

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

TOWN OF BETHLEHEM
Albany County - New York
INDUSTRIAL DEVELOPMENT AGENCY

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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

Regular Meeting Minutes
Friday, May 25, 2018
8:00 AM
Town Hall Auditorium

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 8:00 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	Absent	
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	Absent	
Allen F. Maikels	CFO and Contracting Officer	Present	
Robin Nagengast	Assistant to the Executive Director	Present	
Elizabeth Staubach	Senior Planner/ED Coordinator	Present	
Robert Leslie	Director of Planning	Present	

II. Minutes Approval

1. Friday, March 23, 2018

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Tim Maniccia, Board Member
SECONDER: David Kidera, Board Member
AYES: Venezia, Richardson, Shapard, Maniccia, Kidera

III. Reports of Committees

- **REPORT OF GOVERNANCE COMMITTEE (RICHARDSON)**

Governance Committee Chair Richardson reported out on the March 23 meeting, the 2017 Board assessment, and member retraining. A sub-committee made up of Mr. Richardson, Ms. Shapard, Mr. Kidera, Mr. Connolly, Ms. Staubach, and Ms. Nagengast will convene to plan a workshop.

IV. Communications

There are no new communications.

V. Old Business

- **PLANNING BOARD UPDATE (LESLIE)**

Monolith started construction. An application from SABIC for an expansion will go to the Planning Board in June. Glenmont Self Storage is also submitting for an expansion and Glenmont Plaza will be submitting for improvements.

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

The 2018 Microenterprise Grant application process has begun. Met with 7 businesses regarding BIDA benefits. 18 ME businesses will participate in the June 6 Economic Development event.

- **COLUMBIA 15 PROJECT (CONNOLLY)**

No update.

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

Documents have been signed, construction started, and fees received.

- **1220 NEW SCOTLAND RD/ARCH SCBTHNY02 (SCOTT)**

Termination documents need to be signed by the Company.

- **COEYMANS RECYCLING CENTER LLC TERMINATION (SCOTT)**

Documents have been prepared and are under review.

VI. New Business

- **FINANCIAL STATEMENTS 4/30/18 (MAIKELS)**

Mr. Maikels reported on the financial statements as of April 30, 2018. Fee income is ahead of schedule with two closings this year.

- **EMPLOYMENT ANALYSIS 2017 (CONNOLLY)**

The employment analysis was discussed and two notable changes explained.

- **PSEG/NATIONAL GRID PROJECT (BILL CLANCY)**

Plant Manager Bill Clancy provided a brief background of PSEG's Bethlehem Energy Center and the proposed project.

Motion To: Motion to Approve Resolution

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

RESOLUTION CONSENTING TO AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN EASEMENT MODIFICATION DOCUMENTS WITH RESPECT TO THE PSEG PROJECT.

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 industrial, manufacturing, warehousing, commercial, research and recreation 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, Niagara Mohawk Power Corporation ("NIMO") was granted easement rights from its predecessor titleholder, PSEG Power New York, Inc., a Delaware corporation, (hereinafter referred to as "PSEG") under Easement Agreement dated May 11, 2000, recorded in the Albany County Clerk's Office in Liber 2655 of Deeds, at Page 897 (hereinafter referred to as the "original Easement Agreement"); and

WHEREAS, PSEG by Warranty Deed dated February 5, 2002, recorded in the Albany County Clerk's Office in Liber 2701 of Deeds at Page 796, conveyed and transferred to the Agency all of its right, title and interest into property described in said Warranty Deed, subject to the original Easement Agreement; and

WHEREAS, the Agency, as Lessor under Lease Agreement dated February 5, 2002, (hereinafter the “Lease”) did lease all such property described in said Warranty Deed, subject to the original Easement Agreement, to PSEG, as the Lessee; and

WHEREAS, by letter dated May 15, 2018 from Senior Counsel to PSEG (the “Request”), PSEG has requested that the Agency enter into a certain easement modification document (the “Easement Modification”), together with any related documents thereto (collectively, the “Easement Documents”); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to proceed with the execution and delivery of the Easement Documents; and

WHEREAS, pursuant to SEQRA, the Agency has reviewed the Request in order to make a determination as to whether the execution and delivery of the Easement Documents is subject to SEQRA, and it appears that the Request is not an “Action” under SEQRA; and

WHEREAS, in connection with the consideration by the Agency of the Request, the Agency is not granting any additional Financial Assistance under the Act and therefore no additional public hearings under Section 859-a of the Act are required to be held by the Agency;

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

Section 1. Pursuant to SEQRA, the approval of the Request is not an “Action” under SEQRA and therefore is not subject to SEQRA review by the Agency.

Section 2. The Agency hereby approves the Request and the execution of the Easement Documents (together with any related modifications to the Lease); provided, however, that such consent is contingent upon (A) the written consent by any holder of any mortgage on the Project Facility, if required, (B) approval by Agency Counsel and Special Agency Counsel to the form of the Easement Documents, (C) compliance with the terms and conditions contained in the Basic Documents (as defined in the Lease), (D) evidence satisfactory to the Agency that all payments in

lieu of taxes and other local fees and assessments relating to the Project Facility, if any, have been paid by the Company, (E) the payment by PSEG of the administrative fee of the Agency, and all other fees and expenses of the Agency in connection with the delivery of the Easement Documents, including the fees of Agency Counsel and Special Agency Counsel, and (F) the following additional conditions: _____.

Section 3. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chairman (or Vice Chairman) of the Agency is hereby authorized to execute and deliver the Easement Documents (together with any related modifications to the Basic Documents) to provide for the Request, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, with terms and conditions approved by the Chairman (or Vice Chairman), the execution thereof by the Chairman (or Vice Chairman) to constitute conclusive evidence of such approval.

Section 4. 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 the provisions of the Request, 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 the foregoing Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Request.

Section 5. This Resolution shall take effect immediately.

Motion To: Motion to Approve Fee

RESULT: APPROVED [UNANIMOUS]
MOVER: Sandra Shapard, Board Member
SECONDER: Tim Maniccia, Board Member
AYES: Venezia, Richardson, Shapard, Maniccia, Kidera

Upon motion by Ms. Shapard, seconded by Mr. Maniccia, with all members present in favor, the Agency agreed to a \$2,000 administration fee.

• **C. AUTHORIZATION AFFIDAVIT TO PLANNING BOARD (CONNOLLY)**

Upon motion by Mr. Richardson, seconded by Ms. Shapard, with all members present in agreement, the Agency approved the affidavit of ownership for signature by Mr. Connolly.

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

• **REGULAR MEETING - WEDNESDAY, JUNE 27, 2018 8:00 A.M. AUDITORIUM**

VII. Adjournment

The meeting was adjourned at 8:55am on a motion by Mr. Maniccia, seconded by Ms. Shapard.