

# 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, February 24, 2017

8:01 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*

**Sandra Shapard**

*Member*

**Tim Maniccia**

*Member*

**David Kidera**

*Member*

### I. Call to Order/Roll Call/Quorum Determination

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 8:04 AM with the presence of a quorum noted.

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

### II. Minutes Approval

Friday, January 27, 2017

**RESULT:** ACCEPTED [5 TO 0]  
**MOVER:** Joseph P. Richardson, Board Member/Vice Chairman  
**SECONDER:** Tim Maniccia, Board Member  
**AYES:** Venezia, Richardson, Shapard, Maniccia, Kidera  
**ABSTAIN:** Victoria Storrs

### III. Reports of Committees

None.

### IV. Communications

None.

### V. Old Business

- **PLANNING BOARD UPDATE (LESLIE)**

Albany Med has submitted site plan and variance applications for 99 Delaware Avenue. An Urgent Care in Town Squire received Planning Board approval. Air Products presented an application to relocate a loading facility - the expansion project submitted to the IDA hasn't been submitted to the Planning Board yet. Since SEQR for financial assistance for a project differs from the Planning Board SEQR review, IDA can consider an uncoordinated review under SEQR so to not be affected by Planning Board proceedings.

The Delaware Avenue Streetscape Enhancement Project construction will start late April or early May which will necessitate detours. Businesses will stay open.

There was a public information meeting for the Delaware Avenue Complete Streets Study. A consultant will create a transportation model.

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

Venues are being considered for the June Marketing Event.

- **COLUMBIA 15 PROJECT (CONNOLLY)**

The developer is still seeking a medical tenant.

- **SAE SUN (MONOLITH) PROJECT (JENNIFER PICKETT)**

The financial paperwork has been submitted to the bank and the SBA application is complete. Monolith expects a commitment letter and as soon as SBA approves, the project can close.

### VI. New Business

- **APPLICATION AIR PRODUCTS AND CHEMICALS, INC. (DAVID MCCARTHY)**

Dave McCarthy and John Kraft with Air Products and Chemicals Inc presented their application requesting financial assistance for a new facility and improvements at the existing Glenmont property which has been operating since the 1970s. The new plant would

be more power efficient and produce more product. The construction project would be about 18 months, estimated to be up and running in 2018. Potential added jobs were discussed. The public hearing was scheduled for Wednesday, March 22 at 5pm. A special meeting will follow at 5:30pm.

- **A. RESOLUTION AUTHORIZING HEARING (SCOTT)**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY TO HOLD A PUBLIC HEARING REGARDING A PROPOSED PROJECT TO BE UNDERTAKEN FOR THE BENEFIT OF AIR PRODUCTS AND CHEMICALS, INC.

WHEREAS, the 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 manufacturing, warehousing, research, commercial 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, reconstruct and install one or more projects (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Air Products and Chemicals, Inc. (the Company), a Delaware foreign business corporation, has submitted an application (the Application) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the Project) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in all or a portion of an approximately 26.908 acre parcel of land located at 461 River Road in the Town of Bethlehem, Albany County, New York (the Land), together with the existing improvements located thereon containing approximately 7,000 square feet in the aggregate (the Existing Facility), (2) the construction on the Land of certain improvements containing in the aggregate approximately 5,000 square feet of space (the New Facility) (the Existing Facility and the New Facility hereinafter collectively referred to as the Facility), and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the Equipment) (the Land, the Facility, and the Equipment being collectively referred to as the Project Facility), all of the foregoing to be owned by the Company and operated as an industrial facility for the production and distribution of liquid nitrogen, liquid oxygen and liquid argon and other directly and

indirectly related uses; (B) the granting of certain financial assistance (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the Financial Assistance); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Company has requested that the Agency grant the Project an Enhanced Tax Abatement Program (beginning with a 100% abatement of the increase in the assessed valuation in Years 1 and 2 and thereafter declining at 10% per year over a twelve year period) for the Project Facility; and

WHEREAS, pursuant to Section 859-a of the Act, prior to the Agency providing any financial assistance (as defined in the Act) of more than \$100,000 to any project, the Agency, among other things, must hold a public hearing pursuant to Section 859-a of the Act with respect to said project; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 859-a of the Act with respect to the Project;

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

Section 1. The Agency hereby authorizes the Executive Director of the Agency, after consultation with the members of the Agency and Agency Special Counsel, (A) to establish the time, date and place for a public hearing of the Agency to hear all persons interested in the Project (the Public Hearing); (B) to cause the Public Hearing to be held in a city, town or village where the Project Facility is or is to be located, and to cause notice of such Public Hearing to be given to the public by publishing a notice or notices of such Public Hearing in a newspaper of general circulation available to the residents of the governmental units where the Project Facility is or is to be located, such notice or notices to comply with the requirements of Section 859-a of the Act; (C) to cause notice of the Public Hearing to be given to the chief executive officer of the county and of each city, town, village and school district in which the Project Facility is or is to be located to comply with the requirements of Section 859-a of the Act; (D) to conduct such Public Hearing; (E) to cause a report of the Public Hearing fairly summarizing the views presented at such Public Hearing (the Report) to be prepared; and (F) to cause a copy of the Report to be made available to the members of the Agency.

Section 2. The Chairman, Vice Chairman and/or Executive Director of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. All action taken by the Executive Director of the Agency in connection with the Public Hearing with respect to the Project prior to the date of this Resolution is hereby ratified and confirmed.

Section 4. All commitments of the Agency hereunder are subject to the condition that the following events shall have occurred not later than one (1) year from the date hereof (or such other date as shall be mutually satisfactory to the Agency and the Company):

(A) The Agency and the Company shall have agreed on mutually acceptable terms and conditions of the agreements to be entered into with respect to the Project; and

(B) All necessary governmental approvals shall be obtained.

Section 5. If the events set forth in Section 4 hereof do not take place within the time set forth in said Section 4, or any extension thereof, or if the Company provides written notice of its intent to not proceed with the Project upon thirty (30) days prior written notice to the Agency, the Company agrees that it will promptly reimburse the Agency (and its officers, members, agents or employees) for all reasonable and necessary direct out-of-pocket expenses (including legal fees and expenses) which the Agency (and its officers, members, agents or employees) may incur with respect to the Project.

Section 6. This Resolution shall take effect immediately.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Joseph P. Richardson, Board Member/Vice Chairman
<b>SECONDER:</b>	Sandra Shapard, Board Member
<b>AYES:</b>	Venezia, Richardson, Storrs, Shapard, Maniccia, Kidera

- **FINANCIAL STATEMENTS 1/31/17 (MAIKELS)**

Mr. Maikels provided a report on the financial statements for January 31, 2017. Compared to budget, fees are ahead because annual fees are collected in January.

- **REGULAR MEETING - THURSDAY, MARCH 23, 2016 8:00 A.M. AUDITORIUM**

Next regular meeting is Thursday, March 23 at 8am.

- **AUDIT COMMITTEE MEETING FEBRUARY 24, 2017 9:00 A.M.**

There is an audit committee is meeting today to discuss the draft audited financial statements for 2016.

## **VII. Adjournment**

**Motion To:** Adjourn

**RESULT:**                    **ADJOURN [UNANIMOUS]**  
**MOVER:**                    David Kidera, Board Member  
**SECONDER:**                Victoria Storrs, Board Member/Assistant Secretary  
**AYES:**                      Venezia, Richardson, Storrs, Shapard, Maniccia, Kidera