,582.73 (STEED) and \$658,244.69 (TITLE IX).

**MOTION:** No motion necessary.

### **NEW BUSINESS**

#### **ITEM # 5. RESOLUTION TO ACCEPT THE LEASEBACK APPLICATION FOR AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC. TO CONSTRUCT SENIOR CITIZEN HOUSING IN JOHNSON CITY, NY:**

Mr. D'Attilio presented the Leaseback Application from Affordable Senior Housing Opportunities of New York, Inc., to construct a single, three story apartment building for senior citizens capable of living independently. The Project is located at 1035 and 1039 Anna Maria Drive, Johnson City. The proposed PILOT for this project will be a deviation and is being sponsored by the Village of Johnson City.

**MOTION:** Resolution to accept the Leaseback Application from Affordable Senior Housing Opportunities of New York, Inc. On a MOTION by Mr. Grippen, seconded by Mr. Pasquale, the MOTION CARRIED UNANIMOUSLY.

#### **ITEM # 6. RESOLUTION TO AUTHORIZE THE SETTING OF A PUBLIC HEARING FOR THE AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC. PROJECT TO CONSTRUCT SENIOR CITIZEN HOUSING IN JOHNSON CITY, NY:**

Mr. Herz asked if the Johnson City School Board was aware of the project. Mr. D'Attilio stated as the Agency's common practice, the school board and the Town of Union would be consulted before the public hearing.

**MOTION:** Resolution to set the public hearing for the Affordable Senior Housing Opportunities Project. On a MOTION by Mr. Grippen, seconded by Mr. Herz, the MOTION CARRIED UNANIMOUSLY.

#### **ITEM # 7. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, AND RELATED DOCUMENTS TO VISIONS FEDERAL CREDIT UNION IN THE AMOUNT OF \$4,000,000.00 IN CONNECTION WITH THE STELLAR 83 COURT LLC LEASE/LEASEBACK PROJECT:**

No further discussion.

**MOTION:** Resolution to execute a mortgage assignment of leases and rents, and related documents to Visions Federal Credit Union in connection with the Stellar 83 Court Street Lease/Leaseback Project. On a MOTION by Mr. Hankin, seconded by Mr. Burns, the MOTION CARRIED UNANIMOUSLY.

#### **ITEM # 8. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A THREE YEAR (3) EXTENSION AGREEMENT WITH TWO (2) ONE YEAR OPTIONS WITH L3 COMMUNICATIONS AT 265 INDUSTRIAL PARK DRIVE, BINGHAMTON, NY 13904:**

Mr. D'Attilio advised the Board that after almost 10 months of difficult negotiations, the terms of the lease extension with

L3 Communications for the Kirkwood Facility have concluded with mutual benefit. The lease extension is for three (3) years with two (2) one year options for renewal. L3's base rent will be \$500,000 per year with a capital maintenance expenditure commitment of \$1,344,000 over three (3) years. Should L-3 exercise their one year options, the same terms will apply. The outcome continues to support the Agency's fiscal health and secures the future of approximately 130 high quality jobs for the community.

**MOTION:** Resolution to enter into a three (3) year extension agreement with two (2) one year options with L3 Communications at 265 Industrial Park Drive, Binghamton. On a MOTION by Mr. Grippen, seconded by Mr. Burns, the MOTION CARRIED UNANIMOUSLY.

**ITEM # 9. RECOMMENDATIONS FROM THE AUDIT COMMITTEE TO HIRE PIAKER & LYONS TO PREPARE THE 2010 AUDIT AND FINANCIAL STATEMENTS FOR THE AGENCY AND TO APPOINT MR. ANGELO GALLO FROM PIAKER & LYONS TO PERFORM THE 2010 AUDIT FOR THE AGENCY:**

Mr. Grippen explained that the unanimous decision of the Audit committee was to hire Piaker & Lyons and appoint Mr. Angelo Gallo to perform the 2010 audit for the Agency. He added that an additional audit must be prepared for the Charles Street Business Park. The audit committee recommended Piaker & Lyons prepare this audit as well.

**MOTION:** Resolution to hire Piaker & Lyons to prepare 2010 audit and financial statements for the BCIDA. On a MOTION by Mr. Pasquale, seconded by Mr. Hankin, the MOTION CARRIED UNANIMOUSLY.

**MOTION:** Resolution to appoint Mr. Angelo Gallo to perform 2010 audit. On a MOTION by Mr. Pasquale, seconded by Ms. Fiala, the MOTION CARRIED UNANIMOUSLY.

**MOTION:** Resolution to hire Piaker & Lyons to prepare 2010 audit for the Charles Street Business Park. On a MOTION by Mr. Howard, seconded by Mr. Rounds, the MOTION CARRIED UNANIMOUSLY.

**ITEM # 10. RECOMMENDATIONS FROM THE PERSONNEL COMMITTEE TO APPROVE THE 2011 SLATE OF OFFICERS FOR THE AGENCY AND TO APPROVE THE EXECUTIVE DIRECTOR'S EMPLOYMENT CONTRACT:** Discussion to be moved to Executive Session.

**ITEM # 11. RESOLUTION TO APPROVE THE 2011 BUDGET:** Mr. Herz had questions about several line items on the budget. Mr. D'Attilio cleared up any confusion.

**MOTION:** Resolution to approve the Agency's 2011 budget. On a MOTION by Mr. Pasquale, seconded by Mr. Howard, the MOTION CARRIED UNANIMOUSLY.

**ITEM #12. EXECUTIVE SESSION TO DISCUSS CONFIDENTIAL PLANS OF CERTAIN AGENCY CLIENTS AND PERSONNEL MATTERS:**

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

**ITEM #13. RESUMPTION OF PUBLIC SESSION:**

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

**MOTION:** Resolution to authorize the Executive Director to enter into a six month lease agreement with SunMaxx Solar to locate in the Growth Center at 56 Broome Corporate Parkway, Conklin, NY. On a MOTION by Mr. Rounds, seconded by Mr. Hankin, the MOTION CARRIED UNANIMOUSLY.

**MOTION:** Resolution to approve the recommendations outlined by the Personnel Committee regarding a

2% salary increase for Mr. D'Attilio, Mr. Doyle, Mr. Gray and Ms. Fiato and a 3% increase for Ms. Campon. On a MOTION by Mr. Grippen, seconded by Mr. Burns, the MOTION CARRIED. Ms. Fiala abstained because of familial relations to Ms. Campon. Mr. Herz opposed.

**MOTION:** Resolution authorizing the Executive Director to hire Ms. Margaret Scarinzi as an Economic Development Coordinator for the Agency. Her responsibility will be to provide economic development assistance to businesses in Broome County. On a MOTION by Mr. Akel, seconded by Mr. Grippen, the MOTION CARRIED UNANIMOUSLY.

**MOTION:** Resolution to approve the 2011 Slate of Officers. They are as follows: Chair: George Akel, Vice-Chair: Hon. Barbara Fiala, Secretary: Vince Pasquale, Treasurer: Timothy Grippen, Assistant Secretary-Treasurer: Eugene Burns. On a MOTION by Mr. Rounds, seconded by Mr. Howard, the MOTION CARRIED UNANIMOUSLY.

**MOTION:** Resolution to approve the recommendations outlined by the Personnel Committee regarding an increase in the employee's contribution from 10% to 15% towards their health insurance premiums. On a MOTION by Mr. Akel, seconded by Mr. Herz, the MOTION CARRIED UNANIMOUSLY.

**MOTION:** Resolution to offer the Executive Director, Richard D'Attilio an extension of employment contract through December 2012 with the following provisions: With input from the Executive Director, a performance program for the year 2011 will be developed by the board. This performance program will establish goals for the Executive Director and the Agency, and evaluation of those goals and progress toward them will be periodically discussed with the Executive Director by the Personnel Committee of the Board. Demonstrable progress in fulfilling objectives stated in the performance program is a condition of the aforementioned contract extension. Final review and determination of progress in doing so is to occur no later than October 15, 2011. The legal counsel of the agency is asked to compose an employment contract which conforms to the provisions of this resolution. On a MOTION by Mr. Herz, seconded by Mr. Pasquale, the MOTION CARRIED UNANIMOUSLY.

#### **OLD BUSINESS**

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

**MOTION:** Resolution to adjourn the meeting. On a MOTION by Mr. Howard, seconded by Mr. Rounds, the MOTION CARRIED UNANIMOUSLY, and the meeting was adjourned.

The next meeting of the BCIDA Board of Directors is scheduled for Monday, January 14, 2011 at 12:00 p.m., Broome County Public Library, Binghamton, NY.