

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**185 Court Street**

**Binghamton, New York 13901**

**Friday, December 9, 2011, 12:00 p.m.**

**SYNOPSIS OF MEETING**

**PRESENT:** G. Akel, P. Brennan T. Kane, P. Hankin, S. Herz. W. Howard, J. Rounds and J. Stevens

**ABSENT:** J. Orband

**GUESTS:** Jerry Marinich, Chair, Broome County Legislature  
Aaron Martin, Clerk, Broome County Legislature  
Frank Muia, IBEW  
Tom Spicer, IBEW Local 325  
Charles Joslyn, IBEW Local 325

**COUNSEL:** J. Meagher

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

**PRESIDING:** G. Akel

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

**ITEM #1. APPROVE MINUTES FOR OCTOBER 14, 2011 REGULAR MEETING AND OCTOBER 24, 2011 SPECIAL MEETING:** Mr. Akel requested approval of the minutes for the October 14, 2011 regular meeting and October 24, 2011 special meeting.

**MOTION:** To approve minutes. On a MOTION by Mr. Kane, seconded by Mr. Stevens, the MOTION CARRIED UNANIMOUSLY.

**ITEM #2. PUBLIC COMMENT:** Mr. Tom Spicer, IBEW Local 325, stated his disappointment in the lack of local labor on the Hawley Street student housing project. Mr. Charles Joslyn, IBEW Local 325, felt the same. He presented an open letter from the developers explicitly seeking "non-union" labor. Mr. D'Attilio stated that he would follow up with the Weissman group regarding labor on the 20 Hawley Street project.

**MOTION:** No motion necessary.

**ITEM #3. EXECUTIVE DIRECTOR'S REPORT:** The Executive Director's report was given in Executive Session as it pertained to personnel matters.

**MOTION:** No motion necessary.

**ITEM #4. LOAN FUNDS AVAILABILITY AS OF NOVEMBER 30, 2011:** Mr. Gray presented the Loan Funds Availability report to the Board. The balances available to lend are \$193,462.17 (STEED) and \$581,349.18 (BDF).

**MOTION:** No motion necessary.

**NEW BUSINESS**

**ITEM #5. RECOMMENDATIONS FROM THE PERSONNEL COMMITTEE TO APPROVE THE 2012 SLATE OF OFFICERS FOR THE AGENCY AND TO APPROVE THE EXECUTIVE DIRECTOR'S EMPLOYMENT CONTRACT:** Recommendations from the Personnel Committee were discussed in Executive Session and tabled until the December 14, 2011 special Board meeting.

**MOTION:** No motion necessary.

**ITEM #6. RESOLUTION TO APPROVE THE 2012 BUDGET:** The 2012 budget was discussed in Executive Session and tabled until the December 14, 2011 special Board meeting.

**MOTION:** No motion necessary.

**ITEM # 7. RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO CONDUCT A PUBLIC HEARING AND MAKE DETERMINATIONS AND FINDINGS BASED THEREON PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW REGARDING PREMISES KNOWN AS (I) BROOME COUNTY TAX MAP PARCEL NUMBER 160.41-3-12 LOCATED AT 78 EXCHANGE STREET, CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK; (II) BROOME COUNTY TAX MAP PARCEL NUMBER 160.41-3-11 LOCATED AT 5 CONGDON PLACE, CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK; (III) BROOME COUNTY TAX MAP PARCEL NUMBER 160.41-3-10 LOCATED AT 7 CONGDON PLACE, CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK; AND (IV) BROOME COUNTY TAX MAP PARCEL NUMBER 160.41-3-9 LOCATED AT 9 CONGDON PLACE, CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK FOR THE PURPOSE OF BLIGHT ELIMINATION AND THE ESTABLISHMENT OF SPACE SUITABLE FOR COMMERCIAL, OFFICE, HIGHER EDUCATION AND RELATED PURPOSES:** Mr. Meagher suggested adding "preservation of historic site" as an additional purpose for pursuing eminent domain.

**MOTION:** To approve the Resolution with the suggested addition. On a MOTION by Mr. Howard, seconded by Mr. Stevens, the MOTION CARRIED UNANIMOUSLY.

**ITEM #8. RECOMMENDATIONS FROM THE AUDIT COMMITTEE TO HIRE PIAKER & LYONS TO PREPARE THE 2011 AUDIT AND FINANCIAL STATEMENTS FOR THE AGENCY AND TO APPOINT MR. ANGELO GALLO FROM PIAKER & LYONS TO PERFORM THE 2011 AUDIT FOR THE AGENCY:** Mr. Hankin stated that this was Piaker and Lyons' fourth year of the five-year contract and the 2011 audit fee was quoted at \$17,100.

**MOTION:** To hire Piaker and Lyons. On a MOTION by Mr. Howard, seconded by Mr. Kane, the MOTION CARRIED.

**MOTION:** To appoint Mr. Angelo Gallo. On a MOTION by Mr. Hankin, seconded by Mr. Kane, the MOTION CARRIED.

**ITEM #9. RECOMMENDATIONS FROM THE AUDIT COMMITTEE TO RE-APPROVE FOR 2012: CONTRACTING OFFICER – RICHARD D'ATTILIO, CODE OF ETHICS, PERSONNEL POLICIES, DEFENSE & INDEMNIFICATION POLICY, PROPERTY DISPOSAL GUIDELINES AND INVESTMENT GUIDELINES:** The Audit Committee recommended re-approval of the contracting officer, code of ethics, personnel policies, defense and indemnification policy, property disposal guidelines and investment guidelines.

**MOTION:** To approve the recommendations from the Audit Committee. On a MOTION by Mr. Stevens, seconded by Mr. Kane, the MOTION CARRIED.

**ITEM #10. A REQUEST FROM THE BLDC TO ASSIST IN A 50/50 SHARING OF THE COST OF A STRUCTURAL ENGINEERING STUDY BY DELTA ENGINEERS FOR 11-13 COURT STREET (BOSCOV'S):** Mr. D'Attilio explained that the BCIDA holds nominal title to the building and leases it to the BLDC who subleases it to Boscov's. The BLDC is conducting an engineering study to determine the

current condition of the building. This study is in preparation and in support of lease negotiations to retain Boscov's in the community. The estimated cost of the engineering study is \$19,500, and the BLDC would like to share the cost 50/50.

**MOTION:** To approve the request from the BLDC. On a MOTION by Mr. Stevens, seconded by Mr. Herz, the MOTION CARRIED UNANIMOUSLY.

**ITEM #11. A REQUEST FROM STEED BORROWER, MARATHON BOAT GROUP FOR SIX MONTHS OF INTEREST ONLY PAYMENTS FROM DECEMBER 2011 THROUGH MAY 2012:**

Discussion in Executive Session.

**ITEM #12. A \$100,000 STEED LOAN FUND REQUEST FROM ITHACA TECHNOLOGIES, LLC TO ASSIST IT WITH PERMANENT WORKING CAPITAL FOR USE AT ITS FACILITY AT 3736 KELLOGG ROAD, CORTLAND, NEW YORK IN CORTLAND COUNTY:**

Discussion in Executive Session.

**ITEM #13. EXECUTIVE SESSION TO DISCUSS CONFIDENTIAL PLANS OF CERTAIN AGENCY CLIENTS AND PERSONNEL MATTERS:**

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

**ITEM #14. RESUMPTION OF PUBLIC SESSION:**

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

**MOTION:** To approve a request from Marathon Boat Group for six months of interest only payments. On a MOTION by Mr. Hankin, seconded by Mr. Stevens, the MOTION CARRIED UNANIMOUSLY.

**MOTION:** To approve a \$100,000 loan fund request from Ithaca Technologies, LLC. On a MOTION by Mr. Hankin, seconded by Mr. Herz, the MOTION CARRIED UNANIMOUSLY.

**OLD BUSINESS**

**ITEM #15. ADJOURNMENT:** Mr. Akel requested a motion for adjournment.

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

The next meeting of the BCIDA Board of Directors is scheduled for Wednesday, December 14, 2012 at 12:00 p.m. in the Broome County Office Building, Binghamton, NY.