

# TOWN OF BETHLEHEM

Albany County - New York

## INDUSTRIAL DEVELOPMENT AGENCY

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DELMAR, NEW YORK 12054

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### Regular Meeting Minutes

Friday, November 20, 2015

8:00 AM

Town Hall Auditorium

**Thomas P. Connolly**

*Executive Director,  
Assistant Secretary and  
Agency Counsel  
518-447-3303*

**Allen F. Maikels**

*Treasurer, Chief Financial Officer  
and Contracting Officer  
518-487-4679*

**Elizabeth Staubach**

*Economic Development  
Coordinator  
Ext. 1189*

**Robin Nagengast**

*Assistant to the Executive Director  
and Clerk  
Ext. 1164*

**Frank S. Venezia**

*Chairman*

**Joseph P. Richardson**

*Vice Chairman*

**Tim McCann**

*Secretary*

**Victoria Storrs**

*Assistant Secretary*

**Pat Bulgaro**

*Member*

**Sandra Shapard**

*Member*

**Tim Maniccia**

*Member*

### I. Call to Order

A Regular Meeting of the Bethlehem Industrial Development Agency of the Town of Bethlehem was held on the above date at the Town Hall Auditorium, 445 Delaware Avenue, Delmar, NY. The Meeting was called to order at 8:00 AM.

Attendee Name	Title	Status	Arrived
Frank S. Venezia	Board Member/Chairman	Present	
Joseph P. Richardson	Board Member/Vice Chairman	Present	
Tim McCann	Board Member/Assistant Secretary	Absent	
Victoria Storrs	Board Member	Present	
Pat Bulgaro	Board Member	Absent	
Sandra Shapard	Board Member	Present	
Tim Maniccia	Board Member	Present	
Thomas P. Connolly	Executive Director/Agency Counsel	Present	
Joe Scott	Bond Counsel	Present	
Allen F. Maikels	CFO and Contracting Officer	Present	
Elizabeth Staubach	Senior Planner/ED Coordinator	Present	
Robin Nagengast	Assistant to the Executive Director	Present	
Robert Leslie	Director of Planning	Present	

### II. Minutes Approval

Friday, October 23, 2015

**RESULT:** **ACCEPTED [4 TO 0]**  
**MOVER:** Joseph P. Richardson, Board Member/Vice Chairman  
**SECONDER:** Sandra Shapard, Board Member  
**AYES:** Frank S. Venezia, Joseph P. Richardson, Sandra Shapard, Tim Maniccia  
**ABSTAIN:** Victoria Storrs  
**ABSENT:** Tim McCann, Pat Bulgaro

### **III. Reports of Committees**

None.

### **IV. Communications**

The State Comptroller's Office is conducting an audit of the Bethlehem IDA.

- **LETTERS FROM OFFICE OF STATE COMPTROLLER/AUDIT OF EFFECTIVE OVERSIGHT OF PROJECT**
  - A. 11/6/15 LETTER TO CONNOLLY**
  - B. ATTACHMENT A**
  - C. 11/6/15 LETTER TO VENEZIA**
  - D. OSC PAMPHLET "UNDERSTANDING THE AUDIT PROCESS"**

### **V. Old Business**

- **PLANNING BOARD UPDATE (LESLIE)**

The Delaware Avenue Streetscape Enhancement Project components, principles and plan will be presented to the Delaware Avenue Improvement Group at their December 4 meeting. Public meetings on the design work for the section from Adams to Elsmere will take place throughout 2016; construction in 2017. There was a brief discussion of the status of NYS conveying New Scotland Road from the roundabout to the Normans Kill bridge to the town.

- **REPORT OF ED COORDINATOR (STAUBACH)**

The Capital District Transportation Committee is finalizing a freight and goods movement study and the recommendations for improvements will be included in the New Visions 2030 Plan. Ms. Staubach will continue to sit on committee and update the IDA as needed.

Ms. Staubach reported out on the Google analytics since the rollout of the new IDA website in June. The amount of time users are active on the site is up 29%, users are up 20%, total number of pages users are viewing is up 149% and pages per session are up 93%.

- **COLUMBIA 15 PROJECT (CONNOLLY)**

No change.

- **SAE SUN (MONOLITH) PROJECT (SCOTT)**

Monolith is waiting for National Grid to approve projects and still expects to close in 2015.

**VI. New Business**

- **FINANCIAL STATEMENTS 10/31/15 (MAIKELS)**

Mr. Maikels presented the October financial statements.

- **ADMINISTRATIVE SERVICES CONTRACT 2016/RESOLUTION (CONNOLLY)**

Mr. Connolly presented the 2016 Services Contract with the town and noted any changes from the 2015 contract.

Resolved, upon motion by Mr. Richardson, seconded by Ms. Shapard and agreed by all members present, the Agency approved the 2016 Administrative Services Contract with the Town of Bethlehem.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Joseph P. Richardson, Board Member/Vice Chairman  
**SECONDER:** Sandra Shapard, Board Member  
**AYES:** Venezia, Richardson, Storrs, Shapard, Maniccia  
**ABSENT:** Tim McCann, Pat Bulgaro

- **MONITORING PILOT COLLECTIONS & DISBURSEMENT (CONNOLLY)**

- **REFORM LEGISLATION COMPLIANCE DOCUMENTATION STATUS (CONNOLLY)**

**A. CRITERIA/DISCUSSION (SCOTT/CONNOLLY)**

Mr. Scott reviewed the criteria previously adopted in the Uniform Tax Exemption Policy that he is recommending the Agency adopt again in anticipation of the signing of the Reform Legislation. Mr. Scott presented a resolution ratifying criteria for the evaluation and retention of projects and providing new provisions on anti-pirating and notification of the affected municipality in the case of removal or abandonment.

**RESOLUTION AUTHORIZING THE ADOPTION OF UNIFORM CRITERIA FOR THE EVALUATION AND SELECTION FOR EACH CATEGORY OF PROJECTS FOR WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED.**

WHEREAS, Town of Bethlehem Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 582 of the 1973 Laws of New York, as amended, constituting Section 909-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial, manufacturing and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities,

health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on Friday, June 19, 2015, the New York State Legislature (the “Legislature”) passed legislation providing for certain reforms relating to the granting and monitoring of financial assistance by industrial development agencies (“IDA”) for IDA projects (the “Reform Legislation”); and

WHEREAS, the Reform Legislation requires each IDA to develop (1) a standard application form for requests for financial assistance, (2) uniform criteria for the evaluation and selection for each category of projects for which financial assistance is provided, and (3) uniform project agreements, including recapture provisions, for project benefits; and

WHEREAS, the Reform Legislation codifies a number of actions already taken by the Agency, including the adoption of uniform criteria for the evaluation and selection for each category of projects for which financial assistance is to be provided; and

WHEREAS, Section 1(5) of the Reform Legislation requires the adoption of the following uniform criteria:

(a) an assessment by the Agency of all material information included in connection with an application for financial assistance, as necessary to afford a reasonable basis for the decision by the Agency to provide financial assistance for a project;

(b) a written cost-benefit analysis by the Agency that identifies the extent to which a project will create or retain permanent, private sector jobs; the estimated value of any tax exemptions to be provided; the amount of private sector investment generated or likely to be generated by the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that might occur as a result of the project;

(c) a statement by an applicant that the project, as of the date of the application, is in substantial compliance with all provisions of article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and

(d) if the project involves the removal or abandonment of a facility or plant within the state, notification by the Agency to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located; and

WHEREAS, the uniform criteria previously adopted by the Agency can be found in Section 1703 of the Agency's Uniform Tax Exemption Policy, attached hereto as Schedule A; and

WHEREAS, to comply with the Reform Legislation the Agency wishes to (a) formally acknowledge and approve the uniform criteria previously adopted by the Agency for purposes of the Reform Legislation and (b) adopt any criteria required by the Reform Legislation not included in the Agency's Uniform Tax Exemption Policy or Application;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency hereby finds and determines that:

(A) The uniform criteria previously adopted by the Agency attached hereto as Schedule A meets and exceeds the minimum uniform criteria required by Section 1(5)(a) and (b) of the Reform Legislation.

(B) The revised statement in subdivision F of Section VII of the Agency's Application attached hereto as Schedule B meets the minimum uniform criteria required by Section 1(5)(c) of the Reform Legislation.

(C) The requirement added to Section 1703 of the Agency's Uniform Tax Exemption Policy attached hereto as Schedule C meets the minimum uniform criteria required by Section 1(5)(d) of the Reform Legislation.

Section 2. The Agency hereby approves and adopts the following: (a) the uniform criteria attached as Schedule A, (b) the revised statement in subdivision F of Section VII of the Agency's Application attached hereto as Schedule B and (c) the requirement added to Section 1703 of the Agency's Uniform Tax Exemption Policy attached hereto as Schedule C.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by Section 1(5) of the Reform Legislation, and to execute and deliver all such additional certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of this Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of Section 1(5) of the Reform Legislation binding upon the Agency.

Section 4. This Resolution shall take effect immediately.

Resolved, upon motion by Ms. Storrs, seconded by Mr. Richardson and approved by all members present, the Agency adopted the new language in the Uniform Tax Exemption Policy.

**Motion To:** Approve revisions and additions to the Uniform Tax Exemption Policy

**RESULT:** ADOPT [UNANIMOUS]  
**MOVER:** Victoria Storrs, Board Member  
**SECONDER:** Joseph P. Richardson, Board Member/Vice Chairman  
**AYES:** Venezia, Richardson, Storrs, Shapard, Maniccia  
**ABSENT:** Tim McCann, Pat Bulgaro

- **APPROVE REVISED ORGANIZATION CHART (CONNOLLY)**

The IDA Organization Chart has been revised to bring it up to date with changes since the last time it was adopted, including the creation of the Finance Committee and the addition of an Economic Development Coordinator.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Joseph P. Richardson, Board Member/Vice Chairman  
**SECONDER:** Sandra Shapard, Board Member  
**AYES:** Venezia, Richardson, Storrs, Shapard, Maniccia  
**ABSENT:** Tim McCann, Pat Bulgaro

- **FINANCE COMMITTEE MEETING - FRIDAY NOVEMBER 20, 2015 IMMEDIATELY AFTER REGULAR MEETING**

- **REGULAR MEETING - FRIDAY, DECEMBER 18, 2015 8:00 A.M. AUDITORIUM**

**VII. Adjournment**

**Motion To:** Adjourn

**RESULT:** ADJOURN [UNANIMOUS]  
**MOVER:** Sandra Shapard, Board Member  
**SECONDER:** Joseph P. Richardson, Board Member/Vice Chairman  
**AYES:** Venezia, Richardson, Storrs, Shapard, Maniccia  
**ABSENT:** Tim McCann, Pat Bulgaro