

Frank S. Venezia
Chairman

Sam Messina
Vice Chairman

Robert B. Ward
Secretary

Joseph P. Richardson
Assistant Secretary

Brian T. Stenson
Treasurer

Victoria Stanton Sweeney
Member

Sam NeJame
Member

TOWN OF BETHLEHEM

Albany County - New York

INDUSTRIAL DEVELOPMENT AGENCY

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MINUTES – REGULAR MEETING December 17, 2009

The Regular meeting of the Town of Bethlehem Industrial Development Agency was convened in public session in the Bethlehem Town Hall, 445 Delaware Ave., Delmar, NY at 10:30 a.m., on Wednesday, December 17, 2009.

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 Sam Messina Joseph Richardson Brian Stenson	Robert Ward Victoria Stanton Sweeney Sam NeJame	Thomas Connolly A. Joseph Scott	Terrence Ritz Suzanne Traylor Deborah Kitchen	

Chairman Venezia called the meeting to order.

APPROVAL OF MINUTES

A motion was made by Mr. Messina, seconded by Mr. Stenson, and carried by all members present to approve the minutes of the Regular Meeting held November 4, 2009. Mr. Richardson abstained because he was not in attendance at the November 4, 2009 meeting.

NEW BUSINESS

24 Power Park Drive - County Route 55, Selkirk, NY - Selkirk Cogen Partners, L.P.

Selkirk Cogen is seeking Agency approval to modify the PILOT payment schedule to allow for payments to be made on a monthly basis rather than a semi-annual basis to ensure that they will be able to maintain their debt coverage ratio. Rather than making two payments a year (November 15 & January 15), the Company will make monthly payments beginning January 15. Payments will be made by the Agency to the Ravenna-Coeymans-Selkirk CSD on a monthly basis.

The existing agreement terminates in December 2012. The modified payment schedule would go into effect on January 1, 2010. The closing documents, prepared by Mr. Scott, will include a late fee provision for payments that are not received on or before the due date.

The project is currently owned by the Agency and is exempt from taxation. NY Real Property Law provides that when a property that is exempt from taxation is transferred to an entity that is not exempt from taxation, the assessor may immediately assess it for its value at the time of transfer and the municipality can send a prorata tax bill. However, the Town's Assessor has indicated that she is not willing to change an assessment outside of the normal assessment cycle beginning March 1 of each year.

Mr. Scott recommended that the IDA extend the agreement and provide for a PILOT payment in lieu of the 1/1/13 Town tax so the Town does not have a revenue shortfall in January 2013 and so that there will be time to complete an assessment cycle beginning 3/1/13. The new assessment will require a special appraisal which should be started soon. Mr. Messina stated that he plans to coordinate a meeting with the Town Assessor and Town Comptroller regarding the assessment.

Resolution – Amended PILOT Payment for Selkirk Cogen Partners, L.P.

Upon motion by Mr. Richardson, seconded by Mr. Stenson, the following resolution was unanimously adopted by all Members present:

Resolved, that the Agency approves the “Approval Resolution for Amended PILOT Selkirk Cogen Partners LP Project” attached to these minutes.

Funding 2009 Service Resolution

Chairman Venezia reported that under the 2009 Service Agreement between the Town and the Agency, the Town agrees to provide services to the Agency and the Agency agrees to pay for such services. Originally, the Agency's 2009 budget included a provision of \$40,000 to fund the 2009 Service Agreement based on projected revenues being partially sufficient to fund both the agreement and to maintain the minimum required fund balance.

On February 6, 2009 the Members of the Agency voted in favor of approving Supervisor Cunningham's request to increase their allocation to the Town by \$5,000 and amend the 2009 Service Agreement to increase the budget from \$40,000 to \$45,000 in order to compensate Town staff member, Terrence Ritz, for the additional services that he would be expected to provide on behalf of the Agency while serving as the Agency's Executive Director and Chief Executive Officer, even though the stipend was not dependent on the Agency's contribution.

Chairman Venezia stated that the Agency had sufficient resources to partially fund the 2009 service agreement between the Town and the Agency and recommended that the Agency approve a \$45,000 payment to the Town of Bethlehem for 2009 services. A formal budget modification was not needed due to the fact that sufficient funds remain in the line item that is budgeted for contractual services.

Upon motion made by Mr. Richardson, seconded by Mr. Stenson, the following resolution was unanimously adopted by all Members present:

Resolved, that the Agency approves the transfer of \$45,000 from the Agency to the Town under the terms of the 2009 Service Agreement.

2010 Service Agreement / Resolution

Mr. Venezia reported that he met with Ms. Traylor, Mr. Ritz, Mr. Connolly and Mr. Morelli to discuss the 2010 Service Agreement between the Agency and the Town. He noted that Exhibit A of the Agreement was revised to reflect staff services to be provided on behalf of the Agency and the overhead allocation methodology was revised and documented.

The Town currently provides office space, utilities, file space, office equipment (phones, computer, copiers, etc.) and technical support for a management information system, some of which are included in the allocated costs. Direct allocation includes personnel services from various departments and related fringe benefits.

The IDA's 2010 budget includes a provision of \$50,000 to fund this agreement if projected revenues are sufficient to fund the agreement and maintain the minimum required fund balance. If revenues to the Agency in 2010 exceed the budget projection, the Agency could amend the budget to authorize additional funding based on available cash, not to exceed the amount depicted in Exhibit A of the Agreement.

Upon motion by Mr. Richardson, seconded by Mr. Stenson, the following resolution was unanimously adopted by all Members present:

Resolved that the Agency approves the 2010 Service Agreement, as amended.

The 2010 Service Agreement will be submitted to the Town Board and placed on the Town Board Agenda for consideration.

OLD BUSINESS

158 West Yard Road, Selkirk - Selkirk Ventures / World Logistics Group – Rail Assistance

Mr. Connolly reported that Dennis Mullen, Acting Commissioner of NYS Empire Development Corporation sent a letter to Michael Breslin, Chair of the Albany County Zone Administrative Board, dated December 11, 2009, stating that the Empire Zone Designation Board approved World Logistics Group's request to be considered a "regionally significant" project in the Albany County Empire Zone - effective January 1, 2008.

World Logistics Group is now eligible to apply for Empire Zone certification on the land it currently occupies which is outside of the district and separate contiguous areas as identified and approved by the Empire Zone Designation Board.

Construction of the proposed addition and installation of rail siding at the site will be contingent upon the aforementioned approval as well as the tenant's commitment to occupy the building. It is uncertain if the project will move forward as originally planned.

572 Russell Road, North Bethlehem - Blessings Corner at 572 Russell Road PDD

The applicant, Russell Road Partners, submitted an application to the Planning Board seeking a PDD zoning classification for an 11.53+/- acre site located at the northwest corner of Krumkill and Russell Roads to allow for the construction of a 2,990+/- sq. ft. Stewart's convenience store with gas pumps and 44 residential condominium units at the site. The applicant is also planning to install approximately 1,000 +/- of sidewalk along Krumkill Road between Russell and Googas Roads that would provide a pedestrian link to the proposed Stewart's Shop and more importantly to the North Bethlehem Town Park.

Feura Bush Road, Glenmont - Kendall Square Hamlet Plan

The applicant, Rosen Development, submitted an application to the Planning Board seeking approval to construct four commercial buildings and approximately 112 residential apartment units at the corner of Elsmere Avenue and Feura Bush Road.

15 Frontage Road, Glenmont - Econolodge - Amendment to Previously Approved Site Plan

The applicant, Daniel Patel, submitted an application to the Planning Board seeking approval to amend a previously approved Site Plan to allow for renovations and expansion of the existing motel. The project includes facade renovations, and construction of a three story addition that would house an indoor pool and motel rooms. A zoning variance for setback to parking had been granted by the Zoning Board of Appeals (ZBA) in February 2006 and Site Plan Approval had been granted by the Planning Board in June 2007. Construction of the project was delayed due to the lending environment for hotel financing and the lack of liquidity in the over-all lending market. As a result, the previously granted variance and site plan approval expired and the applicant needed to resubmit applications for both.

LeGrange Road, Slingerlands - Vista Development Group LLC (VDG) – Vista Technology Campus

Mr. Ritz reported that there has been no activity related to the application submitted by Vista Development Group since Mr. Herbert last attended the November 4, 2009 Planning Board meeting and informed the Members that he had met with the Town Assessor to discuss the pending increase in tax assessment on the undeveloped land once the access road is constructed. Mr. Herbert had indicated that he had been advised to ask the Agency for a PILOT that would enable the undeveloped parcels to remain at their current tax status until such time that the parcel was subdivided and developed. He requested that the Agency consider VDG’s request to establish a PILOT Agreement to relieve the potential tax burden. In response to Mr. Herbert’s request, the Members indicated that they would need to understand how significant the change in tax status would be, if the entire road or a portion of it should be constructed, before they could make a decision about whether or not a PILOT Agreement is feasible. Mr. Herbert indicated that he would follow-up on this with staff and report back to the Members at a future meeting.

1 Noryl Avenue, Selkirk - SABIC formerly GE

Mr. Ritz reported that SABIC has not made a decision about the type of equipment they plan to purchase to replace their current boilers.

35 Hamilton Lane, Glenmont - 35 Hamilton of Glenmont LLC (35HG)

Town staff members are scheduled to meet with the developer on December 18, 2009 to discuss the proposed commercial project which has been inactive since the Engineering Division generated comments in August 2009.

482 River Road, Glenmont - IMUS Distribution Center

The former Texaco plant will be converted into a liquid chloride distribution center to produce road salt that will be utilized in the winter. Existing fuel tanks will be converted to hold the liquid chloride and a scale will be installed. IMUS hopes to begin construction in the spring of 2010. Representatives of the Canadian based Company have indicated that they intend to contact Mr. Ritz to discuss possible IDA financing the next time they are in Town.

414 Route 9W, Glenmont – Yasemin Fuels, Inc.

The gas station located at the intersection of Glenmont Road and Route 9W has submitted an application to the Planning Board to convert the existing building into a convenience store.

2010 IDA Report

An electronic version of the Agency’s 2010 Report will be generated by staff using the 2007 and 2008 format. The report is near completion and will be ready for circulation after a new member is appointed to the Agency.

Holiday Luncheon

BIDA’s holiday luncheon will be held today at Bellini’s at 12:00 noon.

UPCOMING MEETINGS TO BE HELD AT TOWN HALL

- 02/03/2010 – Room 101 – 7:20 IDA - Audit Committee Meeting
- 02/03/2010 – Room 101 – 8:00 IDA - Annual Meeting
- 02/03/2010 – Room 101 – 8:00 IDA - Regular Meeting
- 02/03/2010 – Room 101 – 9:00 IDA - Governance Committee Meeting

MOTION TO ADJOURN

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

Respectfully submitted: Deborah M. Kitchen