

**Frank S. Venezia**  
*Chairman*

**David A. Petraglia**  
*Vice-Chairman*

**Sam Messina**  
*Secretary*

**Robert B. Ward**  
*Assistant Secretary*

**Pamela Clark**  
**Robbins**  
*Treasurer*

# TOWN OF BETHLEHEM

*Albany County - New York*

## INDUSTRIAL DEVELOPMENT AGENCY

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**George E. Leveille**  
*Executive Director and  
Chief Executive Officer*

**Judith E. Kehoe**  
*Chief Financial Officer*

**Thomas P. Connolly Esq.**  
*Assistant Executive Director,  
Assistant Secretary and  
Agency Counsel*

### MINUTES OF THE REGULAR MEETING May 16, 2006

A regular meeting of the Town of Bethlehem Industrial Development Agency was convened in public session in the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, New York at 8:00 a.m., on Tuesday, May 16, 2006.

Attendance was recorded as follows:

<u>Board Members Present</u>	<u>Board Members Absent</u>	<u>Counsel Present</u>	<u>Town Staff Present</u>	<u>Others Present</u>
Frank Venezia David Petraglia Sam Messina Robert Ward Pamela Clark Robbins George Leveille Judith Kehoe		Thomas Connolly	Deborah Kitchen Theresa Egan	Marie Capone

Chairman Venezia called the meeting to order.

#### APPROVAL OF MINUTES

Chairman Venezia asked for a motion to approve the April 18, 2006 minutes - as revised. A motion was made by Mr. Petraglia and seconded by Ms. Robbins. Ms. Kehoe announced that she would abstain due to the fact that she was not in attendance at the April 18, 2006 meeting. The remaining Board members took a vote and the minutes were approved - with revisions.

#### FINANCIAL REPORT

Ms. Kehoe informed the Board that the 2005 Financial Report has been filed with the appropriate authorities. Ms. Kehoe then presented the monthly budget report as of 05/11/06 and stated that everything is on target.

A motion was made by Mr. Messina, seconded by Mr. Petraglia and carried by all members present to accept the budget report.

## **PUBLIC AUTHORITIES ACCOUNTABILITY ACT**

Mr. Connolly presented a checklist he prepared which can be used until Joe Scott has an opportunity to prepare the official list. The list is incomplete due to the fact that guidance is needed from the Authority Budget Office. Ms. Robbins noted that several items on the list have already been completed. Mr. Leveille stated that one item which needs to be addressed in the near future is appointing two new members to the Board to fill the vacancies that resulted from implementation of the Public Authorities accountability act.

## **OLD BUSINESS - Project Updates**

### **Van Allen**

Mr. Connolly stated that there is nothing new to report. Van Allen is still scheduled to close in June.

### **Plasticware**

Mr. Connolly reported that there is nothing new to report. Mr. Leveille stated that he had spoken with a bank representative, who is working with Plasticware and was told that the project is proceeding slowly. He also reported that a real estate investment group owns the neighboring property and the owners are currently working on a plan to create a multi-tenant space that could possibly become an IDA project.

### **Vista Technology Campus**

With regard to the Vista Technology Campus, Mr. Leveille reported that the IDA is an interested party in the State Environmental Quality Review. The Town Board has approved the final scoping document, which provides an outline of the issues that will be considered during the review. The developer is working on the required studies. Town staff met with possible tenants and it is hoped that they will make a determination within the next 60 days. There is a second tenant that is related and could be involved in helping to operate the first facility. Route 85 extension plans are on track for Labor Day groundbreaking. Land acquisition figures are out and acquisition of the right-of-ways is progressing.

The Town is investigating some creative approaches to helping the project move forward. It will look into creative use of the County's \$1,000,000 grant for infrastructure as well as the use of a special assessment district where all of the tenants in the park will pay for the cost of constructing roads, water, sewer and other public infrastructure through a \$3 - \$4 million-dollar bond.

### **New Scotland Master Plan**

Mr. Leveille reported that the hamlet planning is progressing. Plans are in the works to assemble a team of designers and planners for a two-day intensive workshop to come up with concept for the entire area. All four developers are in favor of this and the goal would be to create a little downtown Slingerlands, where there would be living spaces, services, public spaces and pedestrian connections. This will be done in September around the same time the road improvements begin.

Supervisor Egan added, that besides the developers (BBL/Dr. Jones, KKS/Kontogiannis, Windsor Development/Price Chopper Plaza, and Picotte Companies/1280 New Scotland Road) NYSERDA is going to be involved and their focus will be on energy efficiency and green development opportunities. Mr. Messina stated that the workshop is likely to be a public environment where residents can watch and perhaps comment, depending on the ground rules. He believes it will be a core and central selling point for public awareness and outreach to the Slingerlands/New Scotland residents so they can see the concept and weigh in. Mr. Leveille stated that the workshop proper would most likely involve the workshop participants and the public might be invited to observe but eventually, this will culminate with a public meeting.

### **Business Visitation Program**

Mr. Connolly reported that Supervisor Egan plans to visit the Delaware Plaza business owners. Supervisor Egan reported that Delaware Plaza is fully occupied for the first time in many years

### **Flags & Flowers 2006**

Mr. Connolly stated that he was unable to attend the last meeting and asked Deborah Kitchen to provide the Board with an update. Ms. Kitchen reported that 60 contribution containers were purchased and distributed at various businesses located along the Delaware Avenue Business District. A notice was posted on the Town's website and copies of the flyer can be found at three counters within the Town Hall. The committee members are making telephone calls to former contributors and current business owners. A total of \$2,655.00 has been raised to date according to the latest report dated 05/09/06. The goal is to raise \$8,000.00. The next meeting is scheduled to take place on Friday, May 19, 2006.

Chairman Venezia suggested that an attempt be made to fundraise at the Memorial Day Parade. Supervisor Egan said she will be speaking after the parade and will mention the project. She also suggested that the committee contact the Legion, VFW, and Stewarts to see if canisters could be placed at those locations.

### **Amendment of Retaliatory Action Policy**

With regard to the Retaliatory Action Policy, Mr. Connolly stated that he added language that was recommended at the last Board meeting, namely "an individual who performs services pursuant to the contract to the employer", to capture employees of the Department of Economic Development & Planning. All changes were made to page 1. The word employer means the Agency.

### ***Resolution 2006-07 – Amendments of the Retaliatory Action Policy***

Upon motion of Ms. Kehoe, seconded by Mr. Messina and unanimously approved by all members present, Resolution 2006-07, attached to these minutes, was adopted.

## **NEW BUSINESS**

### **Governance Committee – Messina & Ward**

With regard to the Governance Committee, Mr. Messina stated that the committee deliberated and came forth with a document that was based on a model Tom Connolly had looked at. The committee narrowed the document down to include the core/required elements, with the philosophy of not creating more than necessary, and to make it clear and targeted. Mr. Ward pointed out that a correction needs to be made to the 2<sup>nd</sup> bulleted item on page 2, to read "The Committee shall" versus "A member nominee shall". He stated that the committee discussed whether the Committee should be nominating members. The committee did not want to tie the Town Board's hands or the Agency's hands with regard to getting too specific about an applicant's qualifications. Mr. Messina added that the committee did not feel it was their place to specify detailed professional qualifications.

Mr. Leveille added that when looking at the current composition of the Board it is evident that different skill sets are needed. Supervisor Egan added that Town government is going along with the theme of creating parameters, objective criteria and standardization in an attempt to improve appointments. She recommends that the committee provide criteria relevant to the IDA rather than other Boards and Departments within the Town.

Mr. Leveille suggested that the items appearing under Duties and Responsibilities be placed in the section titled Authority and Purpose. Mr. Connolly stated that the first five bullets of the document reflect the statutory responsibilities of the Committee. Mr. Connolly asked for a consensus about relocating the bulleted items. Mr. Ward stated that there should be something in the section regarding qualifications. Supervisor Egan recommended that the Board members review the document and forward their comments to Mr. Messina and Mr. Ward before the next meeting.

### **Option/Contract - Robert Williams - Lyons Road Property**

Former resident of the Town who currently lives in Virginia Beach, Virginia. He owns approximately five acres adjacent to the Henry Hudson Park and has expressed an interest in conveying that to the Town for a special park or something along those lines. As part of the Local Waterfront Revitalization Plan, the Town will develop a master plan for the park as part of the grant from the NYS Dept. of State. There is a chance that this land could be developed privately, not necessarily publicly, for something that is complimentary to the park. It was thought that this would be a good opportunity for the IDA to step into the position of getting site control of the property to allow for the planning process to take place and to determine the highest and best use for this land as part of the master plan. Mr. Williams would like the land to be used as a public resource but we do not know yet if that makes sense for the Town to expand the park.

The IDA could step in on behalf of Mr. Williams to plan for the property through the LWRP and then dispose of it. Mr. Leveille proposed that the IDA negotiate with Mr. Williams for an option to control the property while the master plan is developed, then act as Mr. Williams agent to dispose of it to a third party. The current zoning is for five-acre lots and this parcel could potentially have one house if that were appropriate. Mr. Williams mentioned that he once had designed plans for a marina on this site.

There would be guidelines that the IDA would need to follow under the Public Authorities Accountability Act. Mr. Leveille sees this as a no risk opportunity. The IDA is under no obligation to acquire the property so long as the Town completes the master plan. This would give the IDA time to see what the market looks like. Supervisor Egan added that it is a similar idea to the moratorium because it will give the Town the time it needs to figure out what works best.

Mr. Leveille stated that he does not envision the IDA ever taking title to the property unless, as part of the master plan, it identifies that a private development would be appropriate there. The IDA could then convey it on behalf of Mr. Williams to a private entity. There has been some discussion of desirability of adding some services at the park, such as a concession stand or other type boating opportunities. However, if it turned out that the master plan indicates it should be part of the Town Park then that becomes a Town issue.

Mr. Ward inquired about the terms of the agreement. Mr. Leveille stated that Mr. Williams has established an asking price of \$300,000 if it becomes publicly owned or \$400,000 if it becomes privately owned. There would be a condition in the agreement, which would be subject to appraisal and fair market value because we are subject to that. The IDA will have conditions in the document to state what we would do during the contract period; these are the contingencies that would need to be met before we would acquire it, and we would probably establish a 12 month period that would have some extension capability if we were performing all of the milestones we had talked about. There is really no risk to us. Mr. Williams just wants to have it best used for the community, if possible, and by working with a local agency it gives him some comfort that that is direction it will go. The Board may be asked to give him a deposit that will be refundable.

Mr. Messina stated that there is no down side to the IDA being involved in this way. He believes it is a best practice in a moderate way, getting involved in direct relationship to property rather than just acting as an administrative entity.

Mr. Leveille asked that copies of the Waterfront Plan (Henry Hudson Hamlet) be provided to each Board member.

Mr. Venezia asked for a motion to move ahead with the option contract on this piece of property. The motion was made by Ms. Kehoe, seconded by Mr. Ward and approved by all members present.

**Bio Update**

Deborah Kitchen distributed copies of the Biography's to each Board member and asked them to review the document for accuracy. Ms. Kitchen is in the process of updating the IDA website and would like to make sure the Biography's are up-to-date.

**Upcoming Events**

The next Town Board meeting is scheduled for May 24, 2006 at 5:30 p.m. One of the agenda items will be the consideration of appointments of committee members to the Waterfront Advisory Committee (WAC). The committee will focus on developing recommendations for refinement of land use in that corridor. Key issues will be how future development of the waterfront and how it relates to 9W and the Thruway interchange.

May 30<sup>th</sup> 7:00 p.m. – Public Workshop – regarding 2006 Amendments to the Zoning Law & Subdivision Regulations that will be presented to the Town Board on May 24, 2006 at 5:30 p.m.

The Route 9W Corridor Study Committee will have their 2<sup>nd</sup> meeting in June. The date has not been determined. The 9W study will be done in conjunction with the Capital District Transportation Committee. It will focus on building a consensus for the proposed location for the Selkirk By-pass and the potential for a Thruway interchange.

The next Citizen's Advisory Committee on Conservation (CACC) meeting will be held at Town Hall on the June 12, 2006. The committee will focus on identifying funding mechanisms for acquisition or conservation of open space as well as an integrated trail network in the Slingerlands Hamlet area that ties to all of the things going on over there.

On June 15<sup>th</sup> there will be a meeting with the Bethlehem Industrial Development Group, which is an informal group representing large industry in the Town. The purpose of the meeting is to provide an overview of the Town's Economic Development Programs and to review emergency and safety issues.

**Publicity**

Mr. Leveille stated that he thinks it would be a good idea for the IDA to publish an annual report. The report should include information about the Agency, i.e., responsibilities, members, current financial position and program activities. He believes it makes sense to publish a professional looking document that can be used as a tool when meeting new companies. It should include information about who we are, what our priorities are, and how we are supporting economic development in the community. It will convey a message that the Town has initiative and is moving forward. Mr. Leveille is recommending that the Board explore the cost of publishing such a document and stated that it might be a \$3,000-\$5,000 investment with a shelf life of at least a one (1) year. Tying it to the annual financial statement would be beneficial. Supervisor Egan stated that she is also looking into creating a similar document for the Town that could be used for promotional purposes.

**DATE OF NEXT IDA MEETING**

The next regular IDA meeting will be held on Tuesday, June 20, 2006, at 8:00 a.m.

**MOTION TO ADJOURN**

A motion to adjourn was made by Mr. Messina, seconded by Mr. Ward and unanimously approved by all members present.

*Respectfully submitted: Deborah M. Kitchen*