

**Victoria Storrs**  
*Chair*  
**Vacant**  
*Vice Chair/ Assistant Secretary*  
**Tim Maniccia**  
*Secretary*  
**Richard Kotlow**  
*Treasurer*  
**David Kidera**  
*Member*  
**Jared Finke**  
*Member*  
**Christopher Bub**  
*Member*

**TOWN OF BETHLEHEM**  
*Albany County - New York*  
**INDUSTRIAL DEVELOPMENT AGENCY**  
445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054  
Telephone: (518) 439-4955  
Email: [info@bethlehemida.com](mailto:info@bethlehemida.com)  
[www.bethlehemida.com](http://www.bethlehemida.com)

**Catherine M. Hedgeman, Esq.**  
*Executive Director,  
Assistant Secretary and  
Agency Counsel  
518-439-4955*  
**Allen F. Maikels**  
*Chief Financial Officer and  
Contracting Officer  
518-487-4679*  
**John Taylor**  
*Senior Economic Developer  
Ext. 1189*  
**Robin Nagengast**  
*Assistant Director  
Ext. 1164*

**Regular Meeting Agenda**  
**Friday, March 25, 2022**  
**8:00 AM**  
**Town Hall Auditorium**

- I. Call to Order/Roll Call/Quorum Approval**
- II. Minutes Approval Annual Meeting**
  1. Bethlehem Industrial Development Agency - Annual Meeting - Feb 25, 2022 8:00 AM
- III. Minutes Approval Regular Meeting**
  1. Bethlehem Industrial Development Agency - Regular Meeting - Feb 25, 2022 8:01 AM
- IV. Reports of Committees**
  1. Report of the Governance Committee 3/18/2022 (Kidera)
- V. Communications**
  1. ABO Audit of Agency Website
- VI. Old Business**
  1. Project Updates (Hedgeman)
  2. Report of Senior Economic Developer (Taylor)
- VII. New Business**
  1. Financial Statements 2/28/22 (Maikels)
  2. Review/Approval of 2021 Audited Financial Statement and SAS 114 Letter/Independent Accountant Report Investment Compliance/Resolution (Kidera)
  3. Review/Approval of 2021 Assessment of Internal Control Structure & Procedure/Resolution (Kidera)
  4. Review/Accept 2021 Operations and Accomplishments/Resolution (Maikels)
  5. Review/Approval 2021 PARIS Report/Resolution (Maikels)
  6. Review/Approval 2021 Performance Measures/Resolution (Maikels)

Meeting of Friday, March 25, 2022

7. Review/Approval 2021 Annual Investment Report, 2021 Procurement Report, 2021 Real Property Owned/Resolution (Maikels)
8. Albany Port District Commission SEQR Resolution (Scott)
9. Executive Session
10. Albany Port District Commission Approving Resolution (Scott)
11. Vista Real Estate Development LLC/15 Vista Resolution Authorizing Split of Certain Parcel (Scott)
12. Vista Real Estate Development LLC/91 Vista and 126 Vista Resolution Authorizing Split of Certain Parcels (Scott)

**VIII. Future Meetings**

1. Regular Meeting - Friday, April 22, 2022 8:00 a.m. Auditorium

**IX. Adjournment**

Adjourn

**Victoria Storrs**  
*Chair*

**Vacant**  
*Vice Chair/ Assistant Secretary*

**Tim Maniccia**  
*Secretary*

**Richard Kotlow**  
*Treasurer*

**David Kidera**  
*Member*

**Jared Finke**  
*Member*

**Christopher Bub**  
*Member*

## TOWN OF BETHLEHEM

*Albany County - New York*

### INDUSTRIAL DEVELOPMENT AGENCY

445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054

Telephone: (518) 439-4955

Email: [info@bethlehemida.com](mailto:info@bethlehemida.com)

[www.bethlehemida.com](http://www.bethlehemida.com)

**Annual Meeting Minutes**  
**Friday, February 25, 2022**  
**8:00 AM**  
**Zoom**

**Catherine M. Hedgeman, Esq.**  
*Executive Director,  
Assistant Secretary and  
Agency Counsel*  
518-439-4955

**Allen F. Maikels**  
*Chief Financial Officer and  
Contracting Officer*  
518-487-4679

**John Taylor**  
*Economic Development  
Coordinator*  
**Ext. 1189**

**Robin Nagengast**  
*Assistant Director*  
**Ext. 1164**

#### I. Notice

- MEETINGS TO BE HELD ELECTRONICALLY DUE TO THE NOVEL CORONAVIRUS (COVID-19) AND DELTA VARIANT, THE BETHLEHEM IDA WILL MEET REMOTELY VIA VIDEO CONFERENCE/WEBINAR, PURSUANT TO CHAPTER 1 OF THE LAWS OF 2022 SIGNED BY GOVERNOR KATHY HOCHUL ON 1/14/22 THAT EXTENDED VIRTUAL PUBLIC MEETINGS. MEMBERS OF THE PUBLIC MAY VIEW AND LISTEN TO THE LIVE MEETINGS BY VISITING THE TOWN OF BETHLEHEM WEBSITE/MEETING PORTAL, SELECTING THE MEETING DATE, AND CLICKING ON THE VIDEO ICON. AGENDAS, MINUTES, AND VIDEOS ARE AVAILABLE AT THIS SAME LINK. PLEASE CHECK THE TOWN WEBSITE FOR UPDATES

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

A Annual Meeting of the Bethlehem Industrial Development Agency of the Town of Bethlehem was held on the above date at the Zoom, 445 Delaware Ave, Delmar, NY. The Meeting was called to order at 8:01 AM with the presence of a quorum noted.

Attendee Name	Title	Status	Arrived
Victoria Storrs	Chair	Present	
Tim Maniccia	Secretary	Present	
Richard Kotlow	Treasurer	Present	
David Kidera	Board Member	Present	
Jared Finke	Board Member	Present	
Christopher Bub	Board Member	Present	
Catherine Hedgeman	Board Member/Assistant Secretary	Present	
Allen F. Maikels	CFO and Contracting Officer	Present	
Robin Nagengast	Assistant to the Executive Director	Present	

#### III. New Business

- RESOLUTION APPROVING APPOINTMENTS AND ADMINISTRATIVE MATTERS

Chair Storrs reviewed details of the resolution approving certain appointments and administrative matters as outlined in Schedule A.

RESOLUTION APPROVING CERTAIN APPOINTMENTS AND ADMINISTRATIVE MATTERS OF THE AGENCY 2022-2023

WHEREAS, Town of Bethlehem Industrial Development Agency (the Agency) is authorized and empowered by the provisions of Chapter 1030 of Laws of 1969 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, recreation and civic 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, under Section 858 of the Act, the Agency has the power to make certain appointments and approve certain administrative matters; and

WHEREAS, under Section 856 of the Act, the members of the Agency shall elect the officers of the Agency; and

WHEREAS, under the Agency's Policy Manual, the Agency shall review certain policies of the Agency on an annual basis;

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

Section 1. The Agency hereby takes the following actions:

(A) The Agency approves the appointments, the officers and the administrative matters described in Schedule A attached hereto.

(B) The Agency approves and confirms the Policy Manual of the Agency set forth at [www.bethlehemida.com/policies](http://www.bethlehemida.com/policies) <<http://www.bethlehemida.com/policies>>.

Section 2. The Agency hereby authorizes the Chairman and the Executive Director and Chief Executive Officer to take all steps necessary to implement the matters described in Schedule A attached.

Section 3. This Resolution shall take effect immediately.

SCHEDULE A

Officers of the Agency

Chair Victoria Storrs

Vice Chair Vacant

Minutes Acceptance: Minutes of Feb 25, 2022 8:00 AM (Minutes Approval Annual Meeting)

Secretary Tim Maniccia  
 Treasurer Richard Kotlow  
 Assistant Secretary Catherine M. Hedgeman

#### Committees

Audit Committee: David Kidera, Chair, Jared Finke, and Christopher Bub  
 Governance Committee: David Kidera, Chair, Richard Kotlow, and Christopher Bub  
 Finance Committee: Victoria Storrs, Chair, Tim Maniccia, and Richard Kotlow

#### Confirmation of Regular Agency Meeting Schedule

In the months of January, February, March, April, May, September and October regular meetings will take place on the fourth Friday of each month; in the months of June, July and August regular meetings will take place on the fourth Wednesday of each month; in the months of November and December regular meetings will take place on the third Friday of each month;

Meetings will take place at 8:00 a.m. at Town Hall, 445 Delaware Avenue, Delmar, New York 12054

#### Appointment of Chief Executive Officer and Staff to the Agency

##### Executive Director &

Chief Executive Officer Catherine Hedgeman  
 Chief Financial Officer Allen F. Maikels  
 Senior Economic Developer John Taylor  
 Assistant Executive Director Robin Nagengast  
 Contracting Officer Allen F. Maikels

#### Appointment of Accounting Firm of the Agency

Cusack & Company Certified Public Accountants LLC  
 7 Airport Park Boulevard  
 Latham, New York 12110

#### Appointment of Agency Counsel and Bond Counsel to the Agency

Agency Counsel Catherine Hedgeman  
 Bond Counsel Hodgson Russ LLP  
 677 Broadway, Suite 301  
 Albany, New York 12207

Appointment of Bank for Agency Bank Accounts:

M & T Bank

Trustco Bank

**RESULT:**                    **APPROVED [UNANIMOUS]**  
**MOVER:**                    David Kidera, Board Member  
**SECONDER:**                Tim Maniccia, Secretary  
**AYES:**                      Storrs, Maniccia, Kotlow, Kidera, Finke, Bub

**IV.      Adjournment**

**Motion To:** Adjourn

**RESULT:**                    **ADJOURN [UNANIMOUS]**  
**MOVER:**                    Christopher Bub, Board Member  
**SECONDER:**                David Kidera, Board Member  
**AYES:**                      Storrs, Maniccia, Kotlow, Kidera, Finke, Bub

**Victoria Storrs**  
*Chair*

**Vacant**  
*Vice Chair/ Assistant Secretary*

**Tim Maniccia**  
*Secretary*

**Richard Kotlow**  
*Treasurer*

**David Kidera**  
*Member*

**Jared Finke**  
*Member*

**Christopher Bub**  
*Member*

**TOWN OF BETHLEHEM**  
*Albany County - New York*  
**INDUSTRIAL DEVELOPMENT AGENCY**

445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054  
Telephone: (518) 439-4955  
Email: [info@bethlehemida.com](mailto:info@bethlehemida.com)  
[www.bethlehemida.com](http://www.bethlehemida.com)

**Regular Meeting Minutes**  
**Friday, February 25, 2022**  
**8:01 AM**  
**Zoom**

**Catherine M. Hedgeman, Esq.**  
*Executive Director,  
Assistant Secretary and  
Agency Counsel*  
518-439-4955

**Allen F. Maikels**  
*Chief Financial Officer and  
Contracting Officer*  
518-487-4679

**John Taylor**  
*Economic Development  
Coordinator*  
**Ext. 1189**

**Robin Nagengast**  
*Assistant Director*  
**Ext. 1164**

**I. Notice**

- **MEETINGS TO BE HELD ELECTRONICALLY DUE TO THE NOVEL CORONAVIRUS (COVID-19) AND DELTA VARIANT, THE BETHLEHEM IDA WILL MEET REMOTELY VIA VIDEO CONFERENCE/WEBINAR, PURSUANT TO CHAPTER 1 OF THE LAWS OF 2022 SIGNED BY GOVERNOR KATHY HOCHUL ON 1/14/22 THAT EXTENDED VIRTUAL PUBLIC MEETINGS. MEMBERS OF THE PUBLIC MAY VIEW AND LISTEN TO THE LIVE MEETINGS BY VISITING THE TOWN OF BETHLEHEM WEBSITE/MEETING PORTAL, SELECTING THE MEETING DATE, AND CLICKING ON THE VIDEO ICON. AGENDAS, MINUTES, AND VIDEOS ARE AVAILABLE AT THIS SAME LINK. PLEASE CHECK THE TOWN WEBSITE FOR UPDATES**

**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 Zoom, 445 Delaware Ave, Delmar, NY. The Meeting was called to order at 8:06 AM with the presence of a quorum noted.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Victoria Storrs	Chair	Present	
Tim Maniccia	Secretary	Present	
Richard Kotlow	Treasurer	Present	
David Kidera	Board Member	Present	
Jared Finke	Board Member	Present	
Christopher Bub	Board Member	Present	
Catherine Hedgeman	Board Member/Assistant Secretary	Present	
Allen F. Maikels	CFO and Contracting Officer	Present	
Robin Nagengast	Assistant to the Executive Director	Present	
John Taylor	Senior Economic Developer	Present	
Joe Scott	Bond Counsel	Present	

**III. Minutes Approval**

1. Friday, January 28, 2022

**Minutes Acceptance: Minutes of Feb 25, 2022 8:01 AM (Minutes Approval Regular Meeting)**

**RESULT:** ACCEPTED [UNANIMOUS]  
**MOVER:** Tim Maniccia, Secretary  
**SECONDER:** Jared Finke, Board Member  
**AYES:** Storrs, Maniccia, Kotlow, Kidera, Finke, Bub

#### IV. Communications

- **NONE**

There are no new communications.

#### V. Old Business

- **UPDATE ON ONGOING PROJECTS AND DISCUSSION OF FEE SPLIT RECOMMENDATION (ALBANY PORT COMMISSION, PLUG POWER, BURT CRANE) (HEDGEMAN AND O'CONNOR)**

Kevin O'Connor with Advance Albany County Alliance updated members on Plug Power's plans at Vista Technology Park. A new proposed community benefits agreement includes commitment to job levels, bringing science, technology, and engineering programs to local schools, and a workforce development initiative.

Joe Scott with Hodgson Russ reported the Albany Port District Commission's SEQRA review will be completed in early March.

Mr. Scott reported that Burt Crane has advised that financing is being finalized and they expect to close in March or April.

- **REPORT OF SENIOR ECONOMIC DEVELOPER (TAYLOR)**

Mr. Taylor advised Plug Power received site plan approval from the Bethlehem Planning Board. Permits are in process.

Approval of the Albany Port District Commission's supplemental EIS is on the agenda for the first March Planning Board.

The Development Planning Committee reviewed a 50,000sf warehouse for a company with interest in applying for IDA assistance.

The Microenterprise Grant program is accepting applications starting March 1. The program is funded through New York State, and provides \$5,000 - \$35,000 grants toward capital goods.

The Department of Economic Development and Planning held info sessions and they're encouraged by the interest so far.

- **DISCUSSION RE: ALLOCATING FUNDS TO UNDERWRITE HALF THE COST OF SIZEUP (STORRS)**

At the Agency's January regular meeting, Maureen McGuinness with the Bethlehem Chamber of Commerce presented an economic development tool that provides easy to use data on existing businesses to assist new or expanding businesses. The SizeUp business planning tool will be featured on Chamber website and cross linked to the



BIDA. Chair Storrs requested a motion for a financial commitment by the BIDA. There was a discussion of when data is updated, where data is sourced, and who can access the tool.

Upon motion by Mr. Kotlow, seconded by Mr. Maniccia, with all members present in favor, the Agency approved a financial commitment of up to 3 years to the SizeUp business planning tool contingent on continued participation with the Bethlehem Chamber of Commerce.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Richard Kotlow, Treasurer  
**SECONDER:** Tim Maniccia, Secretary  
**AYES:** Storrs, Maniccia, Kotlow, Kidera, Finke, Bub

## VI. Reports of Committees

- **REPORT OF THE AUDIT COMMITTEE (KIDERA)**

Chair Kidera reported that the Audit Committee informally met on February 2, 2022. There wasn't a quorum and no action was taken.

The auditors reported it was a clean audit with no problems with internal controls or financial statements. The final audit will be on the March 25 regular meeting agenda for approval.

- **AUDIT COMMITTEE MINUTES 2/10/22**
- **REPORT OF THE FINANCE COMMITTEE (STORRS)**

Chair Storrs reported the Finance Committee met February 18, 2022 to discuss the fee split with Albany County IDA for the proposed Plug Power project. The BIDA will receive approximately \$149,712, exact dollar amount to be confirmed.

- **FINANCE COMMITTEE MINUTES 2/18/22**

## VII. New Business

- **FINANCIAL STATEMENTS 1/31/2022 (MAIKELS)**

Mr. Maikels presented the financial statements as of January 31, 2022.

- **APPROVAL OF RESOLUTION 125 VISTA SPLITTER AGREEMENT (JOE SCOTT)**

Mr. Scott provided background on the Vista Technology Park infrastructure bond. As sites in Vista are sold, a splitter agreement is used to allocate a portion of the infrastructure cost to the specific parcel. An agreement will be executed for Plug Power, consistent with what has been done with other sites.

RESOLUTION AUTHORIZING THE SPLIT FROM THE VISTA PROJECT AND THE EXECUTION OF DOCUMENTS IN CONNECTION WITH SAID SPLIT FOR A PROJECT FOR VISTA REAL ESTATE DEVELOPMENT LLC (THE COMPANY).

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, in December, 2021 Vista Real Estate Development LLC (the Company), a limited liability company duly organized and validly existing under the laws of the State of New York, submitted an application, as amended (the Application) to Albany County Industrial Development Agency (ACIDA), which Application requested that ACIDA consider undertaking a project (the Project) for the benefit of the Company, said Project to include the following: (A) (1) the acquisition of an interest in a 26.0 acre portion of an approximately 97.37 acre parcel of land located at 125 Vista Boulevard in the Town of Bethlehem, Albany County, New York (the Land), (2) the construction on the Land of a one-story building to contain approximately 200,000 square feet of warehouse space, a two-story building to contain approximately 50,000 square feet of office space and a one-story building to contain approximately 100,000 square feet of space and associated parking (collectively, the Facility), and (3) the acquisition and installation therein and thereon of certain machinery and equipment (the Equipment) (the Land, the Facility and the Equipment being collectively referred to as the Project Facility), all of the foregoing to constitute a commercial facility to be owned by the Company and leased to Plug Power for commercial, manufacturing and warehouse space and 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 property 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 ACIDA; and WHEREAS, by resolution adopted by the members of the Agency on February 9, 2022 (the Approving Resolution), ACIDA determined to grant the Financial Assistance and to enter into a lease agreement (the Lease Agreement) by and between ACIDA and the Company and certain other documents related therewith and to the Project (collectively with the Lease Agreement, the Basic Documents?); and WHEREAS, in December, 2011 (the Vista Public Infrastructure Project Closing), the Agency issued its Pilot Revenue Bond (Vista Public Infrastructure Project), Series 2011A in the principal amount of not to exceed \$6,750,000 (the Bond) for the benefit of Vista Development Group LLC (Vista) to provide for the cost of the development of the approximately 250 acre parcel of land located in the

Town of Bethlehem, Albany County, New York and known as the Vista Technology Campus (the Vista Project); and WHEREAS, as the Project is part of the Vista Project, the Company is requesting the Agency pursuant to the request attached hereto as Exhibit A (the Request) to enter into the following documents: (A) a splitter agreement (the Splitter Agreement) by and among the Agency, Vista and ML, L.P. (the holder of the Bond, (the Holder)), (B) a partial termination of the underlying lease agreement (the Partial Termination of Underlying Lease Agreement) by and between the Agency and Vista, (C) a partial termination of master lease agreement (the Partial Termination of Master Lease Agreement) by and between the Agency and Vista, (D) a partial termination of payment in lieu of tax agreement (the Partial Termination of PILOT Agreement) by and between the Agency and Vista, (E) a partial release of payment in lieu of tax agreement mortgage (the Partial Release of PILOT Mortgage) from the Holder, (F) a [ninth] amended PILOT agreement (the [Ninth] Amended PILOT Agreement) by and between the Agency and Vista, (G) a [ninth] amended PILOT mortgage (the [Ninth] Amended PILOT Mortgage) from the

Agency and Vista to the Holder, (H) a payment in lieu of tax agreement (the (Splitter) PILOT Agreement) by and between the Agency and the Company, and (I) a payment in lieu of tax agreement mortgage (the

(Splitter) PILOT Mortgage and collectively with the foregoing documents, the Splitter Documents) from the Agency and Vista to the Holder; and WHEREAS, the Agency has given due consideration to the Request, and to representations by the Company that the entering into the Splitter Documents with respect to the Project will be an inducement to the Company to undertake the Project in Albany County, New York; and WHEREAS, the Agency desires to encourage the Company to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the Town of Bethlehem, New York by undertaking the Project in Albany County, New York;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF TOWN OF BETHLEHEM

INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The law firm of Hodgson Russ LLP is hereby appointed Special Agency Counsel to the Agency with respect to all matters in connection with the Project. Special Agency Counsel for the Agency is hereby authorized, at the expense of the Company, to work with Agency Counsel, the Company, counsel to the Company, counsel to the Agency and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution.

Section 2. The Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act;

(B) The Project constitutes a project, as such term is defined in the Act; (C) The Request site is located entirely within the boundaries of the Town of Bethlehem, New York; and (D) It is desirable and in the public interest for the Agency to enter into the Splitter Documents.

Section 3. In consequence of the foregoing, the Agency hereby determines to enter into the Splitter Documents to do all things necessary or appropriate for the accomplishment thereof, and all actions heretofore taken by the Agency with respect to such acts are hereby approved, ratified and confirmed.

Section 4. The Chair (or Vice Chair) of the Agency, with the assistance of Agency Counsel and/or Special Counsel, is authorized to negotiate and approve the form and substance of the Splitter Documents.

Section 5. (A) The Chair (or Vice Chair) of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Splitter Documents, 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, all in the forms thereof as the Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) to constitute conclusive evidence of such approval.

(B) The Chair (or Vice Chair) of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Partial Termination of Master Lease Agreement).

Section 6. 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 Splitter Documents, 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 Splitter Documents binding upon the Agency.

Section 7. This Resolution shall take effect immediately.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	David Kidera, Board Member
<b>SECONDER:</b>	Tim Maniccia, Secretary
<b>AYES:</b>	Storrs, Maniccia, Kotlow, Kidera, Finke, Bub

• **APPROVAL OF RESOLUTION 125 VISTA RELEASE OF CERTAIN PARCEL (JOE SCOTT)**

Mr. Scott reported Vista Development will convey some parcels in the Park back to the original owner, and terminate the associated infrastructure PILOT agreement.

RESOLUTION CONSENTING TO AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT TO THE RELEASE OF CERTAIN PARCELS OF LAND LOCATED IN THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK FROM THE VISTA PUBLIC INFRASTRUCTURE 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 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, 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, in December, 2021 Vista Real Estate Development LLC (the Company), a limited liability company duly organized and validly existing under the laws of the State of New York, submitted an application, as amended (the Application) to Albany County Industrial Development Agency (ACIDA), which Application requested that ACIDA consider undertaking a project (the Project) for the benefit of the Company, said Project to include the following: (A) (1) the acquisition of an interest in a 26.0 acre portion of an approximately 97.37 acre parcel of land located at 125 Vista Boulevard in the Town of Bethlehem, Albany County, New York (the Land), (2) the construction on the Land of a one-story building to contain approximately 200,000 square feet of warehouse space, a two-story building to contain approximately 50,000 square feet of office space and a one-story building to contain approximately 100,000 square feet of space and associated parking (collectively, the Facility), and (3) the acquisition and installation therein and thereon of certain machinery and equipment (the Equipment) (the Land, the Facility and the Equipment being collectively referred to as the Project Facility), all of the foregoing to constitute a commercial facility to be owned by the Company and leased to Plug Power for commercial, manufacturing and warehouse space and 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 property 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 ACIDA; and WHEREAS, by resolution adopted by the members of the Agency on February 9, 2022 (the Approving Resolution), ACIDA determined to grant the Financial Assistance and to enter into a lease agreement (the Lease Agreement) by and between ACIDA and the Company and certain other documents related therewith and to the Project (collectively with the Lease Agreement, the Basic Documents); and WHEREAS, in December, 2011 (the Vista Public Infrastructure Project Closing), the Agency issued its Pilot Revenue Bond (Vista Public Infrastructure Project), Series 2011A in the principal amount of not to exceed \$6,750,000 (the Bond) for the benefit of Vista Development Group LLC (Vista) to provide for the cost of the development of the approximately 250 acre parcel of land located in the Town of Bethlehem, Albany County, New York and known as the Vista Technology Campus (the Vista Project); and WHEREAS, in connection with the Project, the Company is requesting the Agency pursuant to the request attached hereto as Exhibit A (the Request), to transfer some parcels of land (collectively the Release Parcels) back to Scarlett Oaks, LLC (the Original Land Owner) and in connection with the Request to release and terminate the Vista Public Infrastructure Project with respect to the Release Parcels pursuant to certain termination and release documents (collectively, the Termination Documents); and WHEREAS, pursuant to Section 9.3 of the master lease agreement dated as of December 1, 2011 (the Master Lease Agreement) by and between the Agency and Vista, the consent of the Agency is required prior to the release of the Release Parcels (the Release); and WHEREAS, pursuant to Article 8 of the Environmental Conservation Law Chapter 43-B of the Consolidated Laws of New York, as amended (the SEQRA 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 SEQRA

Act, SEQRA), it appears that the Release is not an Action under SEQRA and therefore is not subject to a SEQRA review 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 Release is not an Action under SEQRA and therefore is not subject to SEQRA review by the Agency.

Section 2. At the request of the Company, the Agency hereby consents to the Release and the execution of the Termination Documents; provided, however, that such consent is contingent upon (A) approval by Special Agency Counsel to the forms of the Termination Documents, (B) compliance with the terms and conditions contained in the Basic Documents (as defined in the Master Lease agreement), (C) evidence satisfactory to the Agency that all taxes and other local fees and assessments relating to the Release Parcels, if any, have been paid by the Company, (D) consent of the current holder of the Bond, and (E) the payment by the Company of the administrative fee of the Agency, if any, and all other fees and expenses of the Agency in connection with the delivery of the Termination Documents, including the fees of Agency and Special Counsel.

Section 3. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chair (or Vice Chair) of the Agency is hereby authorized to execute and deliver the Termination Documents and the modified Basic Documents to reflect the Release, 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, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) 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 Release, 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 Release.

Section 5. This Resolution shall take effect immediately.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	David Kidera, Board Member
<b>SECONDER:</b>	Richard Kotlow, Treasurer
<b>AYES:</b>	Storrs, Maniccia, Kotlow, Kidera, Finke, Bub

**VIII. Executive Session**

**• EXECUTIVE SESSION REGARDING PENDING LEGAL MATTERS (HEDGEMAN)**

Upon motion by Mr. Maniccia, seconded by Chair Storrs, the Agency went into executive session at 9:04am to discuss a legal matter. Participants except for the Board, the Executive Director, and the Assistant Executive Director were excused from the Zoom. After a discussion, the executive session was adjourned at 9:12am on a motion by Mr. Maniccia, seconded by Mr. Bub. The meeting returned to regular session with no action taken.

Minutes Acceptance: Minutes of Feb 25, 2022 8:01 AM (Minutes Approval Regular Meeting)

**IX. Future Meetings**

- **GOVERNANCE COMMITTEE MEETING - FRIDAY, MARCH 18, 2022 8:00 A.M. TBD**
- **REGULAR MEETING - FRIDAY, MARCH 25, 2022 8:00 A.M. TBD**

**X. Adjournment****Motion To: Adjourn**

**RESULT:** ADJOURN [UNANIMOUS]  
**MOVER:** Tim Maniccia, Secretary  
**SECONDER:** Jared Finke, Board Member  
**AYES:** Storrs, Maniccia, Kotlow, Kidera, Finke, Bub

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
STATEMENT OF NET ASSETS  
February 28, 2022

<b>ASSETS</b>	<u>February 28, 2022</u>
Current Assets	
Checking/Savings	
200.04 Cash-M&T Bank Agency Account	430,394.60
Total Checking/Savings	<u>430,394.60</u>
Other Current Assets	
380 Fee Receivable	27,581.44
480 Prepaid Expense	0.00
Total Other Current Assets	<u>27,581.44</u>
Total Current Assets	<u>457,976.04</u>
<b>TOTAL ASSETS</b>	<u><u>457,976.04</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
601 Accrued Expenses	11,810.84
Total Current Liabilities	<u>11,810.84</u>
Total Liabilities	<u>11,810.84</u>
Equity	
924 Net Assets	
924.3 Net Assets-Unassigned	446,165.20
Total 924 Net Assets	<u>446,165.20</u>
Total Equity	<u>457,976.04</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>463,636.34</u></u>

Attachment: February 2021 Financials (9606 : Financials)



BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
STATEMENT OF REVENUE AND EXPENSES  
February 28, 2022

ORDINARY INCOME/EXPENSE

Income

2116 FEE INCOME 16,743.35

2116.1 PSEG ENERGY REIMB 8,289.50

Total Income 25,032.85

Expenses

6460.4 Contractual Expenses 18,423.04

6460.5 Business & Economic Development 0.00

Total Expenses 18,423.04

NET ORDINARY INCOME

6,609.81

Other Income/Expense

Other Income

2401 Interest Income 6.90

Total Other Income 6.90

NET INCOME

6,616.71

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
 BUDGET VS ACTUAL  
 February 28, 2022

Ordinary Income/Expense	Feb-22	YTD Budget	Variance	Annual Budget
Income				
2116 Fee Income	17,243.35	8,790.66	7,952.69	52,744.00
2106.1 PSEG Energy Reimb	8,289.50	11,666.66	-3,377.16	70,000.00
Total Income	25,532.85	20,457.32	4,575.53	122,744.00
Expenses				
6460.4 Contractual Expenses	11,810.84	19,676.66	-1,253.62	118,060.00
6460.5 Business and Economic Dev	0.00	333.33	-333.33	2,000.00
Total Expenses	11,810.84	20,009.99	-1,586.95	120,060.00
Net Ordinary Income	6,609.81	447.33	6,162.48	2,684.00
Other Income/Expense				
2401 Interest Income	6.90	50.00	-43.10	300.00
Total Other Income	6.90	50.00	-43.10	300.00
Net Income	6,616.71	497.33	6,119.38	2,984.00

***TOWN OF BETHLEHEM  
INDUSTRIAL DEVELOPMENT AGENCY  
A COMPONENT UNIT OF THE TOWN OF BETHLEHEM***

***FINANCIAL STATEMENTS  
AND SUPPLEMENTAL INFORMATION***

***DECEMBER 31, 2021 AND 2020***

**Attachment: Financial - Final (9607 : Audited Financial Statement)**

**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**  
*TABLE OF CONTENTS*  
*DECEMBER 31, 2021 AND 2020*

---

	<u>Page</u>
Management’s Discussion and Analysis	1-2
Independent Auditor’s Report	3-5
<b>Basic Financial Statements</b>	
Statements of Net Position	6
Statements of Revenues, Expenses and Changes in Net Position	7
Statements of Cash Flows	8
Notes to Financial Statements	9-12
<b>Required Supplementary Information</b>	
Schedule of Revenues, Expenses, and Changes in Net Position - Budget and Actual	13
<b>Other Supplemental Information</b>	
Schedule of Conduit Indebtedness	14
Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	15-16
<b>Appendix I</b>	
Annual Financial Report for Industrial Development Agencies (PARIS)	

**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
DECEMBER 31, 2021 AND 2020

---

The following discussion and analysis of the Town of Bethlehem Industrial Development Agency's (the "Agency") financial performance provides an overview of the Agency's financial activities for the years ended December 31, 2021 and 2020. This document should be read in conjunction with the Agency's financial statements.

### **Financial Highlights**

As reported in the project analysis section of the December 31, 2021 Annual Report of the Town of Bethlehem (the Town), total PILOT payments received by the Town were approximately \$4.7 million (\$4.5 million in 2020) which exceeded the tax exemptions granted by approximately \$.8 million and \$1.0 million for the years 2021 and 2020, respectively.

The Agency is also eligible to receive supplemental fees from PSEG Power New York, Inc., assuming certain energy production levels are exceeded. Agency operating revenues of \$146,840 and \$67,944 include \$129,597 and \$46,201 in energy reimbursement fees from PSEG Power New York, Inc. for the years ended December 31, 2021 and 2020, respectively. The PSEG reimbursements are subject to fluctuation due to market factors and will terminate in 2023.

### **Summary of Conduit Bonds**

The following table presents a summary of outstanding conduit bond issuances, which are more fully described within the footnotes to the financial statements:

<b><u>Project</u></b>	<b><u>Balance</u></b> <b><u>12/31/20</u></b>	<b><u>Issued In</u></b> <b><u>2021</u></b>	<b><u>Paid in</u></b> <b><u>2021</u></b>	<b><u>Balance</u></b> <b><u>12/31/21</u></b>
American Housing Foundation	\$ 4,885,000	\$ -	\$ 205,000	\$ 4,680,000
Vista Development Group, LLC	<u>5,275,627</u>	<u>-</u>	<u>212,771</u>	<u>5,062,856</u>
Total	<u>\$ 10,160,627</u>	<u>\$ -</u>	<u>\$ 417,771</u>	<u>\$ 9,742,856</u>

### **Service Agreement**

The Agency entered into a Service Agreement with the Town, in recognition of the services provided by Town staff (primarily from the Town's Department of Economic Development and Planning) in furtherance of the mutual goals of the Town and the Agency.

The Agency remitted to the Town \$50,000 as per the agreement in 2021 and 2020.

**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**  
*MANAGEMENT'S DISCUSSION AND ANALYSIS (CONTINUED)*  
*DECEMBER 31, 2021 AND 2020*

---

**Interest Income**

Interest earnings for 2021 amounted to \$77, which was \$2,751 less than the 2020 earnings of \$2,828.

**COVID-19 Grant Program**

In 2020 the Agency authorized an appropriation of \$25,000 to provide eligible entities up to \$500 for COVID-19 relief. This appropriation expired December 31, 2021. For those entities which qualify, the grant would provide reimbursement for specific expenditures incurred due to the pandemic. Through December 31, 2021 grants totaling \$7,029 have been awarded.

**Change in Net Position**

The Agency's net position as of December 31, 2021 and 2020 increased or decreased as follows:

	<u>2021</u>	<u>2020</u>
Net Position as of Beginning of Year	\$ 428,835	\$ 465,850
Revenue	146,917	70,772
Expenses	<u>(136,204)</u>	<u>(107,787)</u>
Net Position as of End of Year	<u>\$ 439,548</u>	<u>\$ 428,835</u>

**Contacting the Agency's Financial Management**

This financial report is designed to provide a general overview of the Agency's finances for those having an interest, and should be considered along with the Annual Financial Statements, including the related footnotes. Questions concerning any of the information provided in this report may be addressed to Allen Maikels, CPA, Chief Financial Officer, or Victoria Storrs, Agency Chairman, at 445 Delaware Avenue, Delmar, NY 12054.

Attachment: Financial - Final (9607 : Audited Financial Statement)

**CUSACK & COMPANY**  
**Certified Public Accountants LLC**  
 7 AIRPORT PARK BOULEVARD  
 LATHAM, NEW YORK 12110  
 (518) 786-3550  
 FAX (518) 786-1538  
 E-MAIL ADDRESS: CPAS@CUSACK.CPA  
 WWW.CUSACK.CPA

MEMBERS OF:  
 AMERICAN INSTITUTE  
 CERTIFIED PUBLIC ACCOUNTANTS

MEMBERS OF:  
 NEW YORK STATE SOCIETY OF  
 CERTIFIED PUBLIC ACCOUNTANTS

## INDEPENDENT AUDITOR'S REPORT

Board of Directors  
 Town of Bethlehem Industrial Development Agency  
 A Component Unit of the Town of Bethlehem  
 Bethlehem, New York

### *Opinion*

We have audited the accompanying financial statements of the Town of Bethlehem Industrial Development Agency - A Component Unit of the Town of Bethlehem (the "Agency") which comprise the statements of financial position as of December 31, 2021 and 2020, and the related statements of activities and cash flows for the years then ended, and the related notes to the financial statements.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Agency, as of December 31, 2021 and 2020, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

### *Basis for Opinion*

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Agency and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### *Responsibilities of Management for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Agency's ability to continue as a going concern for twelve months beyond the financial statement date, including any known information that may raise substantial doubt shortly thereafter.

### *Auditor's Responsibilities for the Audit of the Financial Statements*

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements, are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and access the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion, on the effectiveness of the Agency's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Agency's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

#### **Other Matters**

##### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 1-2 and 13 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consist of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.



*Other Supplemental Information*

Our audit was conducted for the purpose of forming an opinion on the Agency's basic financial statements. The accompanying supplemental information is presented for purposes of additional analysis and is not a required part of the basic financial statements. The accompanying supplementary information on page 14 is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. We have applied certain limited procedures to the other supplemental information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

*Other Information*

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Town of Bethlehem Industrial Development Agency's basic financial statements. The Annual Financial Report for Industrial Development Agencies (PARIS) is presented for purposes of additional analysis and is not a required part of the basic financial statements. The Annual Financial Report for Industrial Development Agencies (PARIS) has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated February 10, 2022 on our consideration of the Agency's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Agency's internal control over financial reporting and compliance.



CUSACK & COMPANY, CPA'S LLC

Latham, New York  
February 10, 2022

**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**  
 STATEMENTS OF NET POSITION  
 DECEMBER 31, 2021 AND 2020

	<u>2021</u>	<u>2020</u>
<b><u>Assets</u></b>		
Current Assets:		
Cash	\$ 424,865	\$ 421,184
Accounts Receivable, Net	<u>19,291</u>	<u>8,741</u>
Total Assets	<u>\$ 444,156</u>	<u>\$ 429,925</u>

<b><u>Liabilities and Net Position</u></b>		
Current Liabilities:		
Accrued Liabilities	<u>\$ 4,608</u>	<u>\$ 1,090</u>
Net Position:		
Unrestricted	439,548	410,364
Committed	<u>-</u>	<u>18,471</u>
Total Net Position	<u>439,548</u>	<u>428,835</u>
Total Liabilities and Net Position	<u>\$ 444,156</u>	<u>\$ 429,925</u>

Attachment: Financial - Final (9607 : Audited Financial Statement)

**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**  
 STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN NET POSITION  
 FOR THE YEARS ENDED DECEMBER 31, 2021 AND 2020

	<u>2021</u>	<u>2020</u>
Operating Revenues:		
Administrative Fees	\$ 17,243	\$ 21,743
Supplemental Fees	<u>129,597</u>	<u>46,201</u>
Total Operating Revenue	146,840	67,944
Operating Expenses:		
Contractual Expenses	<u>135,704</u>	<u>101,258</u>
Operating Income (Loss)	11,136	(33,314)
Other Revenues (Expenses):		
Interest Income	77	2,828
COVID-19 Grant Program	<u>(500)</u>	<u>(6,529)</u>
Total Other Revenues (Expenses)	<u>(423)</u>	<u>(3,701)</u>
Change in Net Position	10,713	(37,015)
Net Position, Beginning of Year	<u>428,835</u>	<u>465,850</u>
Net Position, End of Year	<u>\$ 439,548</u>	<u>\$ 428,835</u>

Attachment: Financial - Final (9607 : Audited Financial Statement)

**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**  
 STATEMENTS OF CASH FLOWS  
 FOR THE YEARS ENDED DECEMBER 31, 2021 AND 2020

	<u>2021</u>	<u>2020</u>
Cash Flows from Operating Activities:		
Cash Received from Providing Services	\$ 136,289	\$ 69,053
Cash Payments for Personal Services and Benefits	(62,348)	(29,713)
Cash Payments for Contractual Expenses	<u>(69,837)</u>	<u>(70,455)</u>
Net Cash Provided by (Used in) Operating Activities	<u>4,104</u>	<u>(31,115)</u>
Cash Flows from Investing Activities:		
Interest Income	77	2,828
COVID-19 Grant Program	<u>(500)</u>	<u>(6,529)</u>
Net Cash Used in Investing Activities	<u>(423)</u>	<u>(3,701)</u>
Net Increase (Decrease) in Cash	3,681	(34,816)
Cash, Beginning of Year	<u>421,184</u>	<u>456,000</u>
Cash, End of Year	<u>\$ 424,865</u>	<u>\$ 421,184</u>
Reconciliation of Operating Income (Loss) to Net Cash Provided by (Used in) Operating Activities:		
Operating Income (Loss)	<u>\$ 11,136</u>	<u>\$ (33,314)</u>
Adjustments to Reconcile Operating Income (Loss) to Net Cash Used in Operations:		
(Increase) Decrease in Accounts Receivable	(10,550)	1,109
Increase in Accrued Liabilities	<u>3,518</u>	<u>1,090</u>
Total Adjustments	<u>(7,032)</u>	<u>2,199</u>
Net Cash Provided by (Used in) Operating Activities	<u>\$ 4,104</u>	<u>\$ (31,115)</u>

Attachment: Financial - Final (9607 : Audited Financial Statement)

**1. ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES**

*Business Activity*

The Town of Bethlehem Industrial Development Agency - A Component Unit of the Town of Bethlehem (the “Agency”) is a public benefit corporation created in 1980 by the Town Board of the Town of Bethlehem, New York under the provisions of Chapter 1030 of the 1969 Laws of New York State, for the purpose of encouraging economic growth in the Town of Bethlehem. The Agency is exempt from Federal, State and Local income taxes. The Agency, although established by the Town Board of the Town of Bethlehem, is a separate entity and operates independently of the Town of Bethlehem.

This summary of significant accounting policies of the Agency is presented to assist in understanding the Agency’s financial statements. The financial statements and notes are representations of the Agency’s management who are responsible for their integrity and objectivity. These accounting policies are in accordance with accounting principles generally accepted in the United States of America, and have been consistently applied in the preparation of the financial statements.

*Basis of Accounting*

The Agency’s financial statements are prepared using the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America (GAAP) for public authorities. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

The accounting and financial reporting treatment applied to the Agency is determined by its measurement focus. The transactions of the Agency are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and liabilities associated with the operations are included in the statement of net position.

*Use of Estimates*

The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**1. ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

*Cash*

For purposes of the statement of cash flows, cash consists of cash held in savings, checking, money market accounts and certificates of deposit.

*Receivables*

The Agency utilizes the allowance method to determine the allowance for doubtful accounts. At December 31, 2021 and 2020 management determined no allowance for doubtful accounts was necessary.

*Income Taxes*

The financial statements do not provide a tax liability for the Agency. The Agency is exempt from federal, state, and local taxes.

*Industrial Revenue Bond and Note Transactions*

Certain industrial development revenue bonds and notes issued by the Agency are secured by property which is leased to companies and are retired by lease payments. The bonds and notes are not obligations of the Agency, Town of Bethlehem, or New York State. The Agency does not record the assets or liabilities resulting from completed bond and note issuances in its accounts since its primary function is to arrange the financing between the borrowing companies and the bond and note holders, and funds arising therefrom are controlled by trustees or banks acting as fiscal agents. For providing this service, the Agency receives an administrative fee from the borrowing companies. Such administrative fee income is recognized immediately upon issuance of bonds, notes, and upon closing of straight lease transactions. At December 31, 2021, the outstanding balance of bonds was \$9,742,856.

*Supplemental Fees*

In addition to the administrative fees received upon closing, the Agency is also eligible to receive supplemental fees from PSEG Power New York, Inc., assuming certain energy production levels are exceeded. The calculations are made quarterly, commencing August 2005, which was the month following the date commercial operations began (July 18, 2005). Operating revenues include \$129,597 and \$46,201 in Energy Reimbursement Payments for the years ended December 31, 2021 and 2020, respectively. Accounts receivable include \$19,291 and \$8,741 due from PSEG as of December 31, 2021 and 2020, respectively. This agreement will terminate in 2023.

**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**  
 NOTES TO FINANCIAL STATEMENTS (CONTINUED)  
 DECEMBER 31, 2021 AND 2020

---

**1. ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

*Net Position*

In 2020, the Agency updated its policy setting a minimum level for net position. The policy is designed to provide an appropriate level of assets to cover the Agency's operating costs, given the sometimes multiple year cycle between project transactions. The policy defines a minimum reasonable balance at two times the annual base expense budget, currently approximately \$300,000. If the net position is projected to fall below this threshold, the Agency must adopt a plan to restore the minimum net position within a twelve-month period.

**2. FRINGE BENEFITS**

Fringe benefits, which are paid to the Town of Bethlehem (the Town) in the form of a reimbursement (as the Agency's employees are technically employees of the Town), include pension contributions of \$12,690 and \$6,518 for the years ended December 31, 2021 and 2020, respectively, to the New York State and Local Employees' Retirement System (the System) for the benefit of the Agency's employees. The System provides various plans and options, some of which require employee contributions. The System is a cost sharing multiple employer, public employee retirement system. The System offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death, and disability. All benefits generally vest after ten years of service. The New York State Retirement and Social Security Law provides that all participants in the System are jointly and severally liable for any actuarial unfunded amounts. Such amounts are covered through annual billings to all participating employers.

Generally, all employees except certain part-time employees participate in the System. The System is non contributory except for employees who joined the System after July 27, 1975, who must contribute 3% of their salary for the first ten years of service and employees who joined after January 1, 2010 who generally contribute 3% of their salary for the entire length of service. The System issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to NYSERS, Governor Alfred E. Smith Office Building, Albany, New York 12204.

**3. SERVICE AGREEMENT**

The Agency entered into Service Agreements with the Town of Bethlehem (the Town), in recognition of the services provided by Town staff (primarily from the Department of Economic Development and Planning), in furtherance of the mutual goals held by the Town and the Agency. The Agency remitted to the Town \$50,000 as per the agreement in 2021 and 2020 and this amount is included in contractual expenses.

**4. COMMITMENTS**

During 2020 the Agency authorized an appropriation of \$25,000 to provide eligible entities up to \$500 for COVID-19 relief. This appropriation expired December 31, 2021. For those entities which qualify, the grant would provide reimbursement for specific expenditures incurred due to the pandemic. Through December 31, 2020, grants totaling \$6,529 have been awarded.

**5. SUBSEQUENT EVENTS**

Management has evaluated subsequent events or transactions for any potential material impact on operations for the year ended December 31, 2021 or financial position as of December 31, 2021 occurring through February 10, 2022, the date the financial statements were available to be issued. There were no such events identified.

**6. UNCERTAINTY**

The United States is presently in the midst of a national health emergency related to a virus commonly known as Novel Coronavirus (COVID-19). The overall consequences of COVID-19 on a national, regional, and local level are unknown, but it has the potential to result in a significant economic impact. The impact of this situation on the Agency and its future financial position and results of operations is not presently determinable.



**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**

REQUIRED SUPPLEMENTARY INFORMATION  
SCHEDULE OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION - BUDGET AND ACTUAL  
FOR THE YEAR ENDED DECEMBER 31, 2021

	<u>Revised Budget</u>	<u>Actual</u>	<u>Favorable (Unfavorable) Variance</u>
<b>Revenues:</b>			
Fees	\$ 90,744	\$ 146,840	\$ 56,096
Interest Income	<u>1,200</u>	<u>77</u>	<u>(1,123)</u>
Total Revenues	<u>91,944</u>	<u>146,917</u>	<u>54,973</u>
<b>Expenses:</b>			
Salaries *	48,568	50,436	(1,868)
Other Employee Benefits *	8,115	15,430	(7,315)
Professional Services Contracts	75,100	69,838	5,262
COVID-19 Grant Program	<u>19,500</u>	<u>500</u>	<u>19,000</u>
Total Expenses	<u>151,283</u>	<u>136,204</u>	<u>15,079</u>
Net Income (Loss)	<u>\$ (59,339)</u>	<u>\$ 10,713</u>	<u>\$ 70,052</u>

\* The Agency contracts with the Town of Bethlehem for its salaries and benefits.

**TOWN OF BETHLEHEM**  
**INDUSTRIAL DEVELOPMENT AGENCY**  
**A COMPONENT UNIT OF THE TOWN OF BETHLEHEM**  
*OTHER SUPPLEMENTAL INFORMATION*  
*SCHEDULE OF CONDUIT INDEBTEDNESS*  
 DECEMBER 31, 2021

---

<u>Project</u>	<u>Issuance Date</u>	<u>Outstanding Beginning of Year</u>	<u>Issued During Year</u>	<u>Paid During Year</u>	<u>Outstanding End of Year</u>	<u>Final Maturity Date</u>
American Housing Foundation	6/1/06	\$ 4,885,000	-	\$ 205,000	\$ 4,680,000	2036
Vista Development Group, LLC	12/15/11	<u>5,275,627</u>	<u>-</u>	<u>212,771</u>	<u>5,062,856</u>	2037
Total		<u>\$ 10,160,627</u>	<u>\$ -</u>	<u>\$ 417,771</u>	<u>\$ 9,742,856</u>	

Attachment: Financial - Final (9607 : Audited Financial Statement)

**CUSACK & COMPANY**  
**Certified Public Accountants LLC**  
 7 AIRPORT PARK BOULEVARD  
 LATHAM, NEW YORK 12110  
 (518) 786-3550  
 FAX (518) 786-1538  
 E-MAIL ADDRESS: CPAS@CUSACK.CPA  
 WWW.CUSACK.CPA

MEMBERS OF:  
 AMERICAN INSTITUTE  
 CERTIFIED PUBLIC ACCOUNTANTS

MEMBERS OF:  
 NEW YORK STATE SOCIETY OF  
 CERTIFIED PUBLIC ACCOUNTANTS

**INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL OVER FINANCIAL  
 REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF  
 FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH  
 GOVERNMENT AUDITING STANDARDS**

Board of Directors  
 Town of Bethlehem Industrial Development Agency  
 A Component Unit of the Town of Bethlehem  
 Bethlehem, New York

We have audited, in accordance with the auditing standards generally accepted in the United States of America and standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Town of Bethlehem Industrial Development Agency - A Component Unit of the Town of Bethlehem (the “Agency”), as of and for the year ended December 31, 2021, and the related notes to the financial statements, and have issued our report thereon dated February 10, 2022.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Agency’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Agency’s internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Agency’s financial statements will not be prevented, or detected and corrected on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Attachment: Financial - Final (9607 : Audited Financial Statement)

## Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Agency's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Agency's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Agency's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



CUSACK & COMPANY, CPA'S LLC

Latham, New York  
February 10, 2022

**APPENDIX I**

MEMBERS OF:  
AMERICAN INSTITUTE  
CERTIFIED PUBLIC ACCOUNTANTS

MEMBERS OF:  
NEW YORK STATE SOCIETY OF  
CERTIFIED PUBLIC ACCOUNTANTS

February 10, 2022

Board of Directors  
Town of Bethlehem Industrial Development Agency  
A Component of the Town of Bethlehem  
Delmar, New York

We have audited the financial statements of the governmental activities of the Town of Bethlehem Industrial Development Agency - A Component Unit of the Town of Bethlehem (the "Agency") for the year ended December 31, 2021. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards* as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated December 1, 2021. Professional standards also require that we communicate to you the following information related to our audit.

### Significant Audit Matters

#### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Agency are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no sensitive estimates affecting the financial statements.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. There were no sensitive disclosures affecting the financial statements.

The financial statement disclosures are neutral, consistent and clear.

Attachment: Post gov ltr - Final (9607 : Audited Financial Statement)

### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. The following material misstatements detected as a result of audit procedures were corrected by management (see Schedule 1 attached).

### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated February 10, 2022.

### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

### Other Matters

We applied certain limited procedures to the Schedule of Revenues, Expenses and Changes in Net Position - Budget to Actual, which is required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquires of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were not engaged to report on the Schedule of Conduit Indebtedness, which accompany the financial statements but is not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

This information is intended solely for the use of the Board of Directors and management of the Agency and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

A handwritten signature in black ink that reads "Cusack & Company, CPA's LLC". The signature is written in a cursive, flowing style.

**CUSACK & COMPANY CPA'S, LLC**



**Assessment of the Effectiveness of Internal Control Structure and Procedures****12/31/21**

The management of the Agency is responsible for establishing and maintaining adequate internal control over financial reporting. Internal control over financial reporting is a process designed to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external reporting purposes in accordance with accounting principles generally accepted in the United States of America. Because of its inherent limitations, internal control over financial reporting may not prevent or detect misstatements. Management has assessed the effectiveness of the Agency's internal control over financial reporting at December 31, 2021, and has concluded that based on its assessment, the Agency's internal control over financial reporting was effective as of December 31, 2021.

## 2021 Operations and Accomplishments

### Town of Bethlehem Industrial Development Agency

The highlights of the Agency's operations and accomplishments in 2021 are as follows:

- The most significant event of 2021 was the continuation of the Novel Coronavirus (COVID-19) a pandemic which engulfed the world and changed the way the Agency functioned. In March 2020 the Governor of New York State issued an executive order (202.1) which suspended the open meetings law. Thereafter, for the balance of 2021 the Agency and its committees met remotely via Zoom and webinar programs. The Agency continued to webcast regular meetings and hearings of the Agency which can be viewed on the Town's website. The site includes the agenda, supporting materials and minutes for each regular meeting of the Agency.
- The Agency participated with other IDAs within the Albany County to create a program for financial assistance to small business in Albany County in the form of loans and grants to be administered by the Community Loan Fund of the Capital Region, Inc. The concept foundered because at the outset state law did not permit IDAs to make loans or grants. On June 18, 2020 New York State Chapter 109 of the Laws of 2020 amending section 858 of the General Municipal Law ("State Legislation") became effective; the State Legislation authorized IDAs to make loans or grants to small businesses and not-for-profit entities for the purpose of purchasing personal protective equipment ("PPE") and other fixtures ("Fixtures") necessary to prevent the spread of COVID-19. Another requirement of the State Legislation was that IDAs could not outsource responsibility for loans or grants but had to assume direct responsibility to make sure that loans and grants conformed to the State Legislation. The Agency decided to create a COVID-19 Small Business State Disaster Emergency Grant Program ("Grant Program") authorized by the State Legislation.
- On August 26, 2020 the Agency approved a Policy, an Application and an Agreement pursuant to the State Legislation. In 2021 the Agency made grant for PPE and Fixtures for \$500. The Grant Program was terminated on December 31, 2021. The Applications of Grant recipients and the Agency resolutions authorizing the Grants are posted on the Agency's website.
- In 2020 the Agency approved financial assistance to Cannon Development LLC for a project on a 26.83 acre site at 1381 River Road, Selkirk, NY on which a 28,275 sq. ft. warehouse for crane maintenance and storage will be constructed with an estimated value of \$3,912,000. The financial assistance included a straight

lease, exemption from sales tax, exemption from mortgage recording tax and a PILOT agreement based on an enhanced real property tax abatement. This project did not close in 2021 and has carried over into 2022.

- The Agency approved a 2022 Service Agreement with the Town pursuant to which the Town provides professional services to the Agency.
- The Agency filed its Audited Financial Statements and Annual Report for 2020 on the Public Authorities Reporting Information System (“PARIS”). The 2020 Audited Financial Statements and Annual report were posted on the Agency’s website ([www.bethlehemida.com](http://www.bethlehemida.com)).
- The Agency reviewed its mission statement and posted performance measurements for 2020 on the Agency’s website.
- The Agency reviewed its Policy Manual. The Policy Manual continues to be posted on the Agency’s website.
- The Agency contracted with Center for Governmental Research to update the computer program used to analyze the estimated costs and benefits of financial assistance provided by the Agency to projects.
- The Agency’s standing committees engaged in the following activities: The Audit Committee met twice with the auditor to plan the scope of the audit and then to discuss the audited financial statements; additionally, the Audit Committee met to revise the internal control procedures and the Charter; the Governance Committee met once to review and implement the members’ assessments of the Agency and to review training and good governance practices. The Finance Committee met to recommend the 2022 budget and to consider the Committee’s charter.
- In March of 2020 the Economic Development Coordinator (EDC) resigned and the position remained vacant for the remainder of 2021.
- The Agency regularly updates its website including the interactive map of available properties in the Town.
- The Agency continued to monitor the billing and disbursement of PILOT payments, the proper use of sales tax exemptions, job creation and retention and the return of real property to taxable status at the termination of financial assistance.
- The Agency chair Frank Venezia resigned in July of 2021 and was replaced by Victoria Stories.

- The Agency counsel and CEO Thomas Connolly resigned effective December 31, 2021.
- In September of 2021 the Agency reviewed an application to provide financial assistance to a project in the Port of Albany, on property located in the Town of Bethlehem. This project is ongoing.

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A
**Governance Information (Authority-Related)**

Question	Response	URL(If Applicable)
1. Has the Authority prepared its annual report on operations and accomplishments for the reporting period as required by section 2800 of PAL?	Yes	<a href="http://www.bethlehemida.com/index.php/site/Annual-Reports">http://www.bethlehemida.com/index.php/site/Annual-Reports</a>
2. As required by section 2800(9) of PAL, did the Authority prepare an assessment of the effectiveness of its internal controls?	Yes	<a href="http://www.bethlehemida.com/index.php/site/Annual-Reports">http://www.bethlehemida.com/index.php/site/Annual-Reports</a>
3. Has the lead audit partner for the independent audit firm changed in the last five years in accordance with section 2802(4) of PAL?	Yes	N/A
4. Does the independent auditor provide non-audit services to the Authority?	No	N/A
5. Does the Authority have an organization chart?	Yes	<a href="http://www.bethlehemida.com/index.php/site/Board-Members">http://www.bethlehemida.com/index.php/site/Board-Members</a>
6. Are any Authority staff also employed by another government agency?	No	
7. Does the Authority have Claw Back agreements?	Yes	N/A
8. Has the Authority posted their mission statement to their website?	Yes	<a href="http://www.bethlehemida.com/index.php/site/abo-requirements">http://www.bethlehemida.com/index.php/site/abo-requirements</a>
9. Has the Authority's mission statement been revised and adopted during the reporting period?	No	N/A
10. Attach the Authority's measurement report, as required by section 2824-a of PAL and provide the URL?		<a href="http://www.bethlehemida.com/index.php/site/Annual-Reports">http://www.bethlehemida.com/index.php/site/Annual-Reports</a>

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A
**Governance Information (Board-Related)**

Question	Response	URL(If Applicable)
1. Has the Board established a Governance Committee in accordance with Section 2824(7) of PAL?	Yes	N/A
2. Has the Board established an Audit Committee in accordance with Section 2824(4) of PAL?	Yes	N/A
3. Has the Board established a Finance Committee in accordance with Section 2824(8) of PAL?	Yes	N/A
4. Provide a URL link where a list of Board committees can be found (including the name of the committee and the date established):		<a href="http://bethlehemida.com/index.php/site/Board-Members">http://bethlehemida.com/index.php/site/Board-Members</a>
5. Does the majority of the Board meet the independence requirements of Section 2825(2) of PAL?	Yes	N/A
6. Provide a URL link to the minutes of the Board and committee meetings held during the covered fiscal year		<a href="http://bethlehemida.com/index.php/site/About-Bethlehem-IDA/Meeting-Minutes">http://bethlehemida.com/index.php/site/About-Bethlehem-IDA/Meeting-Minutes</a>
7. Has the Board adopted bylaws and made them available to Board members and staff?	Yes	<a href="http://bethlehemida.com/index.php/site/abo-requirements">http://bethlehemida.com/index.php/site/abo-requirements</a>
8. Has the Board adopted a code of ethics for Board members and staff?	Yes	<a href="http://bethlehemida.com/index.php/site/abo-requirements">http://bethlehemida.com/index.php/site/abo-requirements</a>
9. Does the Board review and monitor the Authority's implementation of financial and management controls?	Yes	N/A
10. Does the Board execute direct oversight of the CEO and management in accordance with Section 2824(1) of PAL?	Yes	N/A
11. Has the Board adopted policies for the following in accordance with Section 2824(1) of PAL?		
Salary and Compensation	Yes	N/A
Time and Attendance	Yes	N/A
Whistleblower Protection	Yes	N/A
Defense and Indemnification of Board Members	Yes	N/A
12. Has the Board adopted a policy prohibiting the extension of credit to Board members and staff in accordance with Section 2824(5) of PAL?	Yes	N/A
13. Are the Authority's Board members, officers, and staff required to submit financial disclosure forms in accordance with Section 2825(3) of PAL?	Yes	N/A
14. Was a performance evaluation of the board completed?	Yes	N/A
15. Was compensation paid by the Authority made in accordance with employee or union contracts?	Yes	N/A
16. Has the board adopted a conditional/additional compensation policy governing all employees?	No	
17. Has the board adopted a Uniform Tax Exemption Policy(UTEP) according to Section 874(4) of GML?	Yes	<a href="http://bethlehemida.com/index.php/site/abo-requirements">http://bethlehemida.com/index.php/site/abo-requirements</a>

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A
**Board of Directors Listing**

<b>Name</b>	Bub, Christopher	<b>Nominated By</b>	Local
<b>Chair of the Board</b>	No	<b>Appointed By</b>	Local
<b>If yes, Chair Designated by</b>		<b>Confirmed by Senate?</b>	N/A
<b>Term Start Date</b>	10/27/2021	<b>Has the Board Member/Designee Signed the Acknowledgement of Fiduciary Duty?</b>	Yes
<b>Term Expiration Date</b>	Pleasure of Authority	<b>Complied with Training Requirement of Section 2824?</b>	Yes
<b>Title</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed State Government Position?</b>	Yes
<b>Has the Board Member Appointed a Designee?</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed Municipal Government Position?</b>	Yes
<b>Designee Name</b>		<b>Ex-Officio</b>	

<b>Name</b>	Finke, Jared	<b>Nominated By</b>	Local
<b>Chair of the Board</b>	No	<b>Appointed By</b>	Local
<b>If yes, Chair Designated by</b>		<b>Confirmed by Senate?</b>	N/A
<b>Term Start Date</b>	3/24/2021	<b>Has the Board Member/Designee Signed the Acknowledgement of Fiduciary Duty?</b>	Yes
<b>Term Expiration Date</b>	Pleasure of Authority	<b>Complied with Training Requirement of Section 2824?</b>	Yes
<b>Title</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed State Government Position?</b>	No
<b>Has the Board Member Appointed a Designee?</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed Municipal Government Position?</b>	No
<b>Designee Name</b>		<b>Ex-Officio</b>	

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

<b>Name</b>	Hedgeman, Catherine	<b>Nominated By</b>	Local
<b>Chair of the Board</b>	No	<b>Appointed By</b>	Local
<b>If yes, Chair Designated by</b>		<b>Confirmed by Senate?</b>	N/A
<b>Term Start Date</b>	5/27/2020	<b>Has the Board Member/Designee Signed the Acknowledgement of Fiduciary Duty?</b>	Yes
<b>Term Expiration Date</b>	Pleasure of Authority	<b>Complied with Training Requirement of Section 2824?</b>	Yes
<b>Title</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed State Government Position?</b>	Yes
<b>Has the Board Member Appointed a Designee?</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed Municipal Government Position?</b>	No
<b>Designee Name</b>		<b>Ex-Officio</b>	

<b>Name</b>	Kidera, David	<b>Nominated By</b>	Local
<b>Chair of the Board</b>	No	<b>Appointed By</b>	Local
<b>If yes, Chair Designated by</b>		<b>Confirmed by Senate?</b>	N/A
<b>Term Start Date</b>	2/24/2016	<b>Has the Board Member/Designee Signed the Acknowledgement of Fiduciary Duty?</b>	Yes
<b>Term Expiration Date</b>	Pleasure of Authority	<b>Complied with Training Requirement of Section 2824?</b>	Yes
<b>Title</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed State Government Position?</b>	No
<b>Has the Board Member Appointed a Designee?</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed Municipal Government Position?</b>	No
<b>Designee Name</b>		<b>Ex-Officio</b>	



Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

<b>Name</b>	Kotlow, Richard	<b>Nominated By</b>	Local
<b>Chair of the Board</b>	No	<b>Appointed By</b>	Local
<b>If yes, Chair Designated by</b>		<b>Confirmed by Senate?</b>	N/A
<b>Term Start Date</b>	11/14/2018	<b>Has the Board Member/Designee Signed the Acknowledgement of Fiduciary Duty?</b>	Yes
<b>Term Expiration Date</b>	Pleasure of Authority	<b>Complied with Training Requirement of Section 2824?</b>	Yes
<b>Title</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed State Government Position?</b>	No
<b>Has the Board Member Appointed a Designee?</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed Municipal Government Position?</b>	No
<b>Designee Name</b>		<b>Ex-Officio</b>	

<b>Name</b>	Maniccia, Timothy	<b>Nominated By</b>	Local
<b>Chair of the Board</b>	No	<b>Appointed By</b>	Local
<b>If yes, Chair Designated by</b>		<b>Confirmed by Senate?</b>	N/A
<b>Term Start Date</b>	7/8/2015	<b>Has the Board Member/Designee Signed the Acknowledgement of Fiduciary Duty?</b>	Yes
<b>Term Expiration Date</b>	Pleasure of Authority	<b>Complied with Training Requirement of Section 2824?</b>	Yes
<b>Title</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed State Government Position?</b>	Yes
<b>Has the Board Member Appointed a Designee?</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed Municipal Government Position?</b>	No
<b>Designee Name</b>		<b>Ex-Officio</b>	

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

<b>Name</b>	Storrs, Victoria	<b>Nominated By</b>	Local
<b>Chair of the Board</b>	Yes	<b>Appointed By</b>	Local
<b>If yes, Chair Designated by</b>	Elected by Board	<b>Confirmed by Senate?</b>	N/A
<b>Term Start Date</b>	2/8/2012	<b>Has the Board Member/Designee Signed the Acknowledgement of Fiduciary Duty?</b>	Yes
<b>Term Expiration Date</b>	Pleasure of Authority	<b>Complied with Training Requirement of Section 2824?</b>	Yes
<b>Title</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed State Government Position?</b>	No
<b>Has the Board Member Appointed a Designee?</b>		<b>Does the Board Member/Designee also Hold an Elected or Appointed Municipal Government Position?</b>	No
<b>Designee Name</b>		<b>Ex-Officio</b>	

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

**Staff Listing**

Name	Title	Group	Department / Subsidiary	Union Name	Bargaining Unit	Full Time/ Part Time	Exempt	Base Annualized Salary	Actual salary paid to the Individual	Over time paid by Authority	Performance Bonus	Extra Pay	Other Compensation/ Allowances/ Adjustments	Total Compensation	Individual also paid by another entity to perform the work of the authority	If you pay more than local government
Connolly, Thomas	Executive Director	Executive				PT	Yes	\$48,568.00	\$50,436.08	\$0.00	\$0.00	\$0.00	\$0.00	\$50,436.08	No	
Maikels, Allen F	CFO	Professional				PT	No	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	No	

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

**Benefit Information**

During the fiscal year, did the authority continue to pay for any of the above mentioned benefits for former staff or individuals affiliated with the authority after those individuals left the authority? | No

**Board Members**

Name	Title	Severance Package	Payment For Unused Leave	Club Memberships	Use of Corporate Credit Cards	Personal Loans	Auto	Transportation	Housing Allowance	Spousal / Dependent Life Insurance	Tuition Assistance	Multi-Year Employment	None of these benefits	Other
Bub, Christopher	Board of Directors												X	
Finke, Jared	Board of Directors												X	
Hedgeman, Catherine	Board of Directors												X	
Kidera, David	Board of Directors												X	
Kotlow, Richard	Board of Directors												X	
Maniccia, Timothy	Board of Directors												X	
Storrs, Victoria	Board of Directors												X	

**Staff**

Name	Title	Severance Package	Payment For Unused Leave	Club Memberships	Use of Corporate Credit Cards	Personal Loans	Auto	Transportation	Housing Allowance	Spousal / Dependent Life Insurance	Tuition Assistance	Multi-Year Employment	None of these benefits	Other
------	-------	-------------------	--------------------------	------------------	-------------------------------	----------------	------	----------------	-------------------	------------------------------------	--------------------	-----------------------	------------------------	-------

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A
**Subsidiary/Component Unit Verification**

Name of Subsidiary/Component Unit	Status
-----------------------------------	--------

**Request Subsidiary/Component Unit Change**

Name of Subsidiary/Component Unit	Status	Requested Changes
-----------------------------------	--------	-------------------

**Request Add Subsidiaries/Component Units**

Name of Subsidiary/Component Unit	Establishment Date	Purpose of Subsidiary/Component Unit
-----------------------------------	--------------------	--------------------------------------

**Request Delete Subsidiaries/Component Units**

Name of Subsidiary/Component Unit	Termination Date	Reason for Termination	Proof of Termination Document Name
-----------------------------------	------------------	------------------------	------------------------------------

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A
**Summary Financial Information****SUMMARY STATEMENT OF NET ASSETS**

			Amount
<b>Assets</b>			
<b>Current Assets</b>			
	Cash and cash equivalents		\$424,865.
	Investments		\$0.
	Receivables, net		\$19,291.
	Other assets		\$0.
	<b>Total Current Assets</b>		<b>\$444,156.</b>
<b>Noncurrent Assets</b>			
	Restricted cash and investments		\$0.
	Long-term receivables, net		\$0.
	Other assets		\$0.
	<b>Capital Assets</b>		
		Land and other nondepreciable property	\$0.
		Buildings and equipment	\$0.
		Infrastructure	\$0.
		Accumulated depreciation	\$0.
		Net Capital Assets	\$0.
	<b>Total Noncurrent Assets</b>		<b>\$0.</b>
<b>Total Assets</b>			<b>\$444,156.</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
	Accounts payable		\$0.
	Pension contribution payable		\$0.
	Other post-employment benefits		\$0.
	Accrued liabilities		\$4,608.
	Deferred revenues		\$0.
	Bonds and notes payable		\$0.
	Other long-term obligations due within one year		\$0.
	<b>Total Current Liabilities</b>		<b>\$4,608.</b>
<b>Noncurrent Liabilities</b>			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

	Pension contribution payable		\$0.
	Other post-employment benefits		\$0.
	Bonds and notes payable		\$0.
	Long Term Leases		\$0.
	Other long-term obligations		\$0.
	Total Noncurrent Liabilities		\$0.
<b>Total Liabilities</b>			\$4,608.
<b>Net Asset (Deficit)</b>			
<b>Net Assets</b>			
	Invested in capital assets, net of related debt		\$0.
	Restricted		\$0.
	Unrestricted		\$439,548.
	Total Net Assets		\$439,548.

**SUMMARY STATEMENT OF REVENUE, EXPENSES AND CHANGES IN NET ASSETS**

		Amount
<b>Operating Revenues</b>		
	Charges for services	\$146,840.
	Rental & financing income	\$0.
	Other operating revenues	\$0.
	Total Operating Revenue	\$146,840.
<b>Operating Expenses</b>		
	Salaries and wages	\$50,436.
	Other employee benefits	\$15,430.
	Professional services contracts	\$69,837.
	Supplies and materials	\$0.
	Depreciation & amortization	\$0.
	Other operating expenses	\$0.
	Total Operating Expenses	\$135,704.
<b>Operating Income (Loss)</b>		\$11,136.
<b>Nonoperating Revenues</b>		
	Investment earnings	\$76.
	State subsidies/grants	\$0.
	Federal subsidies/grants	\$0.

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

	Municipal subsidies/grants		\$0.
	Public authority subsidies		\$0.
	Other nonoperating revenues		\$0.
	<b>Total Nonoperating Revenue</b>		\$76.
<b>Nonoperating Expenses</b>			
	Interest and other financing charges		\$0.
	Subsidies to other public authorities		\$0.
	Grants and donations		\$500.
	Other nonoperating expenses		\$0.
	<b>Total Nonoperating Expenses</b>		\$500.
	<b>Income (Loss) Before Contributions</b>		\$10,712.
<b>Capital Contributions</b>			\$0.
<b>Change in net assets</b>			\$10,712.
<b>Net assets (deficit) beginning of year</b>			\$428,835.
<b>Other net assets changes</b>			\$0.
<b>Net assets (deficit) at end of year</b>			\$439,548.

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)



Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
Status: UNSUBMITTED  
Certified Date: N/A

**Current Debt**

Question	Response
1. Did the Authority have any outstanding debt, including conduit debt, at any point during the reporting period?	Yes
2. If yes, has the Authority issued any debt during the reporting period?	

**New Debt Issuances**

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

**Schedule of Authority Debt**

Type of Debt			Statutory Authorization(\$)	Outstanding Start of Fiscal Year(\$)	New Debt Issuances(\$)	Debt Retired (\$)	Outstanding End of Fiscal Year(\$)
State Obligation	State Guaranteed						
State Obligation	State Supported						
State Obligation	State Contingent Obligation						
State Obligation	State Moral Obligation						
Other State-Funded	Other State-Funded						
Authority Debt - General Obligation	Authority Debt - General Obligation						
Authority Debt - Revenue	Authority Debt - Revenue						
Authority Debt - Other	Authority Debt - Other						
Conduit		Conduit Debt	0.00	10,160,635.00	0.00	0.00	10,160,635.
Conduit		Conduit Debt - Pilot Increment Financing					
<b>TOTALS</b>			0.00	10,160,635.00	0.00	0.00	10,160,635.

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
Status: UNSUBMITTED  
Certified Date: N/A

**Real Property Acquisition/Disposal List**

This Authority has indicated that it had no real property acquisitions or disposals during the reporting period.

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
Status: UNSUBMITTED  
Certified Date: N/A

**Personal Property**

This Authority has indicated that it had no personal property disposals during the reporting period.

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

 Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A
**Property Documents**

Question		Response	URL (If Applicable)
1.	In accordance with Section 2896(3) of PAL, the Authority is required to prepare a report at least annually of all real property of the Authority. Has this report been prepared?	Yes	<a href="http://bethlehemida.com/index.php/site/abo-requirements">http://bethlehemida.com/index.php/site/abo-requirements</a>
2.	Has the Authority prepared policies, procedures, or guidelines regarding the use, awarding, monitoring, and reporting of contracts for the acquisition and disposal of property?	Yes	<a href="http://bethlehemida.com/index.php/site/abo-requirements">http://bethlehemida.com/index.php/site/abo-requirements</a>
3.	In accordance with Section 2896(1) of PAL, has the Authority named a contracting officer who shall be responsible for the Authority's compliance with and enforcement of such guidelines?	Yes	N/A

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

**IDA Projects**

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
Project Code	01031101			
Project Type	Lease	State Sales Tax Exemption	\$0.00	
Project Name	35 Hamilton of Glenmont	Local Sales Tax Exemption	\$0.00	
		County Real Property Tax Exemption	\$3,695.00	
Project Part of Another Phase or Multi Phase	No	Local Property Tax Exemption	\$2,706.00	
Original Project Code		School Property Tax Exemption	\$22,809.00	
Project Purpose Category	Finance, Insurance and Real Estate	Mortgage Recording Tax Exemption	\$0.00	
Total Project Amount	\$1,200,000.00	Total Exemptions	\$29,210.00	
Benefited Project Amount	\$1,200,000.00	Total Exemptions Net of RPTL Section 485-b		
Bond/Note Amount		Pilot payment Information		
Annual Lease Payment	\$1.00		Actual Payment Made	Payment Due Per Agreement
Federal Tax Status of Bonds		County PILOT	\$3,401.00	\$3,401.00
Not For Profit	Yes	Local PILOT	\$2,491.00	\$2,491.00
Date Project approved	3/20/2011	School District PILOT	\$21,902.00	\$21,902.00
Did IDA took Title to Property	No	Total PILOT	\$27,794.00	\$27,794.00
Date IDA Took Title to Property		Net Exemptions	\$1,416.00	
Year Financial Assistance is Planned to End	2022	Project Employment Information		
Notes	This is a for profit corporation.			
Location of Project		# of FTEs before IDA Status	0.00	
Address Line1	35 Hamilton Lane	Original Estimate of Jobs to be Created	10.00	
Address Line2		Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)	30,000.00	
City	GLENMONT	Annualized Salary Range of Jobs to be Created	25,000.00	To: 35,000.00
State	NY	Original Estimate of Jobs to be Retained	0.00	
Zip - Plus4	12077	Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)	0.00	
Province/Region		Current # of FTEs	12.00	
Country	United States	# of FTE Construction Jobs during Fiscal Year	0.00	
Applicant Information		Net Employment Change	12.00	
Applicant Name	MALM Realty Company	Project Status		
Address Line1	Eitan Evan			
Address Line2				
City	GLENMONT	Current Year Is Last Year for Reporting		
State	NY	There is no Debt Outstanding for this Project		
Zip - Plus4	12077	IDA Does Not Hold Title to the Property		
Province/Region		The Project Receives No Tax Exemptions		
Country	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
<b>Project Code</b>	01 03 18 01			
<b>Project Type</b>	Lease	<b>State Sales Tax Exemption</b>	\$0.00	
<b>Project Name</b>	Air Products, Inc	<b>Local Sales Tax Exemption</b>	\$0.00	
		<b>County Real Property Tax Exemption</b>	\$50,162.00	
<b>Project Part of Another Phase or Multi Phase</b>	No	<b>Local Property Tax Exemption</b>	\$37,104.00	
<b>Original Project Code</b>		<b>School Property Tax Exemption</b>	\$305,638.00	
<b>Project Purpose Category</b>	Construction	<b>Mortgage Recording Tax Exemption</b>	\$0.00	
<b>Total Project Amount</b>	\$14,100,000.00	<b>Total Exemptions</b>	\$392,904.00	
<b>Benefited Project Amount</b>	\$14,100,000.00	<b>Total Exemptions Net of RPTL Section 485-b</b>		
<b>Bond/Note Amount</b>		<b>Pilot payment Information</b>		
<b>Annual Lease Payment</b>	\$0.00		<b>Actual Payment Made</b>	<b>Payment Due Per Agreement</b>
<b>Federal Tax Status of Bonds</b>		<b>County PILOT</b>	\$5,004.00	\$5,004.00
<b>Not For Profit</b>	No	<b>Local PILOT</b>	\$4,310.00	\$4,310.00
<b>Date Project approved</b>	3/23/2017	<b>School District PILOT</b>	\$30,564.00	\$30,564.00
<b>Did IDA took Title to Property</b>	Yes	<b>Total PILOT</b>	\$39,878.00	\$39,878.00
<b>Date IDA Took Title to Property</b>	1/9/2018	<b>Net Exemptions</b>	\$353,026.00	
<b>Year Financial Assistance is Planned to End</b>	2029	<b>Project Employment Information</b>		
<b>Notes</b>	The Company decided not to pursue a PILOT.			
<b>Location of Project</b>		<b># of FTEs before IDA Status</b>	44.00	
<b>Address Line1</b>	461 River Road	<b>Original Estimate of Jobs to be Created</b>	22.00	
<b>Address Line2</b>		<b>Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)</b>	40,000.00	
<b>City</b>	GLENMONT	<b>Annualized Salary Range of Jobs to be Created</b>	40,000.00	To: 60,000.00
<b>State</b>	NY	<b>Original Estimate of Jobs to be Retained</b>	44.00	
<b>Zip - Plus4</b>	12077	<b>Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)</b>	40,000.00	
<b>Province/Region</b>		<b>Current # of FTEs</b>	62.00	
<b>Country</b>	United States	<b># of FTE Construction Jobs during Fiscal Year</b>	0.00	
<b>Applicant Information</b>		<b>Net Employment Change</b>	18.00	
<b>Applicant Name</b>	East Coast Nitrogen LLC	<b>Project Status</b>		
<b>Address Line1</b>	461 River Road			
<b>Address Line2</b>				
<b>City</b>	GLENMONT	<b>Current Year Is Last Year for Reporting</b>		
<b>State</b>	NY	<b>There is no Debt Outstanding for this Project</b>		
<b>Zip - Plus4</b>	12077	<b>IDA Does Not Hold Title to the Property</b>		
<b>Province/Region</b>		<b>The Project Receives No Tax Exemptions</b>		
<b>Country</b>	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
<b>Project Code</b>	0103 12 03			
<b>Project Type</b>	Lease	<b>State Sales Tax Exemption</b>	\$0.00	
<b>Project Name</b>	Albany Enterprises LLC	<b>Local Sales Tax Exemption</b>	\$0.00	
		<b>County Real Property Tax Exemption</b>	\$8,314.00	
<b>Project Part of Another Phase or Multi Phase</b>	No	<b>Local Property Tax Exemption</b>	\$6,087.00	
<b>Original Project Code</b>		<b>School Property Tax Exemption</b>	\$51,320.00	
<b>Project Purpose Category</b>	Construction	<b>Mortgage Recording Tax Exemption</b>	\$0.00	
<b>Total Project Amount</b>	\$4,750,000.00	<b>Total Exemptions</b>	\$65,721.00	
<b>Benefited Project Amount</b>	\$4,750,000.00	<b>Total Exemptions Net of RPTL Section 485-b</b>		
<b>Bond/Note Amount</b>		<b>Pilot payment Information</b>		
<b>Annual Lease Payment</b>	\$1.00		<b>Actual Payment Made</b>	<b>Payment Due Per Agreement</b>
<b>Federal Tax Status of Bonds</b>		<b>County PILOT</b>	\$6,838.00	\$6,838.00
<b>Not For Profit</b>	No	<b>Local PILOT</b>	\$5,007.00	\$5,007.00
<b>Date Project approved</b>	3/23/2012	<b>School District PILOT</b>	\$47,185.00	\$47,185.00
<b>Did IDA took Title to Property</b>	Yes	<b>Total PILOT</b>	\$59,030.00	\$59,030.00
<b>Date IDA Took Title to Property</b>	7/30/2012	<b>Net Exemptions</b>	\$6,691.00	
<b>Year Financial Assistance is Planned to End</b>	2023	<b>Project Employment Information</b>		
<b>Notes</b>				
<b>Location of Project</b>		<b># of FTEs before IDA Status</b>	9.00	
<b>Address Line1</b>	9 Vista Boulevard	<b>Original Estimate of Jobs to be Created</b>	1.00	
<b>Address Line2</b>		<b>Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)</b>	50,000.00	
<b>City</b>	SLINGERLANDS	<b>Annualized Salary Range of Jobs to be Created</b>	45,000.00	To: 55,000.00
<b>State</b>	NY	<b>Original Estimate of Jobs to be Retained</b>	9.00	
<b>Zip - Plus4</b>	12159	<b>Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)</b>	50,000.00	
<b>Province/Region</b>		<b>Current # of FTEs</b>	22.00	
<b>Country</b>	United States	<b># of FTE Construction Jobs during Fiscal Year</b>	0.00	
<b>Applicant Information</b>		<b>Net Employment Change</b>	13.00	
<b>Applicant Name</b>	Albany Enterprises LLC	<b>Project Status</b>		
<b>Address Line1</b>	49 North Street			
<b>Address Line2</b>				
<b>City</b>	DELMAR	<b>Current Year Is Last Year for Reporting</b>		
<b>State</b>	NY	<b>There is no Debt Outstanding for this Project</b>		
<b>Zip - Plus4</b>	12054	<b>IDA Does Not Hold Title to the Property</b>		
<b>Province/Region</b>		<b>The Project Receives No Tax Exemptions</b>		
<b>Country</b>	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)



Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
Project Code	01039901A			
Project Type	Bonds/Notes Issuance	State Sales Tax Exemption	\$0.00	
Project Name	American Housing Foundation	Local Sales Tax Exemption	\$0.00	
		County Real Property Tax Exemption	\$0.00	
Project Part of Another Phase or Multi Phase	No	Local Property Tax Exemption	\$0.00	
Original Project Code		School Property Tax Exemption	\$0.00	
Project Purpose Category	Finance, Insurance and Real Estate	Mortgage Recording Tax Exemption	\$0.00	
Total Project Amount	\$9,030,000.00	Total Exemptions	\$0.00	
Benefited Project Amount	\$6,530,000.00	Total Exemptions Net of RPTL Section 485-b		
Bond/Note Amount	\$6,905,000.00	Pilot payment Information		
Annual Lease Payment			Actual Payment Made	Payment Due Per Agreement
Federal Tax Status of Bonds	Tax Exempt	County PILOT	\$0.00	\$0.00
Not For Profit	Yes	Local PILOT	\$0.00	\$0.00
Date Project approved	6/28/1999	School District PILOT	\$0.00	\$0.00
Did IDA took Title to Property	Yes	Total PILOT	\$0.00	\$0.00
Date IDA Took Title to Property	6/30/1999	Net Exemptions	\$0.00	
Year Financial Assistance is Planned to End	2036	Project Employment Information		
Notes	Low income Senior Housing			
Location of Project		# of FTEs before IDA Status	0.00	
Address Line1	790 Route 9W	Original Estimate of Jobs to be Created	4.00	
Address Line2		Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)	21,250.00	
City	GLENMONT	Annualized Salary Range of Jobs to be Created	0.00	To: 0.00
State	NY	Original Estimate of Jobs to be Retained	0.00	
Zip - Plus4	12077	Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)	0.00	
Province/Region		Current # of FTEs	3.50	
Country	United States	# of FTE Construction Jobs during Fiscal Year	0.00	
Applicant Information		Net Employment Change	3.50	
Applicant Name	Gary Kearns - Van Allen Senior Housing	Project Status		
Address Line1	American Housing Foundation, Inc.			
Address Line2				
City	TROY	Current Year Is Last Year for Reporting		
State	NY	There is no Debt Outstanding for this Project		
Zip - Plus4	12180	IDA Does Not Hold Title to the Property		
Province/Region		The Project Receives No Tax Exemptions		
Country	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
<b>Project Code</b>	0103 12 04			
<b>Project Type</b>	Lease	<b>State Sales Tax Exemption</b>	\$0.00	
<b>Project Name</b>	Columbia 14 Vista Blvd LLC	<b>Local Sales Tax Exemption</b>	\$0.00	
		<b>County Real Property Tax Exemption</b>	\$6,336.00	
<b>Project Part of Another Phase or Multi Phase</b>	No	<b>Local Property Tax Exemption</b>	\$3,653.00	
<b>Original Project Code</b>		<b>School Property Tax Exemption</b>	\$30,792.00	
<b>Project Purpose Category</b>	Construction	<b>Mortgage Recording Tax Exemption</b>	\$0.00	
<b>Total Project Amount</b>	\$1,565,500.00	<b>Total Exemptions</b>	\$40,781.00	
<b>Benefited Project Amount</b>	\$1,565,500.00	<b>Total Exemptions Net of RPTL Section 485-b</b>		
<b>Bond/Note Amount</b>		<b>Pilot payment Information</b>		
<b>Annual Lease Payment</b>	\$1.00		<b>Actual Payment Made</b>	<b>Payment Due Per Agreement</b>
<b>Federal Tax Status of Bonds</b>		<b>County PILOT</b>	\$4,188.00	\$4,188.00
<b>Not For Profit</b>	No	<b>Local PILOT</b>	\$3,067.00	\$3,067.00
<b>Date Project approved</b>	5/16/2012	<b>School District PILOT</b>	\$27,087.00	\$27,087.00
<b>Did IDA took Title to Property</b>	Yes	<b>Total PILOT</b>	\$34,342.00	\$34,342.00
<b>Date IDA Took Title to Property</b>	11/5/2012	<b>Net Exemptions</b>	\$6,439.00	
<b>Year Financial Assistance is Planned to End</b>	2023	<b>Project Employment Information</b>		
<b>Notes</b>	Owned by Vista Medical, LLC			
<b>Location of Project</b>		<b># of FTEs before IDA Status</b>	10.00	
<b>Address Line1</b>	14 Vista Boulevard	<b>Original Estimate of Jobs to be Created</b>	4.00	
<b>Address Line2</b>		<b>Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)</b>	60,000.00	
<b>City</b>	SLINGERLANDS	<b>Annualized Salary Range of Jobs to be Created</b>	60,000.00	To: 80,000.00
<b>State</b>	NY	<b>Original Estimate of Jobs to be Retained</b>	10.00	
<b>Zip - Plus4</b>	12159	<b>Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)</b>	78,000.00	
<b>Province/Region</b>		<b>Current # of FTEs</b>	12.00	
<b>Country</b>	United States	<b># of FTE Construction Jobs during Fiscal Year</b>	0.00	
<b>Applicant Information</b>		<b>Net Employment Change</b>	2.00	
<b>Applicant Name</b>	Columbia 14 Vista Blvd LLC			
<b>Address Line1</b>	302 Washington Avenue Extension	<b>Project Status</b>		
<b>Address Line2</b>				
<b>City</b>	ALBANY	<b>Current Year Is Last Year for Reporting</b>		
<b>State</b>	NY	<b>There is no Debt Outstanding for this Project</b>		
<b>Zip - Plus4</b>	12203	<b>IDA Does Not Hold Title to the Property</b>		
<b>Province/Region</b>		<b>The Project Receives No Tax Exemptions</b>		
<b>Country</b>	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
<b>Project Code</b>	0103 12 01			
<b>Project Type</b>	Lease	<b>State Sales Tax Exemption</b>	\$0.00	
<b>Project Name</b>	Columbia Berk LLC	<b>Local Sales Tax Exemption</b>	\$0.00	
		<b>County Real Property Tax Exemption</b>	\$4,065.00	
<b>Project Part of Another Phase or Multi Phase</b>	No	<b>Local Property Tax Exemption</b>	\$2,976.00	
<b>Original Project Code</b>		<b>School Property Tax Exemption</b>	\$25,090.00	
<b>Project Purpose Category</b>	Construction	<b>Mortgage Recording Tax Exemption</b>	\$0.00	
<b>Total Project Amount</b>	\$1,876,890.00	<b>Total Exemptions</b>	\$32,131.00	
<b>Benefited Project Amount</b>	\$1,876,890.00	<b>Total Exemptions Net of RPTL Section 485-b</b>		
<b>Bond/Note Amount</b>		<b>Pilot payment Information</b>		
<b>Annual Lease Payment</b>	\$1.00		<b>Actual Payment Made</b>	<b>Payment Due Per Agreement</b>
<b>Federal Tax Status of Bonds</b>		<b>County PILOT</b>	\$2,750.00	\$2,750.00
<b>Not For Profit</b>	Yes	<b>Local PILOT</b>	\$2,014.00	\$2,014.00
<b>Date Project approved</b>	3/23/2012	<b>School District PILOT</b>	\$19,003.00	\$19,003.00
<b>Did IDA took Title to Property</b>	Yes	<b>Total PILOT</b>	\$23,767.00	\$23,767.00
<b>Date IDA Took Title to Property</b>	5/9/2012	<b>Net Exemptions</b>	\$8,364.00	
<b>Year Financial Assistance is Planned to End</b>	2023	<b>Project Employment Information</b>		
<b>Notes</b>	11 Vista Blvd Owned by CPI Bethlehem Berk I LLC. Berk II, Berk III, Berk IV			
<b>Location of Project</b>		<b># of FTEs before IDA Status</b>	0.00	
<b>Address Line1</b>	Vista Boulevard	<b>Original Estimate of Jobs to be Created</b>	5.00	
<b>Address Line2</b>		<b>Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)</b>	58,000.00	
<b>City</b>	SLINGERLANDS	<b>Annualized Salary Range of Jobs to be Created</b>	40,000.00	To: 85,000.00
<b>State</b>	NY	<b>Original Estimate of Jobs to be Retained</b>	0.00	
<b>Zip - Plus4</b>	12159	<b>Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)</b>	0.00	
<b>Province/Region</b>		<b>Current # of FTEs</b>	4.00	
<b>Country</b>	United States	<b># of FTE Construction Jobs during Fiscal Year</b>	0.00	
<b>Applicant Information</b>		<b>Net Employment Change</b>	4.00	
<b>Applicant Name</b>	Columbia Bethlehem Berkshire LLC	<b>Project Status</b>		
<b>Address Line1</b>	302 Washington Ave Ext			
<b>Address Line2</b>				
<b>City</b>	ALBANY	<b>Current Year Is Last Year for Reporting</b>		
<b>State</b>	NY	<b>There is no Debt Outstanding for this Project</b>		
<b>Zip - Plus4</b>	12203	<b>IDA Does Not Hold Title to the Property</b>		
<b>Province/Region</b>		<b>The Project Receives No Tax Exemptions</b>		
<b>Country</b>	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

Fiscal Year Ending: 12/31/2021

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
Project Code	0103 12 02			
Project Type	Lease	State Sales Tax Exemption	\$0.00	
Project Name	Columbia Bethlehem SEF LLC	Local Sales Tax Exemption	\$0.00	
		County Real Property Tax Exemption	\$4,434.00	
Project Part of Another Phase or Multi Phase	No	Local Property Tax Exemption	\$3,247.00	
Original Project Code		School Property Tax Exemption	\$27,371.00	
Project Purpose Category	Construction	Mortgage Recording Tax Exemption	\$0.00	
Total Project Amount	\$1,876,890.00	Total Exemptions	\$35,052.00	
Benefited Project Amount	\$1,876,890.00	Total Exemptions Net of RPTL Section 485-b		
Bond/Note Amount		Pilot payment Information		
Annual Lease Payment	\$1.00		Actual Payment Made	Payment Due Per Agreement
Federal Tax Status of Bonds		County PILOT	\$2,989.00	\$2,989.00
Not For Profit	No	Local PILOT	\$2,189.00	\$2,189.00
Date Project approved	3/23/2012	School District PILOT	\$20,682.00	\$20,682.00
Did IDA took Title to Property	Yes	Total PILOT	\$25,860.00	\$25,860.00
Date IDA Took Title to Property	5/9/2012	Net Exemptions	\$9,192.00	
Year Financial Assistance is Planned to End	2023	Project Employment Information		
Notes	12 Vista Blvd Owned by CPI Bethlehem SEF I LLC, SEF II			
Location of Project		# of FTEs before IDA Status	0.00	
Address Line1	Vista Boulevard	Original Estimate of Jobs to be Created	5.00	
Address Line2		Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)	58,000.00	
City	SLINGERLANDS	Annualized Salary Range of Jobs to be Created	40,000.00	To: 85,000.00
State	NY	Original Estimate of Jobs to be Retained	0.00	
Zip - Plus4	12159	Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)	0.00	
Province/Region		Current # of FTEs	7.00	
Country	United States	# of FTE Construction Jobs during Fiscal Year	0.00	
Applicant Information		Net Employment Change	7.00	
Applicant Name	Columbia Bethlehem SEF LLC	Project Status		
Address Line1	302 Washington Avenue Extension			
Address Line2				
City	ALBANY	Current Year Is Last Year for Reporting		
State	NY	There is no Debt Outstanding for this Project		
Zip - Plus4	12203	IDA Does Not Hold Title to the Property		
Province/Region		The Project Receives No Tax Exemptions		
Country	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
Project Code	0103 13 01			
Project Type	Lease	State Sales Tax Exemption	\$0.00	
Project Name	FINKE ENTERPRISES LLC	Local Sales Tax Exemption	\$0.00	
		County Real Property Tax Exemption	\$21,802.00	
Project Part of Another Phase or Multi Phase	No	Local Property Tax Exemption	\$15,963.00	
Original Project Code		School Property Tax Exemption	\$117,274.00	
Project Purpose Category	Construction	Mortgage Recording Tax Exemption	\$0.00	
Total Project Amount	\$7,171,200.00	Total Exemptions	\$155,039.00	
Benefited Project Amount	\$7,171,200.00	Total Exemptions Net of RPTL Section 485-b		
Bond/Note Amount		Pilot payment Information		
Annual Lease Payment	\$1.00		Actual Payment Made	Payment Due Per Agreement
Federal Tax Status of Bonds		County PILOT	\$17,744.00	\$17,744.00
Not For Profit	No	Local PILOT	\$12,992.00	\$12,992.00
Date Project approved	3/20/2013	School District PILOT	\$100,902.00	\$100,902.00
Did IDA took Title to Property	Yes	Total PILOT	\$131,638.00	\$131,638.00
Date IDA Took Title to Property	3/20/2013	Net Exemptions	\$23,401.00	
Year Financial Assistance is Planned to End	2033	Project Employment Information		
Notes	Pilot starts in 2014			
Location of Project		# of FTEs before IDA Status	35.00	
Address Line1	1569 ROUTE 9W	Original Estimate of Jobs to be Created	5.00	
Address Line2		Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)	35,000.00	
City	SELKIRK	Annualized Salary Range of Jobs to be Created	35,000.00	To: 45,000.00
State	NY	Original Estimate of Jobs to be Retained	35.00	
Zip - Plus4	12158	Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)	40,000.00	
Province/Region		Current # of FTEs	48.00	
Country	United States	# of FTE Construction Jobs during Fiscal Year	0.00	
Applicant Information		Net Employment Change	13.00	
Applicant Name	ROBERT H FINKE & SONS, INC	Project Status		
Address Line1	1569 ROUTE 9W			
Address Line2		Current Year Is Last Year for Reporting		
City	SELKIRK	There is no Debt Outstanding for this Project		
State	NY	IDA Does Not Hold Title to the Property		
Zip - Plus4	12158	The Project Receives No Tax Exemptions		
Province/Region				
Country	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
Project Code	01030203A			
Project Type	Lease	State Sales Tax Exemption	\$0.00	
Project Name	PSEG Power NY Inc.	Local Sales Tax Exemption	\$0.00	
		County Real Property Tax Exemption	\$369,520.00	
Project Part of Another Phase or Multi Phase	No	Local Property Tax Exemption	\$270,562.00	
Original Project Code		School Property Tax Exemption	\$2,280,880.00	
Project Purpose Category	Other Categories	Mortgage Recording Tax Exemption	\$0.00	
Total Project Amount	\$400,000,000.00	Total Exemptions	\$2,920,962.00	
Benefited Project Amount	\$400,000,000.00	Total Exemptions Net of RPTL Section 485-b		
Bond/Note Amount		Pilot payment Information		
Annual Lease Payment	\$1.00		Actual Payment Made	Payment Due Per Agreement
Federal Tax Status of Bonds		County PILOT	\$390,857.00	\$390,857.00
Not For Profit	No	Local PILOT	\$294,857.00	\$294,857.00
Date Project approved	4/26/2001	School District PILOT	\$3,499,722.00	\$3,499,722.00
Did IDA took Title to Property	Yes	Total PILOT	\$4,185,436.00	\$4,185,436.00
Date IDA Took Title to Property	2/5/2002	Net Exemptions	-\$1,264,474.00	
Year Financial Assistance is Planned to End	2023	Project Employment Information		
Notes	Power Generation			
Location of Project		# of FTEs before IDA Status	64.00	
Address Line1	380 River Road	Original Estimate of Jobs to be Created	28.00	
Address Line2		Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)	100,890.00	
City	GLENMONT	Annualized Salary Range of Jobs to be Created	0.00 To: 0.00	
State	NY	Original Estimate of Jobs to be Retained	64.00	
Zip - Plus4	12077	Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)	100,890.00	
Province/Region		Current # of FTEs	38.00	
Country	United States	# of FTE Construction Jobs during Fiscal Year	0.00	
Applicant Information		Net Employment Change	-26.00	
Applicant Name	Michael Stagliola	Project Status		
Address Line1	PSEG Power New York, Inc.			
Address Line2				
City	GLENMONT	Current Year Is Last Year for Reporting		
State	NY	There is no Debt Outstanding for this Project		
Zip - Plus4	12077	IDA Does Not Hold Title to the Property		
Province/Region		The Project Receives No Tax Exemptions		
Country	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT	Payment Information	
Project Code	01031102			
Project Type	Lease	State Sales Tax Exemption	\$0.00	
Project Name	SRS Bethlehem LLC	Local Sales Tax Exemption	\$0.00	
		County Real Property Tax Exemption	\$28,453.00	
Project Part of Another Phase or Multi Phase	No	Local Property Tax Exemption	\$20,834.00	
Original Project Code		School Property Tax Exemption	\$175,628.00	
Project Purpose Category	Construction	Mortgage Recording Tax Exemption	\$0.00	
Total Project Amount	\$12,300,000.00	Total Exemptions	\$224,915.00	
Benefited Project Amount	\$12,300,000.00	Total Exemptions Net of RPTL Section 485-b		
Bond/Note Amount		Pilot payment Information		
Annual Lease Payment	\$0.00		Actual Payment Made	Payment Due Per Agreement
Federal Tax Status of Bonds		County PILOT	\$18,129.00	\$18,129.00
Not For Profit	No	Local PILOT	\$13,274.00	\$13,274.00
Date Project approved	12/30/2011	School District PILOT	\$127,832.00	\$127,832.00
Did IDA took Title to Property	No	Total PILOT	\$159,235.00	\$159,235.00
Date IDA Took Title to Property		Net Exemptions	\$65,680.00	
Year Financial Assistance is Planned to End	2024	Project Employment Information		
Notes	41 Vista Blvd is now owned by Started from the Bottom LLC.			
Location of Project		# of FTEs before IDA Status	0.00	
Address Line1	Vista Blvd	Original Estimate of Jobs to be Created	300.00	
Address Line2		Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)	30,000.00	
City	SLINGERLANDS	Annualized Salary Range of Jobs to be Created	20,000.00	To: 60,000.00
State	NY	Original Estimate of Jobs to be Retained	0.00	
Zip - Plus4	12159	Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)	0.00	
Province/Region		Current # of FTEs	72.50	
Country	United States	# of FTE Construction Jobs during Fiscal Year	0.00	
Applicant Information		Net Employment Change	72.50	
Applicant Name	SRS Bethlehem LLC	Project Status		
Address Line1	302 Washington Ave Extension			
Address Line2				
City	ALBANY	Current Year Is Last Year for Reporting		
State	NY	There is no Debt Outstanding for this Project		
Zip - Plus4	12203	IDA Does Not Hold Title to the Property		
Province/Region		The Project Receives No Tax Exemptions		
Country	USA			

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
 Status: UNSUBMITTED  
 Certified Date: N/A

General Project Information		Project Tax Exemptions & PILOT		Payment Information	
<b>Project Code</b>	01031103				
<b>Project Type</b>	Bonds/Notes Issuance	<b>State Sales Tax Exemption</b>		\$0.00	
<b>Project Name</b>	Vista Boulevard	<b>Local Sales Tax Exemption</b>		\$0.00	
		<b>County Real Property Tax Exemption</b>		\$0.00	
<b>Project Part of Another Phase or Multi Phase</b>	No	<b>Local Property Tax Exemption</b>		\$0.00	
<b>Original Project Code</b>		<b>School Property Tax Exemption</b>		\$0.00	
<b>Project Purpose Category</b>	Construction	<b>Mortgage Recording Tax Exemption</b>		\$0.00	
<b>Total Project Amount</b>	\$6,750,000.00	<b>Total Exemptions</b>		\$0.00	
<b>Benefited Project Amount</b>	\$6,750,000.00	<b>Total Exemptions Net of RPTL Section 485-b</b>			
<b>Bond/Note Amount</b>	\$6,750,000.00	<b>Pilot payment Information</b>			
<b>Annual Lease Payment</b>				<b>Actual Payment Made</b>	<b>Payment Due Per Agreement</b>
<b>Federal Tax Status of Bonds</b>	Tax Exempt	<b>County PILOT</b>	\$0.00	\$0.00	
<b>Not For Profit</b>	Yes	<b>Local PILOT</b>	\$0.00	\$0.00	
<b>Date Project approved</b>	12/30/2011	<b>School District PILOT</b>	\$0.00	\$0.00	
<b>Did IDA took Title to Property</b>	Yes	<b>Total PILOT</b>	\$0.00	\$0.00	
<b>Date IDA Took Title to Property</b>	12/30/2011	<b>Net Exemptions</b>	\$0.00		
<b>Year Financial Assistance is Planned to End</b>	2041	<b>Project Employment Information</b>			
<b>Notes</b>					
<b>Location of Project</b>		<b># of FTEs before IDA Status</b>	0.00		
<b>Address Line1</b>	VISTA of slingerlands	<b>Original Estimate of Jobs to be Created</b>	0.00		
<b>Address Line2</b>		<b>Average Estimated Annual Salary of Jobs to be Created(at Current Market rates)</b>	0.00		
<b>City</b>	DELMAR	<b>Annualized Salary Range of Jobs to be Created</b>	0.00	To: 0.00	
<b>State</b>	NY	<b>Original Estimate of Jobs to be Retained</b>	0.00		
<b>Zip - Plus4</b>	12054	<b>Estimated Average Annual Salary of Jobs to be Retained(at Current Market rates)</b>	0.00		
<b>Province/Region</b>		<b>Current # of FTEs</b>	0.00		
<b>Country</b>	United States	<b># of FTE Construction Jobs during Fiscal Year</b>	0.00		
<b>Applicant Information</b>		<b>Net Employment Change</b>	0.00		
<b>Applicant Name</b>	TOWN OF BETHLEHEM IDA	<b>Project Status</b>			
<b>Address Line1</b>	445 DELAWARE AVE				
<b>Address Line2</b>					
<b>City</b>	DELMAR	<b>Current Year Is Last Year for Reporting</b>			
<b>State</b>	NY	<b>There is no Debt Outstanding for this Project</b>			
<b>Zip - Plus4</b>	12054	<b>IDA Does Not Hold Title to the Property</b>			
<b>Province/Region</b>		<b>The Project Receives No Tax Exemptions</b>			
<b>Country</b>	USA				

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)



Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
Status: UNSUBMITTED  
Certified Date: N/A

**IDA Projects Summary Information:**

Total Number of Projects	Total Exemptions	Total PILOT Paid	Net Exemptions	Net Employment Change
11	\$3,896,715.00	\$4,686,980.00	(\$790,265.00)	1

Attachment: 2021 Draft PARIS Report (9609 : PARIS Report)

Annual Report for Bethlehem Industrial Development Agency

Fiscal Year Ending: 12/31/2021

Run Date: 03/09/2022  
Status: UNSUBMITTED  
Certified Date: N/A

**Additional Comments**

## MISSION STATEMENT PERFORMANCE MEASURES FOR 2021

The data below come from the 2021 Annual Report by the Agency to the NYS Authorities Budget Office and are based on the number of ongoing projects in the year reported.

Total number of leads generated internally 5 externally 5

Total number of projects initiated 1 carried over 1 closed 0 pending 2

Number of ongoing projects 11

FTEs before IDA status 162; retained 141

Jobs created from ongoing projects in the year reported 137

Current FTEs 284

Dollar amount of capital investment from ongoing projects \$460,620,480

Retention of existing businesses 5

Dollar amount of non-real estate tax exemptions \$0

Dollar amount of projected real estate tax exemptions in the year reported \$3,896,715

Dollar amount of actual PILOT payments in the year reported \$4,686,980

Net tax exemptions in the year reported \$790,265

\*"A negative net exemption may reflect a fixed PILOT that exceeds actual tax Exemptions..." (NYS OSC Annual Performance Report on New York State's Industrial Development Agencies 2008)

**TOWN OF BETHLEHEM***Albany County - New York***INDUSTRIAL DEVELOPMENT AGENCY**445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054

Telephone: (518) 439-4955

www.bethlehemida.com

Catherine M.  
Hedgeman, Esq.  
*Executive Director,  
Assistant Secretary and  
Agency Counsel  
518-439-4955*Allen F. Maikels  
*Chief Financial Officer and  
Contracting Officer  
518-487-4679*Vacant  
*Senior Economic Developer  
Ext. 1189*Robin Nagengast  
*Assistant Executive Director  
Ext. 1164*Victoria Storrs  
*Chair*Vacant  
*Vice Chair*Tim Maniccia  
*Secretary*Richard Kotlow  
*Treasurer*David Kidera  
*Member*Jared Finke  
*Member*Christopher Bub  
*Member***TOWN OF BETHLEHEM IDA  
ANNUAL INVESTMENT REPORT  
FOR THE YEAR ENDED 12/31/21**

As required by the Agency's investment policy, the annual investment report is hereby submitted to the Agency Board for review and approval. There are seven designated depositories for the Agency, each with a deposit limit of \$5,000,000. The following chart identifies the depositories, as well as balances invested at year-end:

M & T Bank 327 Great Oaks Boulevard Albany, NY 12203	\$424,865.
JP Morgan Chase 12 Corporate Woods Boulevard Albany, NY 12211	\$0.
Key Bank of New York, NA 327 Great Oaks Boulevard Albany, NY 12211	\$0.
Citizens, N.A. 833 Broadway Albany, NY 12207	\$0
Trustco Bank 1 Sarnowski Drive Glenville, NY 12302	\$0
Bank of America Kiernan Plaza Albany, NY 12207	\$0
Pioneer Commercial Bank 21 Second Street Troy, NY 12180	\$0

Fees Paid to Brokers: None.

Investment Guidelines: Exhibit A contains a copy of the Investment Policy.

Amendments to Guidelines: None.

Results of Annual Independent Audit:

The firm of Cusack & Company, CPA's LLC has been engaged to perform an audit of the 2021 financial activity. The work will be completed in February 2022. The most recent audit report is for 2020, prepared by Cusack & Company, CPA's LLC are on file in the Agency Clerk's Office.

Inventory of Existing Investments as of 12/31/21:

M & T Bank Checking	\$424,865
---------------------	-----------

Investment Income Record:

Interest earnings for 2021 were \$77, about \$2,751 less than the 2020 earnings of \$2,828. The decrease in income reflected a decrease in the investment return on a certificate of deposit that matured in December 2020.

<u>Type of Investment</u>	<u>High</u>	<u>Low</u>	<u>Average</u>
<u>2021</u>			
M & T Bank Checking	.08	.08	.08
<u>2020</u>			
M & T Bank Checking	.08	.08	.08

If you have any questions, please do not hesitate to call.



Allen F. Maikels, Chief Financial Officer  
January 31, 2022

Attachment: 2021 Investment (9611 : Investment/Procurement/Real Property)

**Victoria Storrs**  
*Chair*

**Vacant**  
*Vice Chair*

**Tim Maniccia**  
*Secretary*

**Richard Kotlow**  
*Treasurer*

**David Kidera**  
*Member*

**Jared Finke**  
*Member*

**Christopher Bub**  
*Member*

**TOWN OF BETHLEHEM**  
*Albany County - New York*  
**INDUSTRIAL DEVELOPMENT AGENCY**  
445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054  
Telephone: (518) 439-4955  
www.bethlehemida.com

**Catherine M. Hedgeman, Esq.**  
*Executive Director,  
Assistant Secretary and  
Agency Counsel*  
518-439-4955

**Allen F. Maikels**  
*Chief Financial Officer and  
Contracting Officer*  
518-487-4679

**Vacant**  
*Senior Economic Developer*  
Ext. 1189

**Robin Nagengast**  
*Assistant Executive Director*  
Ext. 1164

## PROCUREMENT REPORT 2021

In 2021 the Agency entered into or continued contracts with:

1. Town of Bethlehem – The Agency entered into an agreement with the Town of Bethlehem (the sponsoring government) to provide Administrative and managerial services to the Agency for an annual Fee of \$50,000.
2. Allen F Maikels, CPA – The Agency retained Allen F Maikels, CPA to be its Chief Financial Officer and Contracting Officer for a monthly fee of \$900. The Agency followed its Guidelines for procurement of professional services.

**Victoria Storrs**  
*Chair*

**Vacant**  
*Vice Chair*

**Tim Maniccia**  
*Secretary*

**Richard Kotlow**  
*Treasurer*

**David Kidera**  
*Member*

**Jared Finke**  
*Member*

**Christopher Bub**  
*Member*

**TOWN OF BETHLEHEM**  
*Albany County - New York*  
**INDUSTRIAL DEVELOPMENT AGENCY**

445 DELAWARE AVENUE  
DELMAR, NEW YORK 12054  
Telephone: (518) 439-4955  
www.bethlehemida.com

**Catherine M. Hedgeman, Esq.**  
*Executive Director,  
Assistant Secretary and  
Agency Counsel*  
518-439-4955

**Allen F. Maikels**  
*Chief Financial Officer and  
Contracting Officer*  
518-487-4679

**Vacant**  
*Senior Economic Developer*  
Ext. 1189

**Robin Nagengast**  
*Assistant Executive Director*  
Ext. 1164

**2021 Report of Real Property Owned**

**Town of Bethlehem  
Industrial Development Agency**

In the period January 1, 2021 through December 31, 2021, the Agency did not own real property.

**SEQR RESOLUTION  
ALBANY PORT DISTRICT COMMISSION PROJECT**

A regular meeting of Town of Bethlehem Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Town of Bethlehem Town Hall located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York on March 25, 2022, at 8:00 o’clock, a.m., local time.

The meeting was called to order by the Chair and, upon roll being called, the following members of the Agency were:

**PRESENT:**

- |                 |           |
|-----------------|-----------|
| Victoria Storrs | Chair     |
| Tim Maniccia    | Secretary |
| Richard Kotlow  | Treasurer |
| David Kidera    | Member    |
| Jared Finke     | Member    |
| Chris Bub       | Member    |

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

- |                          |  |
|--------------------------|--|
| Catherine Hedgeman, Esq. | Executive Director, Assistant Secretary and Agency Counsel |
| Allen F. Maikels         | Treasurer, Chief Financial Officer and Contracting Officer |
| Robin Nagengast          | Assistant to the Executive Director                        |
| Robert Leslie            | Director, Department of Economic Development & Planning    |

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0322-\_\_\_\_

**RESOLUTION AUTHORIZING THE ISSUANCE OF A FINDINGS STATEMENT  
RELATIVE TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE  
ALBANY PORT DISTRICT COMMISSION 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

Attachment: SEQR Resolution Adopting SEQR Findings (9631 : APDC SEQR)



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, in September, 2021, the Albany Port District Commission, a New York State public benefit corporation (the “APDC”), submitted an application (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of APDC, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 81 acres located on Port Road South (tax map number 98.01-2-1) and East of River Road (NYS Rt. 144) south of Normans Kill and north of PSEG property (tax map number 98.00-2-10.23) in the Town of Bethlehem, Albany County, New York (collectively, the “Land”), (2) the construction on the Land of four (4) buildings containing in the aggregate approximately 560,000 square feet of space, a bridge, related parking and various infrastructure improvements (collectively, 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 hereinafter referred to as the “Project Facility”), all of the foregoing to constitute an industrial/manufacturing facility to be owned by the APDC and operated by a joint venture third party operator as a wind tower manufacturing and shipping facility and any other directly and indirectly related activities; (B) the granting of certain potential “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 (the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the APDC or such other person as may be designated by the APDC and agreed upon by the Agency; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the Agency on September 24, 2021 (the “Public Hearing Resolution”), the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on September 30, 2021 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on September 28, 2021 at the Town Hall Auditorium located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York, (C) caused notice of the Public Hearing to be published on October 1, 2021 in the Albany Times Union, a newspaper of general circulation available to the residents of Town of Bethlehem, New York, (D) conducted the Public Hearing on October 13, 2021 at 4:30 p.m., local time at the Town Hall Auditorium located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York 12054, and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on December 17, 2021 (the “Preliminary Term Sheet Resolution”), the Agency approved an IDA Term Sheet (the “IDA Term Sheet”) outlining the Financial Assistance the Agency would provide, which assistance was contingent upon (A) the completion of the SEQRA (as hereinafter defined) review by the Town of Bethlehem Planning Board (the “Planning Board”), (B) the preparation, review and finalization of the documents providing for an

IDA straight lease transaction (the “APDC Documents”) outlined below, such documents to be subject to review and approval by the Agency Counsel, and (C) adoption by the Agency of an “approving resolution” which approves the APDC 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 (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6NYCRR Part 617, as amended (collectively with the SEQR Act, “SEQRA”), the Executive Director of the Agency has reported to the members of the Agency, as follows: (A) that all state and local governmental agencies identified as “involved agencies” with respect to the Project have agreed that the Town of Bethlehem Planning Board should act as the “lead agency” (the “Lead Agency”) pursuant to SEQRA with respect to the Project; (B) the Lead Agency on May 5, 2020, accepted a final generic environmental impact statement (the “FGEIS”) prepared with respect to the Project, which analyzed and evaluated potential environmental impacts equally with social and economic factors associated with the conceptual development of the Project; (C) on June 2, 2020, the Lead Agency adopted the FGEIS Findings Statement, which established thresholds pursuant to SEQRA to be followed during the design, construction and operations phase of a future specific Project; (D) a supplemental draft environmental impact statement (the “SDEIS”) was submitted to the Lead Agency on November 16, 2021; (E) the Lead Agency accepted the supplemental final environmental impact statement (the “SFEIS”) on March 1, 2022; (F) the staff of the Agency have received a copy of the FGEIS, the SDEIS and the SFEIS; (G) the staff of the Agency have reviewed the FGEIS, the SDEIS and the SFEIS; (H) the staff of the Agency have also received a copy of a Planning Board’s Findings Statement relative to the FGEIS, the SDEIS and the SFEIS (the “Findings Statement”), which Findings Statement was adopted by the Lead Agency on March 15, 2022; and (I) the staff of the Agency have reviewed the Findings Statement; and

WHEREAS, at this meeting, (A) the staff of the Agency have discussed with the members of the Agency the results of their review of the FGEIS, the SDEIS and the SFEIS conducted by the staff of the Agency; (B) a copy of the Findings Statement was presented to the members of the Agency; (C) the staff of the Agency have discussed the Findings Statement with the members of the Agency; and (D) the members of the Agency have reviewed and considered the Findings Statement; and

WHEREAS, the Agency now desires to adopt the Findings Statement as the Agency’s written findings statement relative to the Project, as required by Section 617.11(c) of the Regulations;

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

Section 1. Based upon (A) the discussions held by the members of the Agency at this meeting respecting the FGEIS, the SDEIS, the SFEIS and the Findings Statement (collectively, the “SEQR Documents”) and (B) the review of the Findings Statement conducted by the members of the Agency at this meeting, the Agency hereby (i) ratifies and concurs in the designation of the Planning Board as the “lead agency” with respect to the Project (as such quoted term is defined in SEQRA), (ii) makes the findings and provides the rationale for such findings as set forth in the Findings Statement, which Findings Statement is hereby incorporated into and made a part of this Resolution, and (iii) adopts the Findings Statement as the Agency’s written findings statement relative to the Project, as required by Section 617.11(c) of the Regulations.

Section 2. Based upon the foregoing, the Agency hereby finds and determines that:

A. The Agency has reviewed the FGEIS, the SDEIS and the SFEIS and has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS, the SDEIS and the SFEIS;

B. The Agency has weighed and balanced the relevant environmental impacts identified in the FGEIS, the SDEIS and the SFEIS with social, economic and other considerations;

C. The Agency has reviewed the Act, the FGEIS, the SDEIS, the SFEIS and the Findings Statement, and based on said materials, the Agency finds no compelling reason not to proceed with the Project;

D. The requirements of SEQRA have been met with respect to the Project; and

E. As set forth in the Findings Statement, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, (1) the Project minimizes adverse environmental impacts to the maximum extent practicable and (2) adverse environmental effects revealed in the FGEIS, the SDEIS and the SFEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the FGEIS, the SDEIS and the SFEIS.

Section 3. In consequence of the foregoing, the Agency hereby makes a determination to proceed with the Project.

Section 4. The Executive Director of the Agency is hereby directed to (A) send a copy of this Resolution to the chief executive officer of the Town of Bethlehem, New York; (B) send a copy of this Resolution to the Lead Agency; (C) send a copy of this Resolution to each entity identified by the Agency as an “involved agency” with respect to the Project (as such quoted term is used in SEQRA), (D) send a copy of this Resolution to APDC; (E) send a copy of this Resolution to each other person who has requested a copy of same, and (F) place a copy of this Resolution in the files of the Agency that are readily accessible to the public and made available on request.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Victoria Storrs	VOTING	_____
Tim Maniccia	VOTING	_____
Richard Kotlow	VOTING	_____
David Kidera	VOTING	_____
Jared Finke	VOTING	_____
Chris Bub	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

Attachment: SEQR Resolution Adopting SEQR Findings (9631 : APDC SEQR)

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ALBANY )

I, the undersigned Secretary of Town of Bethlehem Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 25, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_ day of March, 2022.

\_\_\_\_\_  
Secretary

(SEAL)

Attachment: SEQR Resolution Adopting SEQR Findings (9631 : APDC SEQR)

## EXHIBIT A

## FINDINGS STATEMENT

In accordance with Article 8 (State Environmental Quality Review) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), Town of Bethlehem Industrial Development Agency (the “Agency”) has received an application (the “Application”) from Albany Port District Commission (the “APDC”), which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of APDC, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 81 acres located on Port Road South (tax map number 98.01-2-1) and East of River Road (NYS Rt. 144) south of Normans Kill and north of PSEG property (tax map number 98.00-2-10.23) in the Town of Bethlehem, Albany County, New York (collectively, the “Land”), (2) the construction on the Land of four (4) buildings containing in the aggregate approximately 560,000 square feet of space, a bridge, related parking and various infrastructure improvements (collectively, 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 hereinafter referred to as the “Project Facility”), all of the foregoing to constitute an industrial/manufacturing facility to be owned by the APDC and operated by a joint venture third party operator as a wind tower manufacturing and shipping facility and any other directly and indirectly related activities; (B) the granting of certain potential “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 (the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the APDC or such other person as may be designated by the APDC and agreed upon by the Agency.

The Executive Director has informed the Agency that all state and local governmental agencies which were identified as “involved agencies” with respect to the Project have agreed that the Town of Bethlehem Planning Board should act as lead agency (the “Lead Agency”) pursuant to SEQRA with respect to the Project, and, further, that the Agency has ratified and concurred in the such designation.

On March 15, 2022, the Lead Agency adopted the attached findings statement (the “Findings Statement”) as the findings of the Lead Agency pursuant to 6 NYCRR 617.11(a).

On March 25, 2022, by resolution adopted by the members of the Agency, the Agency adopted the Findings Statement as the Agency’s written findings statement relative to the Project, as required by 6 NYCRR 617.11(c). This written findings statement has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Additional information may be obtained from the following: Catherine Hedgeman, Esq., Executive Director, Town of Bethlehem Industrial Development Agency, 445 Delaware Avenue, Town Hall, Delmar, New York 12054; Telephone No. (518) 439-4955 ext. 1189.

STATE ENVIRONMENTAL QUALITY REVIEW ACT  
FINDINGS STATEMENT  
Albany Port District Commission  
Marmen – Welcon Offshore Wind Tower Manufacturing Plant  
Supplement Environmental Impact Statement  
Lead Agency: Town Bethlehem Planning Board  
Date: March 15, 2022

The Town of Bethlehem Planning Board (the “Planning Board”), as Lead Agency pursuant to the State Environmental Quality Review Act (NY ECL Article 8 and its implementing regulations found at 6 NYCRR Part 617, collectively (“SEQRA”) hereby makes the following findings.

**1.0 INTRODUCTION**

**Name of Action:** Albany Port District Commission (“APDC”) Port of Albany Marmen-Welcon Offshore Tower Manufacturing Plant Project.

The Albany Port District Commission (APDC) has identified the need to expand their current land holdings to continue to accommodate future growth and help New York State in achieving its renewable energy goals by providing additional port infrastructure, manufacturing space for the offshore wind industry, cargo and wharf capacity necessary for the manufacturing and distribution of offshore wind components. In order to continue fulfilling their mission to generate economic development for the region and to accommodate future growth, the APDC proposed the development of an 81.6-acre industrial site, to expand and provide additional port infrastructure, manufacturing space, cargo and wharf capacity (“the Expansion Project”).

A Final Generic Environmental Impact Statement (GEIS) was prepared by the APDC and accepted by the Town of Bethlehem Planning Board (Lead Agency) on May 5, 2020, which analyzed and evaluated potential environmental impacts equally with social and economic factors associated with the conceptual development of the Expansion Project. The Project evaluated in the 2020 Final GEIS (FGEIS) included the following elements:

- +/- 1.13 million square feet of industrial space located on the APDC 81.6-acre expansion property, located in the Town of Bethlehem, with maximum building height of 85 feet
- Site infrastructure and utilities associated with the proposed development (e.g., stormwater, electric, sanitary, communications, etc.)
- +/- 1,200 linear foot (LF) wharf and associated dredging
- bridge over the Normans Kill
- offsite road improvements for site access

The FGEIS Findings Statement, adopted on June 2, 2020, established thresholds pursuant to SEQRA to be followed during the design, construction and operations phase of a future specific Project. However, if the Project exceeds the established thresholds or includes additional elements that were not contemplated as part of the FGEIS, a Supplemental EIS is necessary to update or evaluate additional potential environmental impacts not previously evaluated. Now that a specific Project has been defined, it was determined that the following Project components either exceed the thresholds established in the FGEIS or were not previously contemplated:

Project elements that exceed thresholds in the FGEIS:

1

Port of Albany Marmen-Welcon Offshore Wind Tower Manufacturing Plant Findings Statement

Attachment: SEQR Resolution Adopting SEQR Findings (9631 : APDC SEQR)

- Increased maximum building height from 85 feet to approximately 110 feet

Project elements that were not contemplated during the preparation of the 2020 FGEIS; therefore, are now included as part of the proposed action and identified as “Supplemental Project Area”:

- Development of 19,600 SF at 700 Smith Boulevard (14.7 acres) in the City of Albany.
- Disturbance of 4.4 acres on National Grid Parcel for 2.5 acre employee parking lot adjacent to the 81.6 acre site.
- Impacts to submerged aquatic vegetation (SAV).

As a result, a Supplemental Draft Environmental Impact Statement (SDEIS) was prepared by the APDC to identify, evaluate or update foreseeable potential environmental impacts, of the specific project components that were not previously contemplated, as applicable.

Furthermore, the SDEIS provided an update to wetland impacts previous discussed in the 2020 FGEIS.

As such, the Final Generic Environmental Impact Statement (FGEIS) and corresponding Findings Statement adopted on June 2, 2020 shall be incorporated into and made part of this Findings Statement.

**Description of Action:** The Action consists of building a 626,014 +/- square foot Offshore Wind (OSW) Tower manufacturing plant owned by the APDC and operated by the Marmen-Welcon joint venture. The manufacturing facility is spread out over five (5) separate buildings. The following is a breakdown of the function and size of each building:

1. Building A Plate Preparation & Welding (299,414 SF)
2. Building B Welding Finishing (111,189 SF)
3. Building C Blast Metallization Plant (132,014 SF)
4. Building D Internal Assembly finishing (61,647 SF)
5. Building E Material receiving (21,748 SF)

Tower production will occur within four (4) buildings (Buildings A thru D) located on the Port Expansion property located in the Town of Bethlehem. The fifth building (Building E) is located at 700 Smith Boulevard within the existing Port District in the City of Albany. The project includes building a new gated bridge over the Normans Kill to provide secure access for Marmen-Welcon owned delivery vehicles to and from the main production facility, where Buildings A thru D are located. This bridge will connect the production facilities with the 14.7-acre parcel at 700 Smith Boulevard where Building E (material receiving) is planned. Employee parking will be situated on the adjoining land owned by National Grid with access from existing River Road (NYS Rt. 144). The project includes a 500 linear foot by 93 feet wide wharf and associated dredging along the western bank of the Hudson River. The wharf will be used to ship completed tower component sections to the Offshore Wind Farm Developments in the Atlantic Ocean.

The Project facility is expected to employ up to 550 full time workers.

**Project Location:** 81.62 acres of vacant land at the Beacon Island site (tax map parcels 98.00-2-10.23 and 98.01-2-1.0) east of River Road (NYS Rt. 144), south of Normans Kill and north of PSEG property in the Town of Bethlehem, Albany County, NY (“Project Site”). Disturbance of 4.4 acres on the adjacent National Grid Parcel (tax parcel 98.00-2-10.21) and the 14.3 acres located at 700 Smith Boulevard, City of Albany (tax parcel 87.10-4-1).

**Date Supplemental Final Environmental Impact Statement (FGEIS) Accepted:** March 1, 2022

The SEIS and all project related documents are available on the [Town's Meeting Portal website](#) for the Planning Board by selecting the March 1, 2022 meeting date.

**2.0 DESCRIPTION OF THE PROPOSED ACTION**

**2.1 Project Description**

The APDC proposes to develop the 100.32-acres that comprises the Project Site for the 626,014 +/- square foot Offshore Wind (OSW) Tower Manufacturing Plant owned by the APDC and operated by the Marmen-Welcon joint venture.

Proposed private improvements provided by APDC for the Proposed Project include:

- All structures, buildings, parking lots on the Project properties
- Site Lighting and watermains within the Port Project properties
- Vehicle bridge over Normans Kill
- Wastewater package treatment plant, on-site
- Wharf

Proposed public improvements provided by APDC for the Proposed Project include:

- Roadway improvements to Port Road South/Normanskill Street (Town of Bethlehem & City of Albany)
- Roadway improvements to Raft Street (City of Albany)
- Off-site traffic signal at NYS Route 144 (River Road) and NYS Route 32 (Corning Hill Road)
- Off-site left turn lane on NYS Route 144 (River Road) at the project driveway

The potential environmental impacts of the proposed Action were reviewed by the Planning Board serving as SEQRA Lead Agency in the following documents and associated engineering plans and reports:

- 2020 Draft Generic Environmental Impact Statement
- 2020 Supplemental Draft Generic Environmental Impact Statement
- May 5, 2020 Final Generic Environmental Impact Statement
- June 2, 2020 GEIS Findings Statement
- November 16, 2021 Supplemental Draft Environmental Impact Statement
- March 1, 2022 Supplemental Final Environmental Impact Statement

The Planning Board established itself as "Lead Agency" and adopted a Positive Declaration of Environmental Significance requiring the APDC prepare a Supplemental DEIS for the proposed action.

Agencies with jurisdiction over various elements of the Proposed Action include but are not limited to the:

- US Army Corps of Engineers
- US Maritime Administration Department
- New York State Department of Environmental Conservation
- New York State Office of General Services
- New York State Historic Preservation Office
- New York State Department of State
- New York State Department of Transportation



- New York State Energy and Research Development Authority
- Albany County Health Department
- Albany County Planning Board
- Town of Bethlehem Planning Board
- Town of Bethlehem Town Board
- Town of Bethlehem Zoning Board of Appeals
- Town of Bethlehem Department of Public Works
- City of Albany Planning Board
- City of Albany Department of General Services
- City of Albany Water Department

## **2.2 Purpose and Need**

In 2018, the APDC identified the need to expand its current land holdings and port facilities to accommodate future growth. The APDC's Marmen-Welcon Manufacturing Plant Project as described herein meets that purpose and need.

The Proposed Action is consistent with the Town's adopted Comprehensive Plan and Local Waterfront Revitalization Program ("LWRP") by focusing future industrial and water-related uses to this area of Town.

The Project is essential for port dependent users and will address immediate and future needs, with the ability to provide and locally support renewable energy developments proposed by New York State and other regions in the U.S. The Project Site is owned by the APDC, with the exception of the 4.4 acre parcel owned by National Grid, with rights of use provided to APDC. The acquisition of the Project Site by APDC was a strategic and critical investment for the successful implementation of providing additional port terminal capacity in New York State.

The Project will be the first OSW tower manufacturing facility in the United States and is forecasted to create upwards of approximately 500 construction jobs and approximately 550 full time new jobs. Additionally, the Project is expected to help in reducing U.S. reliance on imported OSW components as well as contribute to the Green Economy.

## **2.3 Project History**

**The Project appeared on the Town of Bethlehem Planning Board agenda at meetings from June 15, 2021 to March 1, 2022 for discussion and actions.** In accordance with the SEQRA Regulations, the following elements of the SEQRA process were undertaken:

- On or about May 25, 2021, the Planning Board received a site plan application from the APDC for the Albany Port District Industrial Park Project to allow the industrial development of 81.57 +/- acres of land at the Project Site.
- On or about July 6, 2021, the Planning Board adopted a resolution to continue as "Lead Agency" and adopted a Positive Declaration requiring that the APDC prepare a SDEIS for the proposed action pursuant to the requirements of SEQRA.
- The Planning Board adopted the Final Scope for the SEIS (dated July 1, 2021).
- On or about November 16, 2021, the Planning Board determined the SDEIS was complete and established a public comment period on the SDEIS from November 16, 2021 to December 17, 2021 after the draft SDEIS was reviewed by Town' Staff, the Town's Designated Engineer, M.J. Engineering and Consulting, P.C. and members of the Planning Board to confirm the issues

identified in the Scope were addressed and recommended that the SDEIS was ready for public review and comment.

- On or about December 7, 2021, the Planning Board held a duly noticed Public Hearing on the SDEIS.
- On or about December 21, 2021, a Public Information Meeting was held pursuant to NYSDEC Commissioner Policy 29, at the Salvation Army, Campus of Hope, 20 Ferry Street, Albany for all members of the public, with a targeted focus towards residents of the South End of Albany, including residents of the Ezra Prentice Homes in addition to presentation at the South End Neighborhood Association meetings on or about August 24, 2021 and February 22, 2022.
- A draft Supplemental Final EIS (SFEIS) on the Proposed Action was prepared by the APDC and submitted to the Planning Board, which contained all substantive comments received during the Planning Board’s Public Hearing, public meetings and public comment period on the SDEIS as well as responses to those comments, and all additional studies that were undertaken to respond to those comments.
- The draft SFEIS was reviewed by Town Staff, the Town’s TDE and members of the Planning Board to ensure responses were provided for all substantive comments and all technical engineering and impact review issues had been sufficiently addressed and provided comments and revisions for the draft SFEIS.
- On or about February 24, 2022, the Town’s TDE, having reviewed the draft SFEIS advised the Planning Board by letter that the draft SFEIS (as revised) was complete and complied with all the requirements of SEQRA.
- On or about March 1, 2022, the Planning Board accepted the Supplemental Final Environmental Impact Statement (“SFEIS”) as complete and providing a full and comprehensive evaluation of the Proposed Action and addressing all comments received by the Planning Board on the SDEIS and Supplemental FEIS. A Notice of Completion of the SFEIS was duly published in the Environmental Notice Bulletin. Copies of the SFEIS and the Notice of Completion were also distributed to all involved/interested agencies. The SDEIS and SFEIS and all project related documents are available on the Town’s Meeting Portal website for the Planning Board by clicking the meeting dates as identified above.

### **3.0 FINDINGS CONCERNING RELEVANT ENVIRONMENTAL IMPACTS**

*All references to page numbers refer to the Supplemental FEIS section 4 subsection 3 “Environmental Impacts and Mitigation Measures”.*

#### **3.1 Soils, Geology and Topography**

##### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-2.
- B. The topographic survey is included in the referenced site plan package of drawings.
- C. The 14.7 acres at 700 Smith Boulevard, City of Albany is completely covered by the Recycled Asphalt Concrete (RAC) cap due as a requirement of the Soil Management Plan approved by the NYSDEC.

##### ***Potential Impacts***

- D. The Project will change the surface coverage of the Project Area by increasing the amount of imperviousness. This change will increase the peak discharge rate of stormwater runoff. In addition, the increased imperviousness will create a need for water quality features. The construction of the Project requires Erosion and Sediment Control measures to mitigate potential short-term water quality impacts including the exposure of bare soil and the mobilization of sediment.
- E. At 700 Smith Boulevard, should the RAC cap be penetrated the soils shall be managed pursuant to the SMP.
- F. Construction activities may cause noise impacts including earthwork, paving, structure construction, land clearing, and blasting related to bedrock and shale. Construction activities will abide by the Town of Bethlehem's Town Code § 81-5 regarding construction noise and hours of operation.
- G. Papscaanee Island, a significant cultural resource for the Stockbridge-Munsee Band of the Mohican Nation, is located directly across the river. Upon request by SMC THPO, a noise assessment was conducted by Proactive Environmental Solutions and results concluded that there is no impact.

**Mitigation**

- H. There are no natural or unique geographical features located at the Project Area, and therefore no mitigation is required. However, BMPs will be implemented to avoid or minimize impacts outside the Project Area as follows:
  - I. The Project will be designed to balance earthwork, and therefore it is anticipated that on-site soil or other fill material will be kept at the Project Site and off-site disposal of cut material is avoided to the maximum extent possible; therefore, no off-site disposal is being proposed.
  - J. A Soil Management Plan (SMP), dated March 2020, was developed by CHA Consulting Inc., for the 700 Smith Boulevard parcel. The SMP also addresses protocol for monitoring, sampling and analysis during excavation and site work, and recommendations for the installation of vapor barrier systems beneath the proposed building.
  - K. Construction activities will abide by the City of Albany and Town of Bethlehem's Town Code §81-5 regarding construction noise and hours of operation. Construction related impacts, including soil erosion and sedimentation will be mitigated through appropriate Erosion and Sediment Control as designed and enforced in accordance with the NYSDEC New York State Standards and Specifications for Erosion and Sediment Control.
  - L. During civil site work, construction particle velocities will be monitored, and techniques modified as required to achieve the desired densification and maintain particle velocities below the residential threshold at the Proposed Project's property limits or sensitive facilities within the Project Site. While impacts on noise or vibration are anticipated to be negligible or non-existent, noise would be monitored as needed.
  - M. Construction activities will comply with the Town of Bethlehem's Local Law No. 5-2009 (Town Code Chapter 81) noise requirements.
  - N. A Stormwater Pollution Prevention Plan (SWPPP) (dated October 2021) has been prepared by McFarland Johnson, Inc., (MJ), and involves Erosion and Sediment Control measures and bioretention ponds to be constructed to address stormwater run-off. The SWPPP is subject to

the City of Albany and Town of Bethlehem's review (including the Town's TDE) with the Town and City issuing a MS4 SWPPP Acceptance Form once deemed acceptable. The applicant will also gain coverage under General Permit GP-0-20-001 prior to any site disturbances.

The Planning Board finds that the proposed Action will not significantly impact "Soils, Geology and Topography" and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

### **3.2 Vegetation and Wildlife**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on Section 3 page 4-7.
- B. A subaquatic vegetation (SAV) survey was performed by Biodiversity in June 2020 and identified three (3) patches of SAV along the western riverbank of Hudson River and within the boundaries of the original Project Area. A copy of the SAV report is included in **Appendix B of the SFEIS**.
- C. A Freshwater Mussel Survey was completed by Biodiversity in June 2020 in the Hudson River and Normans Kill creek, specifically within the boundaries of the original Project Area. According to the survey, live mussels of only two (2) native species were found in the Hudson (*E. complanata* and *Leptodea fragilis*). *L. fragilis* has a state-rank of S3 and has rarely been observed in the tidal Hudson River where it is not native. In addition to these two (2) species, several old relic shells of *Anodonta implicata* (alewife floater) were found, and one (1) shell of *Lampsilis radiata* (eastern lampmussel) was found. No mussel shells were found on the shoreline, and few were found in the intertidal zone. No live mussels were found in the Normans Kill. Zebra mussels were present in both waterbodies. A copy of the survey report is included in **Appendix D of the SFEIS**.
- D. There will be approximately 4.4 acres of impacts to the National Grid property. A field investigation was completed by McFarland Johnson, Inc., on April 28 and 29, 2021, to survey the additional acres of land west of the initial study area for the potential presence of three (3) state-listed plant species: side-oats grama (*Bouteloua curtipendula* var. *curtipendula*) and violet wood sorrel (*Oxalis violacea*), and the NYS threatened Small's knotweed (*Polygonum buxiforme*). Based on the investigation, there was no potential for violet wood sorrel or side-oats grama on the site due to lack of habitat as the site was largely dominated by emergent wetland and invasive weed species. No polygonum species were identified within the supplemental review area. A copy of the technical memo has been included as **Appendix C of the SFEIS**.
- E. The 14.7 acre property at 700 Smith Boulevard has completed remediation efforts due to previous use for metal recycling; and therefore, as a disturbed area contains no rare plant species.

#### ***Potential Impacts***

##### ***Ecological Communities***

- F. All upland ecological communities within the supplemental Project Area consist of previously disturbed lands that are common and demonstrably secure within the region and New York State. Impacts to freshwater wetlands and surface waters are regulated by the USACE

under Section 404 of the CWA, Section 10 of the RHA and the NYSDEC under Article 15-Protection of Waters. Further descriptions of these potential impacts and mitigation are detailed in Section 3.3 SFEIS.

#### **Significant Coastal Fish and Wildlife Habitat**

- G. Based on the SAV survey performed there were three (3) patches of SAV located along the shore of the Hudson River along Beacon Island. As shown in the preliminary site plans, only one (1) patch of approximately 0.21 acre in size, is located within the footprint of the proposed dredging for the wharf. Also, eight (8) *Leptodea fragilis* were detected within the proposed dredging area.

#### **Threatened and Endangered Species**

##### **Atlantic sturgeon and Shortnose sturgeon**

- H. The dredging and wharf construction will take place in the Hudson River, which is listed as spawning and foraging grounds for Atlantic sturgeon and Shortnose sturgeon.

##### **Northern Long-eared Bat**

- I. The Project will result in the removal of trees that could provide potential suitable roosting habitat. All trees within the Project Area will be cut between November 1 to March 31 in accordance with NYSDEC and USFWS recommended conservation measures designed to minimize the likelihood of significant adverse impacts to northern long-eared bats.

##### **Bald Eagle**

- J. Based on correspondence with NYSDEC, there was one (1) nest within the original Project Area; however, the nest fell in 2017. Although the nest is no longer present, the tree the nest was constructed in is no longer standing as documented in the SFEIS. There are multiple Bald Eagle nests in the vicinity of the Project Area, at a distance greater than 0.25 miles. NYSDEC staff, as discussed during the SFEIS process, do not believe the project will result in impacts to these nests given the boundary. A copy of the email correspondence has been included in **Appendix C of the FSEIS**.

##### **Side-oats Grama**

- K. The Supplemental Rare Plant Survey conducted in April 2021 by McFarland Johnson, Inc., indicated that the area of railroad ballast adjacent to the site was unsuitable for this species due to lack of soils.

##### **Violet Wood Sorrel**

- L. The Supplemental Rare Plant Survey conducted by McFarland Johnson, Inc. in April 2021 indicated that there was no suitable habitat within the supplemental Project Area, therefore the project is not expected to result in impacts to violet wood sorrel.

##### **Small's Knotweed**

- M. McFarland-Johnson, Inc., revisited the area where Terrestrial Environmental Services previously observed *Polygonum sp.* And verified the presence of a polygonum species in

an active growth state but was unable to confirm species level identification. Based on the site conditions, McFarland-Johnson, Inc. concurs with TES's opinion that this species is the more common and widespread common doorweed (*Polygonum aviculare*).

### **Mitigation**

- N. An application to NYSDEC to comply with Article 15-Protection of Waters, USACE Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act has been prepared and submitted to the USACE for review and approval (case numbers AN-2021-00948-UDA).
- O. Coastal Consistency review by the NYSDOS will be performed to determine consistency with the New York State Coastal Management Program (NYCMP).
- P. The wharf and associated caissons (piles) will be recessed back approximately 40 feet from the existing shoreline to provide an earthen barrier during construction to mitigate underwater noise impacts to Atlantic sturgeon and shortnose sturgeon. The permanent steel casing for the drilled shaft foundations and the sheet pile wall components would be vibrated in, rather than utilizing an impact hammer. An impact hammer would be used only to seat the steel casing within the first few inches in the top of rock. Other BMPs considered include:
  - Use of pre-drilling prior to vibratory hammering
  - Implement soft start (i.e., pile tapping) prior to full energy impact hammering
  - If necessary, cushion blocks, air bubbles curtain or other noise attenuating tools would be implemented when impact hammering to avoid reaching noise levels that could cause injury or behavioral disturbance to these species
  - Use of nets, tarps and/or pans during construction of the bridge deck over the Normans Kill and removal of any debris that falls into the water
  - A SWPPP will be implemented and maintained during the construction phase to be implemented and address potential water quality impacts
- Q. Dredging activities will be conducted as per 2020 FGEIS (September 1 through November 30) and use of a turbidity curtain will mitigate Atlantic sturgeon and shortnose sturgeon impacts.
- R. In consultation with the NYSDEC, the following mitigation measures have been agreed to which result in the project having a net conservation benefit:
  - a) The total impact to the sturgeon, SAVs and mussels have been determined by the NYSDEC to be 1.0 acres.
  - b) The mitigation strategy identified by NYSDEC consists of an in-lieu fee where the APDC would fund their prorated share of the design and construction of a restoration project at Schodack Island State Park as identified in the Hudson River Comprehensive Restoration Plan. The restoration project is anticipated to cover more than 1 acre within Schodack Island and therefore, the APDC contribution would offset the foreseeable permanent and temporary impacts to the sturgeon species, SAVs and freshwater mussels.
- S. An implementation agreement will be prepared by the NYSDEC as part of the Joint Application Permit and Part 182 application approval process that will outline the total payment and payment schedule. The applicant shall provide documentation to the Town of the execution of this agreement prior to construction within or disturbance of the impacted area.

- T. Removal of trees will only be performed between November 1 and March 31 in accordance with NYSDEC and USFWS recommended conservation measures designed to minimize the likelihood of significant adverse impacts to northern long-eared bats, unless an extension is granted pursuant to USFW rule 4d.

**The Planning Board finds that the proposed Action will not significantly impact “Vegetation and Wildlife Resources”. Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

### **3.3 Regulated Wetlands and Surface Waters**

#### ***Environment Setting***

- A. The environmental setting is set forth in the SFEIS on page 4-21
- B. A Supplemental Wetland Delineation was performed by McFarland-Johnson, Inc., in April 2021 for the lands on the National Grid parcel. A copy of the Supplemental Wetland Delineation Report is included in Appendix F1 of the SFEIS.
- C. The New York State Freshwater Wetland and Tidal Wetlands mapping indicates there are no NYSDEC jurisdictional wetlands within or adjacent to the supplemental Project Area of the National Grid Property and 700 Smith Boulevard.
- D. The 14.7 acres in the City of Albany is completely covered by the RAC cap due to the SMP prepared for the NYSDEC.

#### ***Potential Impacts***

- E. The Project will result in direct impacts to 0.81 acres over Wetland 1 located in Beacon Island (original Project Area) and 0.01 acres of direct impact to Wetland 1 on National Grid property for the construction of a retaining wall, and 0.02 impacts to Wetland 7 for roadway improvements. There will be approximately 0.33 acres of temporary impacts to wetlands during construction. Total permanent wetland impacts are estimated in approximately 0.86 acre.

#### ***Mitigation***

- F. The required Joint Permit Applications (JAP) has been submitted and is under USACE review, case numbers AN-2021-00948-UDA, and NYSDEC case number 4-0122-00322/00002. See Appendix F2 of the SFEIS for Agency Correspondence. The JAP describes the compensatory wetland mitigation via the accepted USACE In-Lieu Fee Mitigation Program for off-site mitigation will be implemented. The Wetland Trust Mitigation Bank in accordance with USACE rules and regulations will ensure no net loss of wetlands.

The required Joint Permit Applications (JAP) has been submitted and is under USACE review, case numbers AN-2021-00948-UDA, and NYSDEC case number 4-0122-00322/00002. See Appendix F2 of the SFEIS for Agency Correspondence. The JAP describes the compensatory wetland mitigation via the accepted USACE In-Lieu Fee Mitigation Program for off-site mitigation will be implemented. The Wetland Trust Mitigation Bank in accordance with USACE rules and regulations will ensure no net loss of wetlands. The JAP also includes the NYSDEC 401 Water Quality Certification and Article 15 Protection of Waters Permit, and USACE Section 404/Section 10 Individual Permit.

The Planning Board finds that the proposed Action will not significantly impact “Regulated Wetlands and Surface Waters.” Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

### **3.4 Floodplains and Floodways**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-27.

#### ***Potential Impacts***

- B. The majority of the Supplemental Project Area is located within the 100-year floodplain, mapped as “Zone AE”, meaning the area inundated by 1% annual chance flooding, for which base flood elevations (BFEs) have been determined.

#### ***Mitigation***

- C. 700 Smith Boulevard Building E will be designed so the finished floor elevation is above the floodplain and projected sea level rise. 700 Smith Boulevard Building E is considered to be a non-critical facility, this makes the “low” projection of sea level rise 10 inches, or .83 feet over the life of the Project. Based on the FEMA reported BFE of 18, the resulting Finished Floor Elevation (FFE) of the building E would be 20.83 feet (18 feet + medium sea level rise of the Project life + 2 feet). Building E FFE is 21.0 feet, which was established to keep the Project safely above the BFE, account for sea level rise, and balance the earthwork of the Project Site to the greatest extent practicable. A Floodplain Development Permit application will be provided to the City of Albany.
- D. Associated with the National Grid property, a Floodplain Development Permit application pursuant to the Bethlehem Town Code Chapter 69- Flood Damage Prevention will be submitted to the Town of Bethlehem Building Division to comply with floodplain design standards that meet or exceed floodplain development requirements and building codes.

The Planning Board finds that the proposed Action will not significantly impact “Floodplains and Floodways.” Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

### **3.5 Groundwater**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-30

#### ***Potential Impacts***

- B. Chemicals, toxins, or other pollutants may be released during construction and post construction activities.

#### ***Mitigation***



- C. A SWPPP has been prepared per NYSDEC regulations that outlines appropriate erosion and sediment controls and stormwater management practices to be implemented.
- D. The applicant will be required to obtain any required discharge permits with either coverage under a General Permit or an Individual SPDES Permit.
- E. Fuel/chemical storage will be stored in compliance with NYSDEC State Pollutant Discharge Elimination System (SPDES), NYS Petroleum and Chemical Bulk Storage Programs and USEPA Spill Prevention, Control and Countermeasure (SPCC) regulations as required.

**The Planning Board finds that the proposed Action will not significantly impact "Groundwater". Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

### **3.6 Climate and Air Quality**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SEIS beginning on page 4-33
- B. Air Emission Analysis conducted by Proactive Environmental Solutions in October 2021 is included in Appendix E2 of the SDEIS. The Project does not meet the definition of a major facility since potential emissions will remain below the major facility thresholds as per 6 NYCRR 231-13.1.

#### ***Potential Impacts***

- C. Facility-wide uncontrolled potential emissions from the project.
- D. A detailed air analysis was conducted that identified applicable air quality regulations and associated air pollution control requirements, modeled sitewide air quality impact per NYSDEC guidance, assessed Project with respect to Climate Leadership & Community Protection Act (CLCPA), and assessed air quality impact on environmental justice (Ezra Prentice) area. The analysis concluded that the project's impact on air quality in the surrounding community will be below standards and guidelines established by EPA and DEC.

#### ***Mitigation***

- E. The project will institute state-of-the-art VOC control on its paint booths using recuperative thermal oxidizers. The project will utilize state-of-the-art dust suppression (particulate control) on its abrasive blast equipment and its paint booths, particulate (PM<sub>2.5</sub>).
- F. A NYSDEC Air State Facility Permit will be needed as a minor facility of regulated air pollutants after taking federally enforceable restrictions (e.g., limiting VOC emissions to less than 50 tons per year, limiting HAP emissions to less than 25 tons per year, limiting particulate (PM<sub>10</sub>, PM<sub>2.5</sub>) emissions to less than 100 tons per, etc.).
- G. The APDC will encourage the operator to adopt the following practices, as applicable, to reduce GHG emissions including but not limited to: implement Leadership in Energy and Environmental Design (LEED) certified practices, green vehicle purchases, not allow truck idling, high efficiency heating, ventilation and air-conditioning (HVAC) systems, utilize local building materials,

recycling program, insulation to minimize heat loss, window glazing, use of public transportation, including rail and river access and conservation of natural areas, including shoreline and wetlands, water metering, optimizing energy performance and renewable energy production (solar energy).

- H. Construction impacts will be mitigated with dust suppression and air monitoring by the NYSDEC at the perimeter of the property. A Community Air Monitoring Plan (CAMP) will be completed during construction to protect off-site receptors from potential air toxins as a result of construction activities on-site.
- I. A hydrogen sulfide odor threshold will be in accordance with NYSDEC DAR-1.
- J. Air emissions for Ezra Prentice community will also be mitigated by the establishment and enforcement of required truck routes through existing Port District roadways and State routes and use of enforcement measures to avoid traffic related to the Proposed Action from seeking alternate routes so as to eliminate new trucks traveling on South Pearl Street. Final SEIS Section 3.6 details the required truck route and additional mitigation.

**The Planning Board finds that the proposed Action will not significantly impact "Climate and Air Quality". Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

### **3.7 Traffic and Transportation**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-37.
- B. An updated Traffic Impact Study prepared by McFarland Johnson, Inc. last revised February 2022 has been provided in Appendix CC1 of the FSEIS. The traffic impact analysis was updated to study the specific trip generation and trip distribution of the Marmen-Welcon Manufacturing Facility as a result of changes to traffic operations analyzed in the GEIS.

#### ***Potential Impacts***

- C. Vehicle – Both the AM and PM peak hour trips generated by this project are less than the maximum studied in the Generic DEIS TIS (324 vs 465 and 529 respectively). The project will generate 4 mid-day peak hour truck trips vs the maximum studied in the DGEIS.
- D. Maritime – The project will not generate any additional maritime traffic than the studies in the DGEIS. Therefore, no significant impact on existing Hudson River maritime commercial or recreational traffic. No added maritime traffic to Normans Kill, therefore no impact.
- E. Rail – The project will not generate any additional rail traffic than what was studied in the DGEIS, and therefore the project will have a negligible, if any, impact to the general public.
- F. Public Transportation – No impact.
- G. Pedestrian and Bicycle – No noticeable impacts.

#### ***Mitigation***

- H. All truck traffic associated with the Proposed Action will be directed to utilize required truck routes (as shown on Figure 3.7-2) and will be restricted from making right turns onto South Pearl Street (NYS Route 32) at the South Port Road intersection to eliminate any additional trucks passing through the Ezra Prentice Homes and other residential communities. This route will also be implemented for all anticipated temporary truck traffic associated with construction activities.
- I. The operational agreement between the APDC and Marmen-Welcon joint venture will include clause(s) that require strict adherence to the required truck route as a tenant obligation. APDC will enforce the negotiated lease clause(s) through progressive actions such as judicial injunction and may void the lease of any tenant that breaches such obligation or fails to cure within the timeframes set forth in such leases. A copy of the operational agreement clause shall be provided to the Bethlehem Planning Board as a condition of any site plan approval.
- J. A video surveillance camera will be installed by the APDC near the intersection of South Port Road and Normanskill Street to monitor and ensure truck traffic follows the required truck route. This surveillance camera will be added to the Port's extensive security system that is monitored by the City of Albany Police Department as well as the Port's security team.
- The camera installation will occur as a condition of the future site plan approval.
- K. The traffic impact analysis was updated from the DGEIS so that the specific trip generation and trip distribution of the Marmen-Welcon Manufacturing Facility can be applied to the 12 intersections analyzed, reflecting potential change in intersection operations, significant impacts and additional mitigation necessary. Summary of the Marmen-Welcon Manufacturing project specific traffic impact analysis findings and mitigation measures are below:
- a. The NYSDOT issued their approval of the updated Traffic Impact Study on January 28, 2022. The mitigation measure that the DOT agreed to are noted below.
  - b. The existing intersection of **NYS Route 32 at South Port Road** is operating at an acceptable LOS for the 2029 Background scenario and will continue to operate with an overall LOS 'A' during the morning peak hour and LOS 'B' during the evening peak hour. All approaches will maintain background LOS with only minor increases in delay. Due to the low volume of vehicles generated by the site performing turning movements at this intersection, the mitigation recommended in the 2019 traffic study is not warranted for the proposed development.
  - c. **NYS Route 144 (River Road) at NYS Route 32**: This intersection is projected to operate at an overall LOS 'B' during the morning peak hour and LOS 'A' during the evening peak hour for the 2029 Background scenario. During the background scenario, the eastbound left turn approach is at a LOS 'F' during both peak hours. To mitigate the delay for this movement and to improve traffic operations at this intersection, a traffic signal shall be installed which would be coordinated with the NYS Route 32/South Port Road intersection. Signalizing the intersection will decrease the delay the eastbound approach experiences from LOS 'F' to LOS 'B' during both peak hours. Prior to the issuance of a Certificate of Occupancy by the Town of Bethlehem the traffic signal shall be installed.
  - d. **NYS Route 144 (River Road) at Proposed site Driveway**: The driveway will be restricted to passenger vehicle traffic only as all truck traffic will be directed to South Port Road and Church Street as all deliveries will be received at the 700 Smith Blvd. site. As outlined in

the 2019 traffic study, this will be accomplished by including signage prohibiting trucks from using this entrance as well as enforcement by the Port, the Port's tenants and local law enforcement.

- e. Due to sight distance restrictions, vehicles exiting the proposed site (via the driveway on NYS Route 144) will be limited to right turn movements only. It is recommended that NYS Route 144 (River Road) be widened to accommodate a left turn lane into the proposed site to increase safety by separating through traffic on NYS Route 144 (River Road) from vehicles slowing to turn into the site. As noted in the Draft SEIS traffic analysis mitigation, advanced guidance signage, intersection lighting and driveway warning advisory signage will be proposed as part of the NYSDOT highway work permit plans to increase visibility of the proposed driveway and installation shall occur prior to the issuance of a Certificate of Occupancy by Town of Bethlehem.
  - f. Along NYS Route 144 in the vicinity of the southern access driveway advanced notice signage to be installed prior to the issuance of a Certificate of Occupancy by Town of Bethlehem to aid in notifying drivers in advance of the site driveway being visible.
  - g. Vegetation removal along both sides of NYS Route 144 (River Road) shall be included in the NYSDOT highway work permit in order to maximize sight distance for vehicles turning right out of the proposed driveway and completed prior to the issuance of a Certificate of Occupancy by Town of Bethlehem.
  - h. Within one year of the issuance of a Certificate of Occupancy by the Town of Bethlehem, a pre-post development speed study shall be completed by the APDC at the proposed site driveways on NYS Route 144 to determine if the regulatory speed limits of 55-mph should be reduced to match the advisory speed limit of 45-mph. This study shall be coordinated with and approved by NYSDOT.
- L. Site ingress and egress during construction and for emergency response would be via the southern access driveway, connecting the Project Site to River Road, and via South Port Road. Prior to construction, the APDC or applicant will apply for a permit from the NYSDOT to allow the southern driveway to operate as a full access ingress/egress driveway to be used for construction and emergency access. The construction access permit will include a detailed Maintenance and Protection of Traffic Plan (MP&T) that will include work zone speed limit (reduction) signage (to address limited sight distance resulting from existing regulatory 55 MPH posted speed limit), truck entrance signage, traffic calming barriers (cones, barrels) and advance traffic control warning features (signage with beacons, etc.).
- M. Prior to issuance of a Building Permit by the Town of Bethlehem, the APDC will deposit a total of \$72,120 into a Town escrow (hold on deposit) account to be set aside for the Town to use for APDC proportional share of the future installation cost of a new traffic signal improvement at the Glenmont Road/NYS Route 144 (River Road) intersection.
- N. Port of Albany will include as part of their operational agreement with Marmen-Welcon, a condition that will require that their deliveries enter and exit along the required truck routes and avoid South Pearl Street. This condition will also be made part of the trucking service contract that Marmen-Welcon will execute with their trucking service provider. The trucking service carrier will then communicate the required truck route to be followed including turn by turn direction which will be printed on the Bill of Lading which is provided to every truck driver prior to delivery. Violators will be penalized through progressive actions such as judicial injunction with the possibility of termination of the trucking service contract and/or lease. It is

expected that any deliveries from carriers such as the USPS, FedEx or UPS to the Project Site would be handled by adding such deliveries to the delivery vehicle routes already in place on the transportation network.

- O. The APDC will implement a quarterly audit of Marmen-Welcon trucking service contracts to ensure the identified truck routes are being followed. The APDC shall require Marmen-Welcon to maintain monitoring logs reflecting routes taken by drivers based on GPS data or other measures to be determined at time of site plan review. The weekly logs shall be provided to APDC during the quarterly audit. It is commonplace and industry standard to have GPS units on all trucks. Some asset companies also require drivers to use handheld GPS units. These GPS units allow trucking companies and brokers to monitor the routes taken and driving behavior for all shipments and contract deliveries. The Town shall have the right to request and the APDC or tenant shall provide monitoring logs upon request.
- P. The APDC shall complete the design phase reflecting roadway upgrades to Smith Boulevard from Boat Street to Raft Street, including a portion of Raft Street, and complete the improvements to Smith Boulevard and Raft Street reflected in the design prior to the issuance of a Certificate of Occupancy by the Town of Bethlehem, as these roadway infrastructure improvements serve as mitigation to accommodate the required truck route.
- Q. The new north access roadway (Normanskill/Port Road South) is required to be improved starting at the new bridge over the Normans Kill extending approximately the entire length to Raft Street, and completed prior to the issuance of a Certificate of Occupancy by the Town of Bethlehem. Design of these improvements will be finalized prior to site plan approval.

**The Planning Board finds that the proposed Action will cause significant adverse environmental impacts to “Traffic and Transportation” and that potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

### **3.8 Drainage**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-49
- B. A drainage design report was prepared by McFarland Johnson updated in October 2021 located in SDEIS appendix A-3. The purpose of the report was to assess the stormwater quality, quantity, and erosion and sediment control for the development of the site. The report was developed in accordance with the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 (Permit) and the NYSDEC Stormwater Management Design Manual.

#### ***Potential Impacts***

- C. Proposed Project will change the surface coverage of the National Grid site, increasing impervious by 2.2 acres.
- D. 700 Smith Boulevard is currently capped with a recycled asphalt material and therefore no increase in runoff will occur and no impact.

#### ***Mitigation***

- E. A SWPPP was developed in accordance with the permit regulations. The SWPPP will be reviewed and approved by the Town of Bethlehem as the MS4. The SWPPP is prepared in accordance with the NYSDEC Manual and will meet the following criteria as the principal objectives contained in an approved SWPPP.
  - a. Reduction or elimination of erosion and sediment loading to waterbodies during construction activities. Controls will be designed in accordance with the NYSDEC's New York State Standards and Specifications for Erosion and Sediment Control.
  - b. Mitigate the impact of stormwater runoff on the water quality of the receiving waters.
  - c. Mitigate the increased peak runoff rate of runoff during and after construction.
  - d. Maintenance of stormwater controls during and after completion of construction.
- F. All measures will be designed per the NYSDEC requirements and enforced during construction activities.
- G. A NYSDEC approved remedial program will be implemented and may include if needed a Health and Safety Plan (HASP), Community Air Monitoring Plan (CAMP) and Excavation Work Plan (EWP) to mitigate the movement of any subsurface material that may be exposed at 700 Smith Boulevard.
- H. An SPDES permit (General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001) will be required for the Project. Pursuant to NYSDEC Stormwater Management regulations, the Project will not be required to provide water quantity controls as it will discharge directly to a tidal water (Hudson River and Normans Kill).

**The Planning Board finds that the proposed Action will not cause significant adverse environmental impacts to "Drainage," and that any potential impacts will be minimized and mitigated as set forth above.**

### **3.9. Water Service (Potable and Fire Protection)**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-51
- B. Building E located at 700 Smith Blvd will connect to the existing water infrastructure owned by the City of Albany along Smith Boulevard.
- C. Associated with the increase in height of the buildings located in the Town of Bethlehem, McFarland Johnson, Inc. determined the Marmen Welcon manufacturing plant domestic and the fire protection demand. Based upon these demands, an updated evaluation of the Town of Bethlehem water distribution hydraulics was conducted by the Town of Bethlehem Department of Public Works.

#### ***Potential Impacts***

- D. Building E will be served by the City of Albany water distribution system. The City water department has determined that their system can provide the required domestic and fire protection demands.
- E. McFarland Johnson, Inc. determined that the Marmen Welcon manufacturing plant domestic demand for Buildings A – D is 20.5 gpm and the fire protection demand is 2,000 gpm.

- F. Based upon an updated evaluation of the Town Water Distribution hydraulics conducted by the Town Department of Public Works, the Town water distribution system can provide the domestic demand; however, the system cannot provide the fire protection demand without significant Town wide improvements.

***Mitigation***

- G. A new watermain, constructed by the APCD, will be brought into the site from NYS Route 144 and will have adequate water to supply potable (domestic) only water as coordinated with the Town of Bethlehem. The water service size is to be determined during the site plan review process and approved by the Town.
- H. As a result of several meetings with the Town Department of Public Works and Engineering Department, Town Code Enforcement Officer, Selkirk Fire District, MJ Engineering and the Town Planning Department, the following has been agreed to:
- I. The total demand needed for potable/domestic and fire protection is 2,000 gpm. The Town system does not have the capacity to provide such demand without significant improvements, therefore all fire protection (building sprinklers and hydrants) will be served by two vertical shaft turbine pumps over a wet well pit that will draw water from the Hudson River. Each pump will have a capacity to draw 2,500 gpm. The second pump is for redundancy in the event one pump needs to be shut down for maintenance, repair or replacement.
- J. All Domestic and Fire protection waterlines within the Project Site will be privately constructed, owned and maintained.
- K. Water during construction would be supplied temporarily by the contractor(s).
- L. The 700 Smith Boulevard development within the existing Albany Port District will connect to the existing 12" main that runs adjacent to the site. The building is estimated to have a demand of approximately 1,100 gpd. The City water department has indicated that their system has adequate capacity to serve this project.

**The Planning Board finds that the proposed project will not cause significant adverse environmental impacts to "Water Service" and that the potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

**3.10 Sanitary Sewer**

***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-51.
- B. Building E located at 700 Smith Boulevard will connect to the existing sewer infrastructure owned and maintained by the Albany County Water Purification District.

***Potential Impacts***

- C. Building E is calculated to generate approximately 1,100 gpd of sanitary waste. This site was previously developed with buildings and the proposed development will connect to the same City sewer main.

***Mitigation***

- D. Building E located at 700 Smith Boulevard is within the existing Albany Port District will connect to the existing 12" VCP sanitary sewer main and discharges to the Albany County Water Purification Plant. The City water department has indicated that their system has adequate capacity to serve this project.

**The Planning Board finds that the proposed Action will not cause significant adverse environmental impacts to "Sanitary Sewer" and that any potential impacts will be minimized and mitigated as set forth above.**

**3.11 Historic, Cultural and Archeological Resources**

***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-52.

***Potential Impacts***

- B. The parcel at 700 Smith Boulevard was previously used as a rail yard then a metal recycling facility, and the National Grid property has been developed with buried gas lines and overhead electrical lines. Given the previous disturbance and industrial and commercial uses of the National Grid lands and 700 Smith Boulevard, it is not anticipated that there will be impacts to archaeological resources.
- C. The Project now include buildings that exceed the previously evaluated 85 feet height. The Marmen Welcon Manufacturing facility consists of Building A with a maximum height of 100 feet, Building C will have a roof height of 83 feet with exhaust stacks extending to a height of 110 feet, and Building D with a height of 93 feet.
- D. Letters were received from Stockbridge-Munsee Tribal Historic Preservation office (SMC THPO) and NYSOPRHP on December 6, 2021 and December 9, 2021 respectively. SMC THPO found that the plant as currently proposed would have an Adverse Effect on the visual and scenic attributes of the landscape as a result of the visual contrasts of the building structures and yellow color scheme of the temporarily stored transition pieces. Additionally, SMC THPO requested an acoustic noise assessment to evaluate potential noise impacts the project may have on Papscaanee Island Historic District.
- E. An executive summary along with updated visual simulations were provided to SMC THPO and NYSOPRHP as requested to show winter scenarios and greater context of the surrounding development, including the PSEG properties. A copy of the executive summary memo has been included in FSEIS Appendix DD. As the simulation demonstrated, the Project has a lower vertical profile from what is existing to the south (PSEG Power Plant) and north (Albany Port District).
- F. A supplemental letter and visual simulation were submitted to NYSOPRHP dated July 27, 2021, and January 25, 2022 regarding the increased maximum height of the proposed development from 85 feet to 110 feet. As demonstrated by the applicant's documentation the increase in building height will not adversely affect properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places.
- G. The executive summary included the results of the noise assessment conducted by proactive



environmental solutions. The analysis concluded that no perceptible change is expected in sound levels observed at locations represented by MS-1, MS-2 and MS-3, when compared to current peak and average continuous equivalent sound levels as a result of this Marmen-Welcon Manufacturing Plant. Therefore, the project will not have an adverse effect on noise.

- H. The full noise assessment is available in FSEIS Appendix DD.
- I. All exterior site lighting will be building mounted except for the parking lot. A photometric lighting plan has been provided, Drawings LT-01 and LT-02, which demonstrate that the light levels at the property line of the project will be zero and the shoreline along the Hudson will be dark. Marmen-Welcon has indicated that there is no intent to load or unload barges at night and therefore the lighting associated with the Wharf, which is required by Federal Maritime Commission standards, will be off and only be used for emergency situations.

#### ***Mitigation***

- J. The project retains a 2,000 linear foot vegetative buffer to help screen the project. The limits of this vegetative buffer shall be clearly shown on the site plan. During construction, orange construction fencing shall be installed to delineate the boundaries in the field to alert contractors the buffer is to remain. Long-term measures will be taken to ensure that the wooded buffer along the shoreline is maintained. The protective measures could include either a deed restriction or an easement with language describing how the buffer shall be maintained, or permanent fencing with signage. Additionally, new plantings of native species should be installed should existing trees die or fail to survive. Final measures to be determined during site plan review with the Bethlehem Planning Board.
- K. The transition pieces will be stored behind the vegetative buffer to serve as a screen to offset any visual impacts. The buffer varies from 55 feet to 115 feet wide. Within this buffer area the proposed vegetation to remain will have a bandwidth that ranges from 30 feet to 70 feet wide.
- L. THPO issued their letter of No Adverse Effect on March 2, 2022.

**The Planning Board finds that the proposed Action will not cause significant adverse environmental impacts to “Historic, Cultural and Archeological Resources” and that any potential impacts will be minimized and mitigated as set forth above.**

### **3.12 Aesthetic and Visual Resources**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-54.
- B. McFarland Johnson, Inc., completed a Visual Impact Assessment in June of 2021 to assess potential impacts to the Area of Visual Effect (AVE) based upon the Marmen Welcon building heights and is included in SDEIS appendix H.

#### ***Potential Impacts***

- C. The Project includes buildings as well as exhaust stacks estimated to be between 72 feet to 100 feet with exhaust stacks up to 110 feet high, which will exceed the allowable 60-foot height permissible by local zoning.

**Mitigation**

- D. An area variance from the Zoning Board of Appeals to address the building heights shall be pursued as needed.
- E. Building architectural design will be in keeping with the aesthetic nature of the surrounding buildings in the area.
- F. Proposed mitigation for sensitive receptors:
  - a. Location 1: Location 1 is at the end of South Port Street looking south into the site. The Project can be seen from this location. This viewshed is from the approaching access road through an existing industrial area. The access road is not a heavily trafficked thoroughfare and is only anticipated to be used by people accessing the site; furthermore, it is not practical to screen the Project from the access road. No additional mitigation is recommended at this location.
  - b. Location 2: Location 2 is at northwest property line of the Project looking east into the site. The Project is partially visible from this location. This viewshed is within the access easement to the northern portion of the property. The Project has chosen not to use this access easement instead leaving the existing vegetation in place to screen the Project from both NYS Route 144 and the residence to the northwest. At this location the Project is viewed through the high voltage transmission lines originating at the PSEG plant and the existing railroad bed. The existing vegetation does screen the majority of the Project and no further mitigation is recommended at this location.
  - c. Location 3: Location 3 is on NYS Route 144 at the proposed southwest entrance to the Project looking east into the Project Area. This viewshed is within the right of way of NYS Route 144. The existing berm, screening the Project from NYS Route 144, has been retained to the greatest extent possible. While the Project can be seen from this location, it is anticipated that a viewer in a moving vehicle would only be able to see the Project for the briefest of moments. No additional mitigation is recommended at this location.
  - d. Location 4: Location 4 is from Glenmont Road at the location of cleared vegetation allowing a view of the Hudson Valley looking east toward the Project. This viewshed is from Glenmont Road at a higher elevation and west of the Project. The Project is only slightly visible from this location. The vast majority of the Project is screened by existing vegetation with only the very tops of the buildings visible. No additional mitigation is recommended at this location.
  - e. Location 5: Location 5 is from the Hudson River looking west into the site. The Project is visible from this location. Along this stretch of the Hudson, many of the uses with direct river frontage are industrial, and views from the Hudson are already significantly impacted by the presence of these uses, particularly the PSEG plant to the south. Directly across the Hudson on the east bank are multiple bulk oil storage facilities. Directly to the north is the existing Port of Albany. The following mitigation will be implemented:
- G. Preserve approximately 2,000 linear feet of existing vegetation buffer along the Hudson shoreline to partially screen the project from the Hudson River. This buffer will be approximately 55 feet to 115 feet wide. Within this buffer area the proposed vegetation to remain will have a bandwidth that ranges from 30 feet to 70 feet wide.
- H. Transition pieces, once produced at the proposed facility, will be stored behind the vegetation

buffer to partially screen the temporarily stored product.

- I. The building colors have been chosen to blend into the existing surroundings. All lighting on the Project will be full cut off, dark sky compliant and will not spill onto neighboring properties.

**The Planning Board finds that the proposed Action will not cause significant adverse environmental impact to “Aesthetic and Visual Resources” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

### **3.13 Land Use and Zoning**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-57.

#### ***Potential Impacts***

- B. Building heights ranging from 73 feet to 100 feet with exhaust stacks extending 110 feet, exceeds the 60-foot maximum allowed per town code.
- C. The following area variances will be needed; Front yard setback; landscaping area in parking lots, and development in the floodplain along the Normans Kill.

#### ***Mitigation***

- D. All area variances from the Zoning Board of Appeals shall be pursued as needed.
- E. The proposed maximum height dimension of 110 feet is in character with the building and structure height of the adjacent properties surrounding the Project Site. The Port of Albany to the north has silos that are approximately 90 feet tall, and the PSEG property immediately to the south has buildings ranging in height from approximately 85 feet to 145 feet and stacks that are approximately 230 feet tall.
- F. The property has been determined to not be visible from the Ezra Prentice community or from Papskanne Island Nature Preserve and as such, no additional mitigation measures are proposed.

**The Planning Board finds that the proposed Action will not cause any significant adverse environmental impact to “Land Use and Zoning” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

### **3.14 Community Character and Compatibility with Comprehensive Plan**

#### ***Environmental Setting***

- A. The environmental setting is set forth in FSEIS beginning on page 4-60.

#### ***Potential Impacts***

- B. The Project Site will be developed in accordance with the Town of Bethlehem Code regulating uses in the Heavy Industrial District, Comprehensive Plan and the Local Waterfront Revitalization Program (LWRP), and therefore will not require any mitigation measures.
- C. The Project will help achieve the goals in the City of Albany's Comprehensive plan by creating jobs and help New York State in achieving its renewable energy goals by providing additional Port infrastructure, warehouse space, cargo and wharf capacity necessary for the manufacturing and distribution of wind tower components.

***Mitigation***

- D. The project site is zoned Heavy Industrial and the Marmen-Welcon project is a heavy industrial manufacturing use. The project is surrounded by existing heavy industrial businesses within the industrial corridor.
- E. The project is compatible with both the Town and City LWRP and Comprehensive Plans as both plans identified this property to be developed as industrial and generate economic development opportunities with the need for maritime components. The Marmen-Welcon manufacturing facility is a heavy industrial manufacturing plant that will generate 550 permanent jobs and ship tower sections to be installed in the Atlantic Ocean.

**The Planning Board finds that the proposed Action will not cause significant adverse environmental impact to "Community Character and Compatibility with Comprehensive Plan".**

**3.15 Emergency Services**

***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-62.
- B. The City of Albany fire department has indicated that they can serve the Building E at 700 Smith Boulevard.

***Potential impacts***

- C. The 21,000 square foot Building E located at 700 Smith Boulevard, Albany could have a potential impact on police, fire, and emergency services.
- D. Minimal added cost expected for City of Albany Police Department and EMS.
- E. The additional height of the buildings located within the Town of Bethlehem could have potential impacts for fire emergency services of the Selkirk Fire District.

***Mitigation***

- F. Building E will be constructed according to current standards of the NYS Uniform Code for fire prevention and will be fully sprinklered.
- G. Roads and internal site circulation will be designed and built to meet or exceed City building and fire code requirements including ability to accommodate emergency service vehicles.
- H. Regarding the buildings located in the Town of Bethlehem, internal site circulation and roads

will be designed and built to meet the NYS Fire Code and firefighting procedures of the Selkirk Fire District. The APDC has agreed to provide Selkirk Fire District a payment for services as follows: \$4,500 per year during construction and \$27,500 per year until 2026, at which time a new agreement will be negotiated.

- I. The GEIS Findings Statement provides mitigation of impacts to Bethlehem police and Delmar-Bethlehem EMS service through an annual contribution of funds. The amount and terms of an agreement to effectuate the contribution shall be determined at site plan review.

**The Planning Board finds that the proposed Action will not cause significant adverse environmental impact to "Emergency Services" and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

**3.16 School District**

*Environmental Setting*

- A. The environmental setting is set forth in FSEIS beginning on page 4-62.
- B. No residential development will occur. Therefore, the City of Albany Central School District is not anticipated to incur any increased enrollment of students as a direct result of Marmen Welcon Building E.

*Potential Impacts*

- C. No significant adverse impacts on the School District are found.

**The Planning Board finds that the proposed Action will not have any significant adverse environmental impacts on the "School District".**

**3.17 Fiscal and Economic Impact**

*Environmental Setting*

- A. The environmental setting is set forth in the FSEIS beginning on page 4-62.
- B. An updated economic impact analysis conducted by Camion Associates Economic Development (located in SDEIS Appendix J) based on the Marmen Welcon Manufacturing plant indicates that 52% of the Countywide economic impact of the project will occur in the Town of Bethlehem based on jobs. Assuming 320 on-site jobs, the total job impact to the Town of Bethlehem would be 358 jobs compared to 684 jobs to Albany County. A total of 38 indirect jobs will be created in the Town of Bethlehem compared to 364 indirect jobs created in Albany County.

*Potential Impacts*

- C. Minimal added cost expected for City of Albany Police Department and City of Albany EMS.

*Mitigation*

- D. Minimal added cost associated with 700 Smith Boulevard is anticipated to be off-set by the Payments-In-Lieu-Of-Taxes that APDC currently pays to the City of Albany.

**The Planning Board finds that the proposed Action will not cause any significant adverse environmental**

Attachment: SEQR Resolution Adopting SEQR Findings (9631 : APDC SEQR)

impact to “Fiscal and Economic Resources” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

### **3.18 Recreation and Open Space**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-63.
- B. Building E is located approximately 0.4 miles from the Ezra Prentice community. The Ezra Prentice community has a playground within the community, meaning the playground is also approximately 0.4 miles from the supplemental Project Area.

#### ***Potential Impacts***

- C. Based on Building E at 700 Smith Blvd., the volume of site generated traffic on Island Creek Park was compared to the volumes outlined in the FGEIS, and the proposed tenant will generate less car and truck traffic passing Island Creek Park.
- D. The area surrounding the Project Site is characterized as industrial facilities. The Project will not alter current recreation activities access including the bike trail or boat launches, as it will not alter access to these points, add to additional users, or hinder those activities. No mitigation measures are required for the Project.
- E. The Proposed Action will not impact recreation and open space for the Ezra Prentice Homes, including the Ezra Prentice community playground, as such no mitigation measures are required for the Project.

**The Planning Board finds that the proposed Action will not cause any significant adverse environmental impacts to “Recreation and Open Space”.**

### **3.19 Solid Waste Disposal**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-64.
- B. Commercial solid waste, including municipal solid waste (MSW) and construction and demolition debris (C&D), handling services in the City of Albany are provided by permitted private sector waste haulers.

#### ***Potential Impacts***

- C. Based on the capacities and estimated life spans of the Rapp Road Landfill and the Town of Colonie Landfill, adequate space for the disposal of solid waste attributable to during construction and operation of the project is available at this time and into the near future.
- D. No Impact is anticipated as existing facilities have capacity for solid waste during construction and operation.
- E. During construction, individual contractors reserve the right to transport their generated solids wastes directly to commercially available disposal facilities. Since both the Rapp Road

and Town of Colonie landfills have adequate capacities to accept the solid waste from this project, there is no impact of this Project, and no mitigation is necessary.

- F. The City of Albany has a mandatory residential and commercial recycling policy in place

**The Planning Board finds that the proposed Action will not cause significant adverse environmental impact on "Solid Waste Disposal".**

### **3.20 Environmental Justice**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-66
- B. 700 Smith Boulevard is located within a NYSDEC mapped Potential Environmental Justice (EJ) Area and is located approximately 0.4 miles southeast of the Ezra Prentice Homes, which has been designated an Environmental Justice Community by the NYSDEC.
- C. To evaluate potential impacts on the Ezra Prentice community, the FSEIS conducted detailed analysis on climate, air quality and traffic and Transportation as outlined in FSEIS Section 3.6 Climate and Air Quality and Section 3.7 Traffic and Transportation.

#### **Potential Impacts**

- D. Ezra Prentice community is a nearby community occupied by low-income predominately minority public housing. Some residents of Ezra Prentice community have expressed concerns over air quality, public health, and quality-of-life impacts from existing local commercial operations and traffic related to the trucks that pass through the neighborhood along South Pearl Street and trains in the adjacent CXS railroad yard to the east.
- E. Increased truck and rail traffic near the Ezra Prentice neighborhood and potential air toxin increases from truck and rail traffic.
- F. An additional 4-5 rail cars are projected to be added to the existing trains that currently pass through the rail yard and therefore will not add any additional noise or diesel emissions impact to the Ezra Prentice neighborhood. The additional 1-2 trains per month is a slight increase to the roughly 30- 35 trains that already pass through the area. Noticeable impacts to the Ezra Prentice community from slight increase in rail operations is not anticipated as a result of the proposed development.
- G. The Proposed Project will not have any noticeable impacts to the existing pedestrian and bicycle activities in the Ezra Prentice community.

#### **Mitigation**

- H. The Project Site is located south of a NYSDEC mapped Potential Environmental Justice (EJ) Area. The Project Site is also located approximately 0.4 miles southeast of the Ezra Prentice Homes, located within the mapped potential EJ area, which has been designated an Environmental Justice Community by the NYSDEC.
- I. The APDC shall implement a Public Participation Plan pursuant to NYSDEC CP-29 policy.
- J. The Project is located in an industrial zone and has no noise sensitive receptors (e.g.,

residential land uses) immediately adjacent to the property boundary. The Project Area is bordered by the Hudson River to the east, PSEG Power Plant to the south, National Grid high transmission power lines and railroad tracks to the west and the Port of Albany to the North. Additionally, the manufacturing process will be performed completely indoors with a state-of-the-art technology and motors covered with insulated material.

- K. Where truck traffic is anticipated, all truck traffic will be routed through the existing Port District, utilizing the Church Street entrance, and as such would not be traveling through the Ezra Prentice Homes community. An additional 5-8 rail cars are projected to be added to the existing trains that currently pass through the rail yard and therefore will not add any additional noise or diesel emissions impact to the Ezra Prentice neighborhood. The Project will not increase the number of trains per week. Noticeable impacts to the Ezra Prentice community from slight increase in rail operations is not anticipated as a result of the proposed development.
- L. The Proposed Project will not have any noticeable impacts to the existing pedestrian and bicycle activities in the Ezra Prentice community.
- M. The mitigation measures related to potential traffic, climate and air impacts include the establishment of a required truck route that will utilize the existing Port roadway system. The Project will require that truck traffic ingress and egress travel via the Church Street entrance to the Port of Albany or via the South Port Road entrance with the addition of prohibiting exiting (westbound) right hand turns. There will be no added truck traffic to South Pearl Street through the Ezra Prentice community as a result of this Project. Therefore, the Project will not adversely impact the Ezra Prentice community via truck traffic. All truck traffic will be routed through the existing Port District and will avoid the Ezra Prentice neighborhood. Specific mitigation measures to address truck traffic are discussed in detail beginning on page 4-103 of the FGEIS and also Section 3.7 herein.
- N. NYSDEC Commissioner Policy CP-29 provides guidance for incorporating environmental justice concerns into the NYSDEC permit review process. NYSDEC Commissioner Policy 29 is initiated when a permit application is made to the NYSDEC. The Proposed Action will require at a minimum the following NYSDEC permits: SWPPP permit, Article 15 and Water Quality Certification. The Albany Port District Commission shall proactively complete the environmental justice review and public outreach process pursuant to the NYSDEC CP-29 policy.

**The Planning Board finds that the proposed Action will not cause any significant adverse environmental impact for “Environmental Justice” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.**

#### **4.0 REASONABLE ALTERNATIVES TO BE CONSIDERED**

##### 700 Smith Boulevard

For the receiving building (Building E), the APDC considered expanding onto the adjacent National Grid property, however, existing infrastructure, wetlands, and topography prohibited using this land for the receiving yard. No other property along Normanskill Street / South Port Road or nearby on River Road is available and therefore, the 14 acres at 700 Smith Boulevard is the closest property to the manufacturing facility that is available and controlled / owned by the APDC.



### Parking on National Grid Property

The amount of land area needed for employee parking is not available on the original 80-acre expansion property where the towers will be manufactured. As shown on the site plan the manufacturing plant occupies 4 buildings with the balance of the property being used for storage, circulation and the wharf. Therefore, an off-site solution is necessary. Due to the need that the employee parking is located as close to the buildings as possible, the alternative considered included the surrounding adjacent parcels. Properties along Normanskill Street /South Port Road were considered but none were available, and the property to the south owned by PS&G was also not available. The parking on the adjoining National Grid property is situated to minimize impacts to wetlands.

### Building Heights

Building C will have a building height of approximately 80 feet with 30-foot exhaust stacks. A height of 100 feet is needed for Building A because that is the minimum height required to allow for the manufacturing of the 10 meter (32-ft.) diameter x 50 meter (164-ft.) long tower sections. The height of the overhead cranes within the building and the building roof structure are at the minimum height required for safety, operations and building code requirements. The project eliminated the 70-meter (230-ft.) tower production line which would have required taller buildings.

### SAV Impacts

Various wharf lengths were considered for the Project ranging from an 800 - 1,300 linear foot wharf. Additionally, a recessed wharf was considered, which would have required increased dredging in the Hudson River. The original location of the wharf was further south, however, an SAV survey was completed by Biodiversity in 2020 identified three (3) SAV beds within the wharf location, which would have impacted more SAV's. Therefore, the proposed wharf location and size (500 linear feet by 93-ft. wide) was selected to meet the minimum needs of the Project while reducing impacts to the Hudson River and SAV.

**The Planning Board finds that the proposed Action is the most appropriate for the purposes of this SEQRA Review. With the minimization and mitigation measures set forth above, the Proposed Action has minimized and mitigated environmental impacts to the greatest extent practicable and the nature and economic benefits of the Project outweigh any remaining environmental impacts.**

### 5.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The Project will result in the development of currently vacant, and partially previously disturbed lands for industrial use. Once constructed, the lands would be unavailable for other potential uses for as far in the future as can be determined, based on what is currently known.

During construction natural and human resources will be consumed, converted, or made unavailable for future use. This would include building materials, fossil fuels, natural gas, and manpower. At this time, such resources are considered to be readily available and should not present a burden upon scarce materials or resources.

Future manpower commitments would include required emergency personnel services (police, fire, and medical services) in the event of an emergency. The project sponsor has received notice from the police, fire, and ambulance service that they have the resources to serve the Project.

The Project will not cause any irreversible and irretrievable commitment of resources as it relates to the Ezra Prentice community.

**The Planning Board finds that with the implementation of the identified mitigation measures, the Proposed Action is expected to result in positive, long-term overall impacts that will offset the identified irreversible and irretrievable commitment of resources.**

#### **6.0 GROWTH INDUCING ASPECTS**

The project is not anticipated to create a significant increase in the populations of local communities such that additional private or public services are required, as discussed in 2020 FGEIS.

#### **7.0 CUMULATIVE IMPACTS**

The overall Project is approximately 626,014 SF of new buildings within approximately 82 acres of development area and will provide approximately 550 full time jobs. The number of proposed employees and the overall building area are slightly less than that projected in the 2020 FGEIS; therefore, taking into consideration of past, present, and reasonably foreseeable future actions in the vicinity of the Project Area, should not result in significant cumulative impacts to the same resource(s).

#### **8.0 ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED**

The Project has been outlined such that adverse temporary and permanent environmental impacts will be minimized, avoided or mitigated to degree possible in accordance with local, state and federal guidelines and regulations.

Temporary, normal, unavoidable short-term impacts from construction will be mitigated using common industry practices. Dust will be mitigated utilizing methods such as spraying water. Noise will be mitigated by confining construction to work periods permitted by the Town and City and that all equipment is has operational exhaust and muffler systems. All truck traffic, including construction vehicles, will be routed through the existing City Streets through the Port District to avoid traveling on South Pearl Street through the Ezra Prentice community.

Environmental impacts that have been identified that cannot be minimized, avoided or mitigated include the following:

1. Removal of existing vegetation (low quality) and habitat modification within the project limits

The Project will result in unavoidable impacts that can be mitigated, all of which are summarized in FSEIS Table 1.3-1: Potential Impacts and Proposed Mitigation Measures.

All impacts have proposed mitigation measures that would reduce or eliminate the impacts within each discussion area. If the identified mitigation measures are implemented, the Project is expected to result in a positive, long term impact that will offset the adverse effects that cannot be avoided.

Overall, the use of a previously heavily disturbed vacant site, with existing infrastructure (roads and rail) and utilities (water, sewer, natural gas, and electric) already in place, is considered to be far more less likely to result in adverse environmental impacts as compared to the development of potentially less disturbed, more natural lands along the Hudson River.

**The Planning Board finds that with the implementation of these mitigation measures, the Proposed Action is expected to result in positive, long-term overall impacts that will offset the identified adverse effects that cannot otherwise be avoided.**

#### **9.0 CERTIFICATION**

**Certification to Approve/Fund/Undertake:**

Having considered the Supplemental Draft and Supplemental Final Environmental Impact Statements as well as the Final Generic Environmental Impact Statement and Findings Statement, and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

Town of Bethlehem Planning Board

**Name of Agency**



\_\_\_\_\_  
**Signature of Responsible Official**

**Brian Gyory, Planning Board Chair**

**Name/Title of Responsible Official**

**Contact Person:** Robert Leslie, AICP  
**Director of Planning** [rleslie@townofbethlehem.org](mailto:rleslie@townofbethlehem.org)

**Address of Agency:** Town of Bethlehem Planning Board  
445 Delaware Avenue  
Delmar, NY 12054

- Cc: US Army Corps of Engineers  
 New York State Department of Environmental Conservation  
 New York State Department of Transportation  
 New York State Office of General Services  
 New York State Department of State  
 New York State Energy and Research Development Authority  
 Albany County Health Department  
 Town of Bethlehem Town Board  
 Town of Bethlehem Planning Board  
 Town of Bethlehem Zoning Board of Appeals  
 Town of Bethlehem Department of Public Works  
 Board of Commissioners of the Albany County Water Purification District

**FINDINGS STATEMENT LIST OF ACRONYMS**  
(IN ALPHABETICAL ORDER)

ACOE	Army Corps of Engineers
AHA	Albany Housing Authority
AMMP	Avoidance, Minimization, and Mitigation Plan
APDC	Albany Port District Commission
AWWA	American Water Works Association
CAMP	Community Air Monitoring Plan
CDTC	Capital District Transportation Committee
DGEIS	Draft Generic Environmental Impact Statement
EJ	Environmental Justice
EMS	Emergency Medical Services
EPA	Environmental Protection Agency
EWP	Excavation Work Plan
FGEIS	Final Generic Environmental Impact Statement
FHWA	Federal Highway Administration
GEIS	Generic Environmental Impact Statement
GHG	Greenhouse gas
GPD	Gallons Per Day
GPM	Gallons Per Minute
GPS	Global Positioning System
HASP	Health and Safety Plan
LEED	Leadership in Energy and Environmental Design
LWRP	Local Waterfront Revitalization Program
MGD	Millions of Gallons Per Day
MPH	Miles Per Hour
MS4	Municipal Separate Storm Sewer System
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOT	New York State Department of Transportation
NYSOPRHP	New York State Office of Parks, Recreation, and Historic Preservation
ROW	Right of Way
SEQRA	State Environmental Quality Review Act
SMP	Site Management Plan
SPCC	Spill Prevention, Control, and Countermeasure
SPDES	State Pollution Discharge Elimination System
SSAP	Sediment Sampling and Analysis Program
SWPPP	Stormwater Pollution Prevention Plan
USACE	United States Army Corps of Engineers

**APPROVING RESOLUTION  
ALBANY PORT DISTRICT COMMISSION PROJECT**

A regular meeting of Town of Bethlehem Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Town of Bethlehem Town Hall located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York on March 25, 2022, at 8:00 o’clock, a.m., local time.

The meeting was called to order by the Chair and, upon roll being called, the following members of the Agency were:

**PRESENT:**

- |                 |           |
|-----------------|-----------|
| Victoria Storrs | Chair     |
| Tim Maniccia    | Secretary |
| Richard Kotlow  | Treasurer |
| David Kidera    | Member    |
| Jared Finke     | Member    |
| Chris Bub       | Member    |

**ABSENT:**

**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

- |                          |  |
|--------------------------|--|
| Catherine Hedgeman, Esq. | Executive Director, Assistant Secretary and Agency Counsel |
| Allen F. Maikels         | Treasurer, Chief Financial Officer and Contracting Officer |
| Robin Nagengast          | Assistant to the Executive Director                        |
| Robert Leslie            | Director, Department of Economic Development & Planning    |

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0322-\_\_\_\_

**RESOLUTION AUTHORIZING EXECUTION OF DOCUMENTS IN CONNECTION WITH A LEASE/LEASEBACK TRANSACTION FOR A PROJECT FOR ALBANY PORT DISTRICT COMMISSION (THE “APDC”).**

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

Attachment: APPROVING RESOLUTION (9632 : APDC Approving)

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, in September, 2021, the Albany Port District Commission, a New York State public benefit corporation (the “APDC”), submitted an application (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of the APDC, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 81 acres located on Port Road South (tax map number 98.01-2-1) and East of River Road (NYS Rt. 144) south of Normans Kill and north of PSEG property (tax map number 98.00-2-10.23) in the Town of Bethlehem, Albany County, New York (collectively, the “Land”), (2) the construction on the Land of four (4) buildings containing in the aggregate approximately 560,000 square feet of space, a bridge, related parking and various infrastructure improvements (collectively, 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 hereinafter referred to as the “Project Facility”), all of the foregoing to constitute an industrial/manufacturing facility to be owned by the APDC and operated by a joint venture third party operator as a wind tower manufacturing and shipping facility and any other directly and indirectly related activities; (B) the granting of certain potential “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 (the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the APDC or such other person as may be designated by the APDC and agreed upon by the Agency; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the Agency on September 24, 2021 (the “Public Hearing Resolution”), the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on September 30, 2021 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on September 28, 2021 at the Town Hall Auditorium located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York, (C) caused notice of the Public Hearing to be published on October 1, 2021 in the Albany Times Union, a newspaper of general circulation available to the residents of Town of Bethlehem, New York, (D) conducted the Public Hearing on October 13, 2021 at 4:30 p.m., local time at the Town Hall Auditorium located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York 12054, and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on December 17, 2021 (the “Preliminary Term Sheet Resolution”), the Agency approved an IDA Term Sheet (the “IDA Term Sheet”) outlining the Financial Assistance the Agency would provide, which assistance was contingent upon (A) the completion of the SEQRA (as hereinafter defined) review by the Town of Bethlehem Planning Board (the “Planning Board”), (B) the preparation, review and finalization of the documents providing for an IDA straight lease transaction (the “APDC Documents”) outlined below, such documents to be subject to review

and approval by the Agency Counsel, and (C) adoption by the Agency of an “approving resolution” which approves the APDC 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 (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, “SEQRA”), (A) the Executive Director of the Agency has reported to the members of the Agency, as follows: (1) that all state and local governmental agencies identified as “involved agencies” with respect to the Project have agreed that the Town of Bethlehem Planning Board should act as the “lead agency” (the “Lead Agency”) pursuant to SEQRA with respect to the Project; (2) the Lead Agency on May 5, 2020, accepted a final generic environmental impact statement (the “FGEIS”) prepared with respect to the Project, which analyzed and evaluated potential environmental impacts equally with social and economic factors associated with the conceptual development of the Project; (3) on June 2, 2020, the Lead Agency adopted the FGEIS Findings Statement, which established thresholds pursuant to SEQRA to be followed during the design, construction and operations phase of a future specific Project; (4) a supplemental draft environmental impact statement (the “SDEIS”) was submitted to the Lead Agency on November 16, 2021; (5) the Lead Agency accepted the supplemental final environmental impact statement (the “SFEIS”) on March 1, 2022; (6) the staff of the Agency received a copy of the FGEIS, the SDEIS and the SFEIS; (7) the staff of the Agency reviewed the FGEIS, the SDEIS and the SFEIS; (8) the staff of the Agency also received a copy of a Planning Board’s Findings Statement relative to the FGEIS, the SDEIS and the SFEIS (the “Findings Statement”), which Findings Statement was adopted by the Lead Agency on March 15, 2022; and (9) the staff of the Agency reviewed the Findings Statement and (B) by resolution adopted by the members of the Agency on March 25, 2022 (the “SEQR Resolution”), the members of the Agency (1) concurred in the determination by the Town of Bethlehem Planning Board should act as the “lead agency” pursuant to SEQRA with respect to the Project; (2) adopted the Findings Statement as the Agency’s written findings statement relative to the Project, as required by Section 617.11(c) of the Regulations and (3) determined to proceed with the Project; and

WHEREAS, the Agency has given due consideration to the Application, and to representations by the APDC that (A) the granting by the Agency of the Financial Assistance with respect to the Project will be an inducement to the APDC to undertake the Project in the Town of Bethlehem, New York and (B) the completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York; and

WHEREAS, the Agency desires to encourage the APDC to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of the Town of Bethlehem, New York by undertaking the Project in the Town of Bethlehem, New York; and

WHEREAS, in order to consummate the Project and the granting of the Financial Assistance described in the notice of the Public Hearing, the Agency proposes to enter into the following documents (hereinafter collectively referred to as the “Agency Documents”): (A) a certain lease to agency (the “Lease to Agency” or the “Underlying Lease”) by and between the APDC, as landlord, and the Agency, as tenant, pursuant to which the APDC will lease to the Agency the Land and all improvements now or hereafter located on said portion of the Land (collectively, the “Leased Premises”); (B) a certain license agreement (the “License to Agency” or the “License Agreement”) by and between the APDC, as licensor, and the Agency, as licensee, pursuant to which the APDC will grant to the Agency (1) a license to enter upon the Land (the “Licensed Premises”) for the purpose of undertaking and completing the Project and (2) in the event of an occurrence of an Event of Default by the APDC, an additional license to enter upon the Licensed Premises for the purpose of pursuing its remedies under the Lease Agreement (as hereinafter defined); (C)

a lease agreement (and a memorandum thereof) (the “Lease Agreement”) by and between the Agency and the APDC, pursuant to which, among other things, the APDC agrees to undertake the Project as agent of the Agency and the APDC further agrees to lease the Project Facility from the Agency and, as rental thereunder, to pay the Agency’s administrative fee relating to the Project and to pay all expenses incurred by the Agency with respect to the Project; (D) a uniform agency project agreement (the “Uniform Agency Project Agreement”) by and between the Agency and the APDC regarding the granting of the financial assistance and the potential recapture of such assistance; (E) a certain recapture agreement (the “Section 875 GML Recapture Agreement”) by and between the APDC and the Agency, required by the Act, regarding the recovery or recapture of certain sales and use taxes; (F) a sales tax exemption letter (the “Sales Tax Exemption Letter”) to ensure the granting of the sales tax exemption which forms a part of the Financial Assistance; (G) a New York State Department of Taxation and Finance form entitled “IDA Appointment of Project Operator or Agency for Sales Tax Purposes” (the form required to be filed pursuant to Section 874(9) of the Act) (the “Thirty-Day Sales Tax Report”) and any additional report to the Commissioner of the State Department of Taxation and Finance concerning the amount of sales tax exemption benefit for the Project (the “Additional Thirty-Day Project Report”); and (H) various certificates relating to the Project (the “Closing Documents”);

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

Section 1. All action taken by the Executive Director of the Agency, Agency Counsel and Agency Special Counsel with respect to the Public Hearing with respect to the Project is hereby ratified and confirmed.

Section 2. The law firm of Whiteman Osterman & Hanna LLP is hereby appointed Special Counsel to the Agency with respect to all matters in connection with the Project. Special Counsel for the Agency is hereby authorized, at the expense of the APDC, to work with the APDC, counsel to the APDC, counsel to the Agency and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution. Special Counsel has prepared and submitted an initial draft of the Agency Documents to staff of the Agency.

Section 3. The Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act;

(B) The Project constitutes a “project,” as such term is defined in the Act;

(C) The Project site is located entirely within the boundaries of the Town of Bethlehem, New York;

(D) It is estimated at the present time that the costs of the planning, development, acquisition, construction and installation of the Project Facility (collectively, the “Project Costs”) will be approximately \$235,213,646;

(E) The completion of the Project will not result in the removal of a plant or facility of any proposed occupant of the Project Facility from one area of the State of New York to another area in the State of New York and will not result in the abandonment of one or more plants or facilities of any occupant of the Project Facility located in the State of New York;



(F) The Project Facility does not constitute a project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project, and accordingly the Project is not prohibited by the provisions of Section 862(2)(a) of the Act;

(G) The Project should receive financial assistance in the form of an exemption from sales tax based on the following factors contained in Section 1703 of the Agency's Uniform Tax Exemption Policy ("UTEP"):

- (1) the nature of the Project Facility is industrial/manufacturing (Factor #1);
- (2) the nature of the real property before the Project is undertaken is vacant land (Factor #2);
- (3) the general economic condition of the area where the Project Facility will be located is generally under-developed (Factor #3);
- (4) the Project will create a significant number of permanent private sector jobs (Factor #4);
- (5) the estimated value the tax exemptions (i.e., exemption from sales tax) to be provided is approximately \$853,000 (Factor #5);
- (6) the impact of the Project on affected tax jurisdictions is beneficial as the Project will stimulate development and growth in the Capital District (Factor #6);
- (7) the impact of the Project will be beneficial to existing and proposed businesses (the Project reflects a significant NYS initiative of stimulating and assisting renewable energy projects in NYS in general and the Capital District in particular) (Factor #7);
- (8) the amount of private sector investment is approximately \$235,213,646 (Factor #8);
- (9) it is likely that the Project Facility will be completed on time (Factor #9);
- (10) the Town Planning Board has been the lead agency with respect to the Project and has issued a EIS and a Findings Statement with respect to the Project (Factor #10);
- (11) due to the increased development relating to the Project, it is expected that the Project will provide additional sources of revenue to the municipalities and school district in which the Project Facility is located (Factor #11);
- (12) it is expected that the undertaking of the Project will provide economic benefits not otherwise available in the Town of Bethlehem (Factor #12);
- (13) the affected tax jurisdictions will be reimbursed if the Project is not completed (i.e., the Agency will enter into a Uniform Agency Project Agreement providing for claw-backs (see Exhibit A attached)) (Factor #13);

(14) at the public hearing held by the Agency with respect to the Project, all persons who spoke supported the Project (Factor #14);

(15) it is expected that the Project Facility will have a minimal impact on the need for additional services and such issues were (Factor #15);

(16) the Financial Assistance and the involvement of the Agency are significant components in the ability of the APDC to undertake and complete the Project (Factor #16), and

(17) the Project is designed to provide for renewable energy facilities, and will utilize, to the fullest extent practicable and feasible, resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures (Factor #17).

(H) The provisions regarding potential claw-backs of the Financial Assistance are described in Exhibit A attached to this Resolution;

(I) The granting of the Financial Assistance by the Agency with respect to the Project will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of the Town of Bethlehem, Albany County, New York and the State of New York and improve their standard of living, and thereby serve the public purposes of the Act;

(J) The Agency has reviewed the Public Hearing Report and has fully considered all comments contained therein; and

(K) It is desirable and in the public interest for the Agency to enter into the Agency Documents.

Section 4. In consequence of the foregoing, the Agency hereby determines to: (A) accept the License Agreement; (B) lease the Project Facility to the APDC pursuant to the Lease Agreement; (C) acquire, construct and install the Project Facility, or cause the Project Facility to be acquired, installed and constructed; (D) enter into the Uniform Agency Project Agreement; (E) enter into the Section 875 GML Recapture Agreement; and (F) grant the Financial Assistance with respect to the Project.

Section 5. The Agency is hereby authorized (A) to acquire a license in the Licensed Premises pursuant to the License Agreement, (B) to acquire a leasehold interest in the Leased Premises pursuant to the Underlying Lease, (C) to acquire title to the Equipment pursuant to a bill of sale (the "Bill of Sale to Agency") from the APDC to the Agency, and (D) to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisitions are hereby approved, ratified and confirmed.

Section 6. The Agency is hereby authorized to acquire, construct and install the Project Facility as described in the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition, construction and installation are hereby ratified, confirmed and approved.

Section 7. The Chair of the Agency, with the assistance of Agency Counsel and/or Special Counsel, is authorized to negotiate and approve the form and substance of the Agency Documents.

Section 8. The Agency has been informed that Hodgson Russ LLP is acting as counsel to the

APDC with respect to the Project. As described in Section 2 above, the Agency has retained Whiteman Osterman & Hanna LLP to act as Agency Special Counsel with respect to the Project. The Agency hereby waives any potential conflict resulting from Hodgson Russ LLP acting as counsel to the APDC with respect to the Project, and on any other related or unrelated matters, and authorizes the Chief Executive Officer and/or the Chair to execute any document or documents evidencing such waiver.

Section 9. (A) The Chair of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agency Documents, 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, all in the forms thereof as the Chair shall approve, the execution thereof by the Chair to constitute conclusive evidence of such approval.

(B) The Chair of the Agency is hereby further authorized, on behalf of the Agency, to designate any additional Authorized Representatives of the Agency (as defined in and pursuant to the Lease Agreement).

Section 10. 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 Agency Documents, 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 Agency Documents binding upon the Agency.

Section 11. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Victoria Storrs	VOTING	_____
Tim Maniccia	VOTING	_____
Richard Kotlow	VOTING	_____
David Kidera	VOTING	_____
Jared Finke	VOTING	_____
Chris Bub	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

Attachment: APPROVING RESOLUTION (9632 : APDC Approving)

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ALBANY )

I, the undersigned Secretary of Town of Bethlehem Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 25, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_\_ day of March, 2022.

\_\_\_\_\_  
Secretary

(SEAL)

Attachment: APPROVING RESOLUTION (9632 : APDC Approving)

## EXHIBIT A

## DESCRIPTION OF THE RECAPTURE EVENTS

In connection with the Project and the granting of the Financial Assistance, the Agency and the Project Beneficiary agree that the following shall constitute recapture events with respect to the Project and the granting of the Financial Assistance:

- (1) failure to complete the acquisition, construction and installation of the Project Facility by the Completion Date;
- (2) liquidation of substantially all of the APDC's operating assets and/or cessation of substantially all of the APDC's operations;
- (3) relocation of all or substantially all of the APDC's operations at the Project Facility to another site, or the sale, lease or other disposition of all or substantially all of the Project Facility;
- (4) failure by the APDC to comply in all material respects with the annual reporting requirements or to provide the Agency with requested information;
- (5) sublease of all or part of the Project Facility in violation of the Basic Documents;
- (6) a change in the use of the Project Facility, other than as an industrial/manufacturing facility to be owned by the APDC and operated by a joint venture third party operator as a wind tower manufacturing and shipping facility and any other directly and indirectly related activities and other directly and indirectly related uses; or
- (7) failure by the APDC to make an actual investment in the Project by the Project's Completion Date equal to or exceeding 80% of the Total Project Costs as set forth in the APDC's application for Financial Assistance.

**RESOLUTION AUTHORIZING SPLIT OF CERTAIN PARCEL VISTA REAL ESTATE DEVELOPMENT LLC/15 VISTA**

A regular meeting of Town of Bethlehem Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Town of Bethlehem Town Hall located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York on March 25, 2022, at 8:00 o’clock, a.m., local time.

The meeting was called to order by the Chair and, upon roll being called, the following members of the Agency were:

PRESENT:

- |                 |           |
|-----------------|-----------|
| Victoria Storrs | Chair     |
| Tim Maniccia    | Secretary |
| Richard Kotlow  | Treasurer |
| David Kidera    | Member    |
| Jared Finke     | Member    |
| Chris Bub       | Member    |

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

- |                            |  |
|----------------------------|--|
| Catherine Hedgeman, Esq.   | Executive Director, Assistant Secretary and Agency Counsel |
| Allen F. Maikels           | Treasurer, Chief Financial Officer and Contracting Officer |
| Robin Nagengast            | Assistant to the Executive Director                        |
| Robert Leslie              | Director, Department of Economic Development & Planning    |
| A. Joseph Scott, III, Esq. | Agency Bond/Special Counsel                                |

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0322-\_\_\_\_

RESOLUTION CONSENTING TO AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT TO THE SPLIT OF A CERTAIN PARCEL OF LAND LOCATED IN THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK FROM THE VISTA PUBLIC INFRASTRUCTURE 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

Attachment: RESOLUTION AUTHORIZING THE CONSENT OF SPLIT OF CERTAIN PARCEL-TBIDA\_VISTA\_15 VISTA (9634 : 15 Vista Splitter)

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, 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, in December, 2011 (the “Vista Public Infrastructure Project Closing”), the Agency issued its Pilot Revenue Bond (Vista Public Infrastructure Project), Series 2011A in the principal amount of not to exceed \$6,750,000 (the “Bond”) for the benefit of Vista Development Group LLC (“Vista”) to provide for the cost of the development of the approximately 250 acre parcel of land located in the Town of Bethlehem, Albany County, New York and known as the Vista Technology Campus (the “Vista Project”); and

WHEREAS, Vista is requesting the Agency pursuant to the request attached hereto as Exhibit A (the “Request”), to sell the parcel located at 15 Vista Boulevard (the “15 Vista Parcel”) to Vista Partners LLC (the “Purchaser”) and in connection with the Request to split the 15 Vista Parcel from the Vista Public Infrastructure Project pursuant to certain splitter documents (collectively, the “Splitter Documents”); and

WHEREAS, pursuant to Section 9.3 of the master lease agreement dated as of December 1, 2011 (the “Master Lease Agreement”) by and between the Agency and Vista, the consent of the Agency is required prior to the sale of the 15 Vista Parcel (the “Split”); 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”), it appears that the Split is not an “Action” under SEQRA and therefore is not subject to a SEQRA review 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 Split is not an “Action” under SEQRA and therefore is not subject to SEQRA review by the Agency.

Section 2. At the request of Vista, the Agency hereby consents to the Split and the execution of the Splitter Documents; provided, however, that such consent is contingent upon (A) approval by Special Agency Counsel to the forms of the Splitter Documents, (B) compliance with the terms and conditions contained in the Basic Documents (as defined in the Master Lease Agreement), (C) evidence satisfactory to the Agency that all taxes and other local fees and assessments relating to the 15 Vista Parcel, if any, have been paid by the Vista, (D) consent of the current holder of the Bond, and (E) the payment by Vista of the administrative fee of the Agency, if any, and all other fees and expenses

of the Agency in connection with the delivery of the Splitter Documents, including the fees of Agency and Special Counsel.

Section 3. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chair (or Vice Chair) of the Agency is hereby authorized to execute and deliver the Splitter Documents and the modified Basic Documents to reflect the Split, 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, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) 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 Split, 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 Split.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Victoria Storrs	VOTING	_____
Tim Maniccia	VOTING	_____
Richard Kotlow	VOTING	_____
David Kidera	VOTING	_____
Jared Finke	VOTING	_____
Chris Bub	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.

Attachment: RESOLUTION AUTHORIZING THE CONSENT OF SPLIT OF CERTAIN PARCEL-TBIDA\_VISTA\_15 VISTA (9634 : 15 Vista Splitter)



STATE OF NEW YORK )  
 )SS.:  
COUNTY OF ALBANY )

I, the undersigned Secretary of Town of Bethlehem Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 25, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_ day of March, 2022.

\_\_\_\_\_  
Secretary

(S E A L)

Attachment: RESOLUTION AUTHORIZING THE CONSENT OF SPLIT OF CERTAIN PARCEL-TBIDA\_VISTA\_15 VISTA (9634 : 15 Vista Splitter)

**EXHIBIT A**  
**REQUEST**  
**- SEE ATTACHED -**

Attachment: RESOLUTION AUTHORIZING THE CONSENT OF SPLIT OF CERTAIN PARCEL-TBIDA\_VISTA\_15 VISTA (9634 : 15 Vista Splitter)

## Law Office of Debra J. Lambek PLLC

302 Washington Avenue Extension  
Albany, New York 12203

Debra J. Lambek  
Counsel  
(518) 862-9133 Ext. 4225  
[dlambek@lambeklaw.com](mailto:dlambek@lambeklaw.com)

March 9, 2022

Via Email to [ascott@hodgsonruss.com](mailto:ascott@hodgsonruss.com)

Catherine Hedgeman, Esq.  
Executive Director and Agency Counsel  
Town of Bethlehem Industrial Development Agency  
445 Delaware Avenue  
Delmar, New York 12054

Re: Vista Real Estate Development LLC with  
Town of Bethlehem Industrial Development Agency Infrastructure Project “(Project)”

Dear Ms. Hedgeman:

As you are aware, in connection with the original development of the Park, the Town of Bethlehem Industrial Development Agency (“Agency”) issued an infrastructure bond (the “Infrastructure Bond”) with respect to the construction of Vista Boulevard and related Park improvements. The Infrastructure Bond is still outstanding and continues to be repaid by PILOT Agreements and secured by a PILOT Mortgage on the property located at the Park. The Infrastructure Bond and associated PILOT Agreements were placed on all the parcels located in the Park. As property was developed the Agency would prepare a “splitter” agreement to allocate a portion of the PILOT Agreement related to the specific parcel being conveyed and developed.

The developer is in the process of selling 15 Vista Boulevard to a third party and requests a “splitter” agreement with respect to 15 Vista Boulevard. We will provide you with the proposed legal description and the amount of the Infrastructure Bond to be allocated to 15 Vista Boulevard. We will also provide you with the necessary consents from the holder of the Infrastructure Bond.

In addition to the 15 Vista Boulevard sale, the developer is in the process of subdividing the rest of the Park into various lots for future development. Therefore we would also request a splitter in connection with the remaining parcels in the Park. The proposed legal descriptions and amount of the Infrastructure Bond will be provided. In addition necessary consents from the holder of the Infrastructure Bond will be provided.

F:\ADMAAdministrative\djl\3047\2015-077 (15 Vista Boulevard)\Developer Letter to BIDA re Splitter Structure.doc

## Law Office of Debra J. Lambek PLLC

We are sending this letter to you for the purpose of initiating the process of obtaining the approval of the Agency for the “splitter” and the transfer. We are available to meet with you at your convenience to discuss our request in more detail and to review our timetable.

Please let me know what other information you or the Agency will require in order to move forward with these requests. I am also copying Joe Scott on this letter as he is very familiar with the structure of the Infrastructure Bond and the “splitter” process described above. Thank you.

Very truly yours,



Debra J. Lambek  
Counsel

cc: A. Joseph Scott, III, Esq.

# Department of State Division of Corporations

## Entity Information

[Return to Results](#) [Return to Search](#)

### Entity Details

<b>ENTITY NAME:</b> VISTA PARTNERS LLC	<b>DOS ID:</b> 3411832
<b>FOREIGN LEGAL NAME:</b>	<b>FICTITIOUS NAME:</b>
<b>ENTITY TYPE:</b> DOMESTIC LIMITED LIABILITY COMPANY	<b>DURATION DATE/LATEST DATE OF DISSOLUTION:</b>
<b>SECTION OF LAW:</b> 203 LLC - LIMITED LIABILITY COMPANY LAW	<b>ENTITY STATUS:</b> ACTIVE
<b>DATE OF INITIAL DOS FILING:</b> 09/13/2006	<b>REASON FOR STATUS:</b>
<b>EFFECTIVE DATE INITIAL FILING:</b> 09/13/2006	<b>INACTIVE DATE:</b>
<b>FOREIGN FORMATION DATE:</b>	<b>STATEMENT STATUS:</b> PAST DUE DATE
<b>COUNTY:</b> NEW YORK	<b>NEXT STATEMENT DUE DATE:</b> 09/30/2020
<b>JURISDICTION:</b> NEW YORK, UNITED STATES	<b>NFP CATEGORY:</b>

[ENTITY DISPLAY](#) [NAME HISTORY](#) [FILING HISTORY](#) [MERGER HISTORY](#) [ASSUMED NAME HISTORY](#)

Service of Process Name and Address

**Name:** JOSEPH MONTELEONE  
**Address:** C/O SOMERSET PARTNERS, 2417 THIRD AVENUE SUITE 409, BRONX, NY, UNITED STATES, 10451

Chief Executive Officer's Name and Address

**Name:**  
**Address:**

Principal Executive Office Address

**Address:**

Registered Agent Name and Address

**Name:**  
**Address:**

Entity Primary Location Name and Address

**Name:**  
**Address:**

Farmcorpflag

**Is The Entity A Farm Corporation:** NO

1/2

Attachment: RESOLUTION AUTHORIZING THE CONSENT OF SPLIT OF CERTAIN PARCEL-TBIDA\_VISTA\_15 VISTA (9634 : 15 Vista Splitter)

**RESOLUTION AUTHORIZING SPLIT OF CERTAIN PARCELS  
VISTA REAL ESTATE DEVELOPMENT LLC/91 VISTA AND 126 VISTA**

A regular meeting of Town of Bethlehem Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Town of Bethlehem Town Hall located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York on March 25, 2022, at 8:00 o’clock, a.m., local time.

The meeting was called to order by the Chair and, upon roll being called, the following members of the Agency were:

PRESENT:

- |                 |           |
|-----------------|-----------|
| Victoria Storrs | Chair     |
| Tim Maniccia    | Secretary |
| Richard Kotlow  | Treasurer |
| David Kidera    | Member    |
| Jared Finke     | Member    |
| Chris Bub       | Member    |

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

- |                            |  |
|----------------------------|--|
| Catherine Hedgeman, Esq.   | Executive Director, Assistant Secretary and Agency Counsel |
| Allen F. Maikels           | Treasurer, Chief Financial Officer and Contracting Officer |
| Robin Nagengast            | Assistant to the Executive Director                        |
| Robert Leslie              | Director, Department of Economic Development & Planning    |
| A. Joseph Scott, III, Esq. | Agency Bond/Special Counsel                                |

The following resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to wit:

Resolution No. 0322-\_\_\_\_

RESOLUTION CONSENTING TO AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS WITH RESPECT TO THE SPLIT OF CERTAIN PARCELS OF LAND LOCATED IN THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK FROM THE VISTA PUBLIC INFRASTRUCTURE 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

Attachment: RESOLUTION AUTHORIZING THE CONSENT OF SPLIT OF CERTAIN PARCELS-TBIDA\_VISTA\_91 AND 126 VISTA (9633 : 91 126

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, 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, in December, 2011 (the “Vista Public Infrastructure Project Closing”), the Agency issued its Pilot Revenue Bond (Vista Public Infrastructure Project), Series 2011A in the principal amount of not to exceed \$6,750,000 (the “Bond”) for the benefit of Vista Development Group LLC (“Vista”) to provide for the cost of the development of the approximately 250 acre parcel of land located in the Town of Bethlehem, Albany County, New York and known as the Vista Technology Campus (the “Vista Project”); and

WHEREAS, Vista is requesting the Agency pursuant to the request attached hereto as Exhibit A (the “Request”), to split the parcels located at 91 and 126 Vista Boulevard (collectively, the “Vista Parcel”) from the Vista Public Infrastructure Project pursuant to certain splitter documents (collectively, the “Splitter Documents”); and

WHEREAS, pursuant to Section 9.3 of the master lease agreement dated as of December 1, 2011 (the “Master Lease Agreement”) by and between the Agency and Vista, the consent of the Agency is required prior to the split of the Vista Parcel (the “Split”); 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”), it appears that the Split is not an “Action” under SEQRA and therefore is not subject to a SEQRA review 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 Split is not an “Action” under SEQRA and therefore is not subject to SEQRA review by the Agency.

Section 2. At the request of Vista, the Agency hereby consents to the Split and the execution of the Splitter Documents; provided, however, that such consent is contingent upon (A) approval by Special Agency Counsel to the forms of the Splitter Documents, (B) compliance with the terms and conditions contained in the Basic Documents (as defined in the Master Lease Agreement), (C) evidence satisfactory to the Agency that all taxes and other local fees and assessments relating to the Vista Parcel, if any, have been paid by the Vista, (D) consent of the current holder of the Bond, and (E) the payment by Vista of the administrative fee of the Agency, if any, and all other fees and expenses of the Agency in connection with the delivery of the Splitter Documents, including the fees of Agency and Special Counsel.

Section 3. Subject to the satisfaction of the conditions described in Section 2 hereof, the Chair (or Vice Chair) of the Agency is hereby authorized to execute and deliver the Splitter Documents and the modified Basic Documents to reflect the Split, 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, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) 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 Split, 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 Split.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Victoria Storrs	VOTING	_____
Tim Maniccia	VOTING	_____
Richard Kotlow	VOTING	_____
David Kidera	VOTING	_____
Jared Finke	VOTING	_____
Chris Bub	VOTING	_____

The foregoing Resolution was thereupon declared duly adopted.



STATE OF NEW YORK )  
 )SS.:  
COUNTY OF ALBANY )

I, the undersigned Secretary of Town of Bethlehem Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 25, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this \_\_\_\_ day of March, 2022.

\_\_\_\_\_

Secretary

(S E A L)

Attachment: RESOLUTION AUTHORIZING THE CONSENT OF SPLIT OF CERTAIN PARCELS-TBIDA\_VISTA\_91 AND 126 VISTA (9633 : 91 126

**EXHIBIT A**  
**REQUEST**  
**- SEE ATTACHED -**

Attachment: RESOLUTION AUTHORIZING THE CONSENT OF SPLIT OF CERTAIN PARCELS-TBIDA\_VISTA\_91 AND 126 VISTA (9633 : 91 126

## Law Office of Debra J. Lambek PLLC

302 Washington Avenue Extension  
Albany, New York 12203

Debra J. Lambek  
Counsel  
(518) 862-9133 Ext. 4225  
[dlambek@lambeklaw.com](mailto:dlambek@lambeklaw.com)

March 9, 2022

Via Email to [ascott@hodgsonruss.com](mailto:ascott@hodgsonruss.com)

Catherine Hedgeman, Esq.  
Executive Director and Agency Counsel  
Town of Bethlehem Industrial Development Agency  
445 Delaware Avenue  
Delmar, New York 12054

Re: Vista Real Estate Development LLC with  
Town of Bethlehem Industrial Development Agency Infrastructure Project “(Project)”

Dear Ms. Hedgeman:

As you are aware, in connection with the original development of the Park, the Town of Bethlehem Industrial Development Agency (“Agency”) issued an infrastructure bond (the “Infrastructure Bond”) with respect to the construction of Vista Boulevard and related Park improvements. The Infrastructure Bond is still outstanding and continues to be repaid by PILOT Agreements and secured by a PILOT Mortgage on the property located at the Park. The Infrastructure Bond and associated PILOT Agreements were placed on all the parcels located in the Park. As property was developed the Agency would prepare a “splitter” agreement to allocate a portion of the PILOT Agreement related to the specific parcel being conveyed and developed.

The developer is in the process of selling 15 Vista Boulevard to a third party and requests a “splitter” agreement with respect to 15 Vista Boulevard. We will provide you with the proposed legal description and the amount of the Infrastructure Bond to be allocated to 15 Vista Boulevard. We will also provide you with the necessary consents from the holder of the Infrastructure Bond.

In addition to the 15 Vista Boulevard sale, the developer is in the process of subdividing the rest of the Park into various lots for future development. Therefore we would also request a splitter in connection with the remaining parcels in the Park. The proposed legal descriptions and amount of the Infrastructure Bond will be provided. In addition necessary consents from the holder of the Infrastructure Bond will be provided.


F:\ADMAAdministrative\dlj\3047\2015-077 (15 Vista Boulevard)\Developer Letter to BIDA re Splitter Structure.doc

## Law Office of Debra J. Lambek PLLC

We are sending this letter to you for the purpose of initiating the process of obtaining the approval of the Agency for the “splitter” and the transfer. We are available to meet with you at your convenience to discuss our request in more detail and to review our timetable.

Please let me know what other information you or the Agency will require in order to move forward with these requests. I am also copying Joe Scott on this letter as he is very familiar with the structure of the Infrastructure Bond and the “splitter” process described above. Thank you.

Very truly yours,

  
Debra J. Lambek  
Counsel

cc: A. Joseph Scott, III, Esq.