

Frank S. Venezia
Chair
Victoria Storrs
Vice Chair
Tim McCann
Secretary
Richard Kotlow
Assistant Secretary
Tim Maniccia
Member
David Kidera
Member
Catherine M. Hedgeman, Esq.
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
www.bethlehemida.com

Regular Meeting Agenda
Wednesday, July 22, 2020
8:00 AM
Town Hall Auditorium

Thomas P. Connolly
Executive Director,
Assistant Secretary and
Agency Counsel
518-573-2200

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

Vacant
Economic Development
Coordinator

Robin Nagengast
Assistant to the Executive Director
and Clerk
Ext. 1164

I. Notice

Due to the Novel Coronavirus (COVID-19) the Board will not be meeting in-person. The meeting is being held electronically via video conference and a transcript will be provided at a later date. Members of the public may view and listen to the meeting live by visiting the Town's Website/Meeting Portal. An Executive Order (202.1) issued by Governor Cuomo on 3/12/2020 suspended the Open Meetings Law

II. Call to Order/Roll Call/Quorum Determination

III. Minutes Approval

Bethlehem Industrial Development Agency - Regular Meeting - Jun 24, 2020 8:00 AM

IV. Reports of Committees

V. Communications

VI. Old Business

1. Planning Board Update (Leslie)
2. Report of ED Coordinator (Leslie)

VII. New Business

1. Financial Statements 6/30/20 (Maikels)
2. BIDA COVID-19 Grant Program (Connolly)
 - A. Hodgson Summary A 10294/S 8181/Disaster Emergency Loan Program
 - B. ABO Policy Guidance 20-02/Disaster Emergency Loan Program
 - C. Policy/Resolution
 - D. Application/Resolution
 - E. Grant Agreement/Resolution

Meeting of Wednesday, July 22, 2020

VIII. Future Meetings

Regular Meeting - Wednesday, August 26, 2020 8:00 a.m. Remote

IX. Adjournment

Adjourn

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Vice Chair
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Secretary
Richard Kotlow
Assistant Secretary
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Regular Meeting Minutes
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 Assistant Secretary and
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I. Notice

- **DUE TO THE NOVEL CORONAVIRUS (COVID-19), BETHLEHEM IDA WILL NOT BE MEETING IN-PERSON. AN EXECUTIVE ORDER (202.1) ISSUED BY GOVERNOR CUOMO ON 3/12/2020 SUSPENDED THE OPEN MEETINGS LAW. THE MEETING IS BEING HELD ELECTRONICALLY VIA VIDEO CONFERENCE AND A TRANSCRIPT WILL BE PROVIDED AT A LATER DATE. MEMBERS OF THE PUBLIC MAY VIEW AND LISTEN TO THE MEETING LIVE BY VISITING THE TOWN'S WEBSITE/MEETING PORTAL.**

I. Call to Order/Roll Call/Quorum Determination

A Regular Meeting of the Bethlehem Industrial Development Agency of the Town of Bethlehem was held on the above date at the Town Hall Auditorium, 445 Delaware Avenue, Delmar, NY. The Meeting was called to order at 8:03 AM with the presence of a quorum noted.

Attendee Name	Title	Status	Arrived
Frank S. Venezia	Board Member/Chairman	Remote	
Victoria Storrs	Board Member/Vice Chair	Remote	
Tim McCann	Board Member/Secretary	Remote	
Richard Kotlow	Board Member/Assistant Secretary	Remote	
Tim Maniccia	Board Member	Remote	
David Kidera	Board Member	Remote	
Catherine Hedgeman	Board Member	Remote	
Thomas P. Connolly	Executive Director/Agency Counsel	Remote	
Joe Scott	Bond Counsel	Absent	
Allen F. Maikels	CFO and Contracting Officer	Remote	
Robin Nagengast	Assistant to the Executive Director	Remote	
Robert Leslie	Director of Planning	Remote	
David VanLuven	Town Supervisor	Remote	

III. Minutes Approval

Friday, May 22, 2020

Minutes Acceptance: Minutes of Jun 24, 2020 8:00 AM (Minutes Approval)

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Catherine Hedgeman, Board Member
SECONDER: Richard Kotlow, Board Member/Assistant Secretary
AYES: Venezia, Storrs, McCann, Kotlow, Maniccia, Kidera, Hedgeman

IV. Reports of Committees

The minutes of the 5/22/20 Finance Committee and 5/22/20 Audit Committee were provided.

V. Communications

No new communications received.

VI. Old Business

- **PLANNING BOARD UPDATE (LESLIE)**

Port of Albany's SEQR findings statement was approved; next step will be site plan approval phase.

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

The Open for Business webinar was rescheduled for July.

The town Building Department is assisting businesses with reopening by answering questions about occupancy and outdoor seating and is keeping projects on schedule with inspections.

VII. New Business

- **FINANCIAL STATEMENTS 5/31/20 (MAIKELS)**

Mr. Maikels reported the financials as of May 31, 2020.

- **LOOK BACK AT CURRENT PROJECTS/FINKE ENTERPRISES LLC (CONNOLLY/JARED FINKE)**

Jared Finke spoke about his experience as a IDA project.

- **REPORT COVID 19 SMALL BUSINESS RELIEF /GRANTS LOANS LEGISLATION (SCOTT)**

Mr. Connolly provided information on the recently passed legislation and ABO guidance and members discussed. Additional information is anticipated on what role IDAs and the Community Loan Fund are allowed to fulfill.

- **COMMITTEE MEETING DATES (CONNOLLY)**

Tentative dates were announced for 2021 and the remaining committee meetings of 2020.

VIII. Future Meetings

- **REGULAR MEETING - WEDNESDAY, JULY 22, 2020 8:00 A.M. REMOTE**

IX. Adjournment

Motion To: Adjourn

RESULT: ADJOURN [UNANIMOUS]
MOVER: David Kidera, Board Member
SECONDER: Victoria Storrs, Board Member/Vice Chair
AYES: Venezia, Storrs, McCann, Kotlow, Maniccia, Kidera, Hedgeman

Minutes Acceptance: Minutes of Jun 24, 2020 8:00 AM (Minutes Approval)

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY
STATEMENT OF NET ASSETS
June 30, 2020

ASSETS	<u>6/30/2020</u>
Current Assets	
Checking/Savings	
200.04 Cash-M&T Bank Agency Account	256,450.33
200.05 Cash-Trustco CD	<u>201,450.00</u>
Total Checking/Savings	457,910.33
Other Current Assets	
380 Fee Receivable	0.00
480 Prepaid Expense	<u>1,660.84</u>
Total Other Current Assets	1,660.84
Total Current Assets	<u>459,571.17</u>
TOTAL ASSETS	<u><u>459,571.17</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
601 Accrued Expenses	<u>30,949.73</u>
Total Current Liabilities	<u>30,949.73</u>
Total Liabilities	<u>30,949.73</u>
Equity	
924 Net Assets	
924.3 Net Assets-Unassigned	<u>428,621.44</u>
Total 924 Net Assets	428,621.44
TOTAL LIABILITIES & EQUITY	<u><u>459,571.17</u></u>

Attachment: Financials as of June 30 2020 (6265 : Financials)

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY
STATEMENT OF REVENUE AND EXPENSES
June 30, 2020

ORDINARY INCOME/EXPENSE

Income

2116 FEE INCOME	17,743.35
2116.1 PSEG ENERGY REIMB	<u>11,235.59</u>
Total Income	28,978.94

Expenses

6460.1 Salaries and Wages	24,284.04
6460.4 Contractual Expenses	38,009.37
6460.8 Employee Benefits	<u>5,444.52</u>
Total Expenses	<u>67,737.93</u>

NET ORDINARY INCOME

-38,758.99

Other Income/Expense

Other Income

2401 Interest Income	1,529.95
Total Other Income	<u>1,529.95</u>

NET INCOME

-37,229.04

Attachment: Financials as of June 30 2020 (6265 : Financials)

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY
 BUDGET VS ACTUAL
 June 30, 2020

Ordinary Income/Expense Income	Jun-20	YTD Budget	Variance	Annual Budget
2116 Fee Income	17,743.35	8,872.02	8,871.33	17,744.00
2106.1 PSEG Energ Reimb	11,235.59	18,500.02	-7,264.43	37,000.00
Total Income	28,978.94	27,372.04	1,606.90	54,744.00
Expenses				
6460.1 Salaries and Wages	24,284.04	24,284.00	0.04	24,284.00
6460.4 Contractual Expenses	38,009.37	37,550.01	459.36	75,100.00
6460.8 Employee Benefits	5,444.52	4,057.50	1,387.02	8,115.00
Total Expenses	67,737.93	65,891.51	1,846.42	107,499.00
Net Ordinary Income	-38,758.99	-38,519.47	-239.52	-52,755.00
Other Income/Expense				
Other Income				
2401 Interest Income	1,529.95	1,500.00	29.95	3,000.00
Total Other Income	1,529.95	1,500.00	29.95	3,000.00
Net Income	-37,229.04	-37,019.47	-209.57	-49,755.00

MEMORANDUM FROM



To: Clients and Friends of the Firm

Date: June 1, 2020

Subject: Assembly Bill 10294 – A/Senate Bill 8181-A/Establishes State Disaster Emergency Loan Fund

On May 27, 2020, legislation was adopted and sent to the Governor¹ authorizing IDAs to establish a “State Disaster Emergency Loan Program,” to make loans to small businesses or not-for-profit corporations, and to make grants supporting COVID-19 response actions.

Please note the following summary of the proposed legislation and list of issues to consider in connection with complying with the proposed legislation.

Summary of Legislation

Background	<p>Senate Bill 8181-A, which was substituted for Assembly Bill 10294-A (the “Proposed Legislation”) will amend Section 858 of the General Municipal Law (“GML”) by adding a new Section 859-c to the GML.</p> <p>The amendments to Section 858 of the GML will provide authorization for industrial development agencies (“IDAs”) to make certain grants and loans.</p> <p>The new Section 859-c will create a “State Disaster Emergency Loan Program”.</p> <p>As noted above, the Proposed Legislation has been passed by both the Assembly and the Senate, and has been forwarded to the Governor for his signature. The Proposed Legislation will <u>not</u> become law until the Governor takes action. Accordingly, the below summary is expressly subject to the condition that the Governor takes action to provide for the Proposed Legislation to become law.</p>
Loans	The Proposed Legislation authorizes IDAs to make loans to small businesses or not-for-profit corporations subject to the requirements contained in the State Disaster Emergency Loan Program.
Grants	The Proposed Legislation also authorizes IDAs to provide grants to small businesses and not-for-profit corporations.
Definitions	<p>“Eligible entity” means both small businesses and not-for-profit corporations that:</p> <ul style="list-style-type: none"> • Are physically located in New York State; and • Were in operation prior to the State disaster emergency. <p>“Grace period” means the 60-day period after a State disaster emergency ends.</p> <p>“Small business” means a business with not more 50 employees.</p>

¹ Assembly Bill 10294-A was passed by the Assembly. A companion bill, Senate Bill 8181-A was passed by the Senate, also on May 27, 2020. The legislation has been delivered to the Governor’s office for signing.

	<p>“Small not-for-profit corporation” means a not-for-profit corporation formed pursuant to the not-for-profit corporation law with not more than 50 employees.</p> <p>“State disaster emergency” means the period in which Executive Order 202 of 2020, as amended, is in effect to address the outbreak of COVID-19.</p>
<p>Requirements Regarding Grants</p>	<p>Grants may be provided for the following:</p> <ul style="list-style-type: none"> • Acquiring personal protective equipment, or • Installing fixtures necessary to prevent the spread of COVID-19. <p>Grants may be provided during the period that Executive Order 202 of 2020, as amended, is in effect.</p> <p>IDAs may not provide a small business or not-for-profit corporation with more than \$10,000 in grants pursuant to the Proposed Legislation.</p> <p>In order to be eligible for a grant, a small business or a not-for-profit corporation must meet the following requirements:</p> <ul style="list-style-type: none"> • Was a financially viable entity prior to the State disaster emergency; • Conducts business in the area served by the IDA; and • Has been negatively affected by the State disaster emergency.
<p>State Disaster Emergency Loan Program</p>	<p>IDAs may administer a State Disaster Emergency Loan Program to provide loans from available revenues to “eligible entities”. IDAs may not create more than one State Disaster Emergency Loan Program.</p>
<p>Requirements for Making a Loan</p>	<p>IDAs may make a loan to an eligible entity upon application from such entity through the State Disaster Emergency Loan Program, provided the IDAs have determined that the applicant:</p> <ul style="list-style-type: none"> • Was a financially viable entity prior to the State disaster emergency; and • Conducts business in the area served by the IDA; and • Has been negatively affected by the State disaster emergency. <p>IDAs may consider the following before approving the application of an eligible entity for a loan under the State Disaster Emergency Loan Program:</p> <ul style="list-style-type: none"> • Creditworthiness of the applicant prior to the State disaster emergency • The level of negative impact of the State disaster emergency on the operations and finances of the applicant • Applicant’s proposed plan to use the funds received through the State Disaster Emergency Loan Program • Applicant’s ties to their community and the impact of their work in the area served by the IDA

Attachment: Summary Legislation S 8181 A 10294 Hodgson Memo (6267 : COVID Summary)

	<ul style="list-style-type: none"> Applicant's assurance that efforts will be made to retain jobs during the State disaster emergency Other potential sources of funding available to the applicant
Terms of Loan	<p>Prior to the administering of a State Disaster Emergency Loan Program, an IDA shall develop and adopt by resolution, the terms and conditions of such loans, provided that:</p> <ul style="list-style-type: none"> The amount of any loan shall not exceed \$25,000 (and provided further that the total amount of all loans received by an eligible entity shall not exceed \$25,000); and The loan agreement shall not (i) require repayment during the grace period, or (ii) charge interest on the principal amount; and The loan agreement shall require that the eligible entity repay the loan in full not later than one year after the end of the grace period; and The loan agreement shall not contain a fee or penalty for the prepayment or early payment of the loan.
Priority for Highly Distressed Areas	IDAs shall give priority under the State Disaster Emergency Loan Program to applications from applicants servicing highly distressed areas (as defined in Section 854 of the GML).
Only One Loan	No applicant shall be permitted to receive more than one loan from more than one IDA.
Coordination Among IDAs	Any IDAs that serve within the same municipalities shall coordinate the distribution of loans in the State Disaster Emergency Loan Program.
Credit Counseling	IDAs shall offer credit counseling services or refer eligible entities to not-for-profit credit counselors.
Recordkeeping	<p>Each IDA shall maintain records related to the State Disaster Emergency Loan Program, including a record of loans issued and of payments received, and include such information in the annual PARIS filing.</p> <p>Each IDA that establishes a State Disaster Emergency Loan Program shall submit a report on the State Disaster Emergency Loan Program including, but not limited to, the number and aggregate amount of loans given, loans fully repaid, any outstanding loans, defaults and bad debts, to the following within one year after the State disaster emergency ends: the Governor, the Speaker of the Assembly and the Temporary President of the Senate.</p>
Interest Deferral	Any interest deferred or not charged relating to a loan issued under the State Disaster Emergency Loan Program shall be exempt from all state taxes that may be applicable to such interest amounts. IDAs shall disclose to eligible entity borrowers in loan documents that there may be federal tax consequences to the program loans.
No New Applications After State Disaster Emergency Ends	No new loan applications for loans under the State Disaster Emergency Loan Program shall be accepted after the State disaster emergency ends.
Effective Date:	The Proposed Legislation is effective immediately (once signed by the Governor) and shall expire and be deemed repealed on December 31, 2021.

Please note the following list of preliminary issues we have identified that IDAs need to consider and discuss with counsel in connection with the compliance with the Proposed Legislation.

	Issue	Summary Discussion
1.	Administration of Program	Under other sections of the GML, IDAs have the power to enter into contracts and to hire consultants. It would appear, therefore, that IDAs could contract with outside parties for assistance in undertaking the loan and grant programs outlined in the Proposed Legislation. Our view, however, would be that the IDA should be involved in the actual approval of the loan and/or the grant and not delegate that task to an outside consultant.
2.	Available revenues	The Proposed Legislation provides that IDAs may administer a State Disaster Emergency Loan Program from “available revenues”. Available revenues are not defined in the Proposed Legislation, but it would appear to include moneys generated by IDAs through the collection of administration fees.
3.	Definition of Personal Property and Fixtures	We would suggest using the typical definitions contained in federal tax law.
4.	Acquiring and installing	Note that the Proposed Legislation describes “acquiring” personal property and “installing” fixtures. Can grant moneys be used to acquire fixtures?
5.	Number of employees	The Proposed Legislation is not clear on how the number of employees is determined. Namely, FTEs? Include part-time employees?
6.	Interest on Loan	Although there is some ambiguity in the Proposed Legislation, it appears that the loan cannot accrue interest.
7.	Coordination with Other IDAs	In municipalities where there are overlapping IDAs, there will be need for coordination among the IDAs.
8.	Loan Documents	There will be need for careful drafting to ensure compliance with the grace period and maturity date provisions contained in the Proposed Legislation.
9.	Claw-back Provisions	The Proposed Legislation does not restrict the ability of IDAs to impose additional requirements on the making of loans and grants, including the imposition of claw-back agreements.
10.	Existing Loans	Any grant or loan made by an IDA under the Proposed Legislation is subject to existing loans and covenants of the project applicants.
11.	Fees and Expenses	The Proposed Legislation does not prohibit IDAs from charging fees and expenses, including attorneys’ fees. If such fees are to be paid out of the proceeds of the loan or grant, then the amount of the loan or grant must be reduced to reflect the loan and grant limit contained in the Proposed Legislation.
12.	Recordkeeping	Given the amount of regulatory oversight IDAs are subject to, it is very important that IDAs maintain careful and complete records of its grants and loans.

If you have any comments or questions on the Proposed Legislation, please do not hesitate to contact the following attorneys:

Terrence M. Gilbride	(716) 848-1236	tgilbrid@hodgsonruss.com
Daniel A. Spitzer	(716) 848-1420	dspitzer@hodgsonruss.com
A. Joseph Scott, III	(518) 433-2419	ascott@hodgsonruss.com
Charles W. Malcomb	(716) 848-1261	cmalcomb@hodgsonruss.com
Christopher C. Canada	(518) 736-2913	ccanada@hodgsonruss.com
Nadene E. Zeigler	(518) 433-2420	nzeigler@hodgsonruss.com
Michael T. Logan	(518) 433-2409	mlogan@hodgsonruss.com

Authorities Budget Office Policy Guidance



No. 20-02

Date Issued: June 18, 2020
Supercedes: New

Subject: Industrial Development Agency State Disaster Emergency Loan Program Reporting Guidelines

Statutory Citation: Article 18-A, Title 1, Sections 858 and 859-c of General Municipal Law (GML); Section 2800 of Public Authorities Law (PAL)

Provision: Pursuant to Chapter 109 of the Laws of 2020, Section 858 of GML allows for an Industrial Development Agency (IDA) to provide grants to small businesses or not-for-profits for the purposes of purchasing personal protective equipment (PPE) and other fixtures needed to help prevent the spread of COVID-19. Section 859-c establishes the State disaster emergency loan program to allow IDAs to make loans to small businesses and not-for-profits up to \$25,000. IDAs that administer a state disaster emergency loan program should maintain detailed records related to the program and report such information to the Authorities Budget Office (ABO) as required by Section 859-c (6)(a) of GML.

Authorities Budget Office Policy Guidance: The mission of the Authorities Budget Office is to make public authorities more accountable and transparent, and to act in the public interest consistent with their intended purpose. IDAs that choose to provide funding to eligible entities should only do so in accordance with this guidance. IDAs that do not follow this guidance when providing such funding are subject to the enforcement powers of the Authorities Budget Office (ABO) and other oversight agencies.

GML 859-c (6) requires each IDA to maintain certain records related to the state disaster emergency loan program, including a record of loans issued and of payments received. Such information would be required to be filed in the IDA's annual report pursuant to requirements in the public authorities law.

The following information is to be reported to the ABO within 90 days of the end of the respective IDA's fiscal year ([see attached form for instructions](#)):

- Name and address of each grant and loan recipient
- The amount of the grant provided
- The original amount of the loan
- Date the grant or loan was awarded
- Length of loan (repayment period)
- Amount of loan principal repaid as of the end of the fiscal year
- Specific use of grant or loan funds

The IDA shall be solely responsible for all reporting related to the grants and loans program described herein. In addition, IDAs should post all respective board adopted policies and approved grant and loan applications to the IDAs web site.

Other criteria the board shall consider include the following:

1. No IDA should issue debt to fund the creation of a state disaster emergency grant or loan fund.
2. IDA funding may only be provided to eligible entities by completing an application, which should be conspicuously posted on the IDA website.
 - a. An eligible entity should provide the IDA with its financials as of December 31, 2019.
 - b. Eligible loan uses should be memorialized in a written agreement between the IDA. Any agreement should provide for the recapture of funds loaned or granted in any instance where the funds used are not for authorized purposes.
 - c. An eligible entity should provide the IDA with a listing of all other loans and grants it has received or applied for a similar purpose.
3. The IDA board must review any application in a public meeting that is consistent with the provisions of Public Officers Law Article 7 and EO 202.1, et seq. and the board shall allow for public comment.
4. Minutes of these meetings are to be posted on the IDA's public web site as soon as is practicable or within 5 days of the meeting.

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Assistant Secretary

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David Kidera
Member

**Catherine M.
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Member

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Town of Bethlehem Industrial Development Agency Policy for COVID-19 Small Business State Disaster Emergency Grant Program

The State of New York created a temporary program, beginning 3/7/2020 and ending 12/31/2021, which permits Industrial Development Agencies to make grants to small businesses and not-for-profits to help those entities weather the economic disaster created by the COVID-19 pandemic. The grants are to be used to defray the unexpected expenses of the PPE and fixtures necessary to prevent the spread of the disease as businesses reopen. The Bethlehem IDA wishes to extend the benefits of the small grant program to the Bethlehem business community.

The Town of Bethlehem Industrial Development Agency ("Agency") intends to implement New York State Chapter 109 of the Laws of 2020 amending section 858 of the General Municipal Law ("State Legislation") to allow the Agency to provide grants to small businesses or not-for-profits for the purpose of purchasing personal protective equipment ("PPE") and other fixtures ("Fixtures") necessary to prevent the spread of COVID-19.

The Agency's grant policy is as follows:

1. An "Eligible Entity" means both small business entities and not-for-profit corporations that:
 - a. Are physically located in the Town of Bethlehem ("Town");
 - b. Were in operation prior to 3/7/2020;
 - c. Have not more than 50 full-time employees (FTEs) as of 3/7/2020;
 - d. Conduct business within the Town;
 - e. Have been negatively affected by the State disaster emergency; and
 - f. Had been financially viable prior to 3/7/2020.
2. The Agency will allocate \$25,000 from its net assets to provide grants to reimburse the cost of purchases and installation of PPE and fixtures in the maximum amount of up to \$500 for an Eligible Entity.
3. The Agency must approve each application for a grant at a public meeting of the Agency at which public comment is permitted; the minutes of the meeting should be

posted within 5 days of the meeting; the application will be posted on the Agency's website.

4. An Eligible Entity must purchase and install the PPE and Fixtures in the Eligible Entity and submit to the Agency proof, satisfactory to the Agency, of the purchase and/or installation of the PPE and Fixtures.
5. An Eligible Entity must provide to the Agency financial statements (balance sheet and income and expense statements) for the most recent fiscal year. Internally prepared financial statements and tax returns will be accepted.
6. An Eligible Entity must provide the Agency with a listing of all other loans and grants it has received or applied for with a similar purpose.
7. The Agency and an Eligible Entity shall execute a written agreement ("Agreement") covering the terms and conditions of the grant.
8. The Agreement will provide that in the event that the Eligible Entity does not use the grant funds for an authorized purpose, the Agency will recapture the funds granted to the Eligible Entity.
9. The Agency will report the name and address of each grant recipient, the amount of a grant, the date the grant was awarded and the specific use of the grant funds, in the Agency's annual report to New York State Authorities Budget Office.
10. This grant program will terminate on 12/31/2021.
11. This policy shall be posted on the Agency's website.

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Vice Chair

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COVID-19 Small Business State Disaster Emergency Grant Application

Date ____ / ____ / ____

Part I. Contact Information

Name _____ Home Phone _____

Cell Phone _____ E-mail Address _____

Home Address _____

City and State _____ Zip code _____

Part II. Business/Not-for-Profit Information (Applicant)

Name of Applicant _____

Phone _____ Fax _____

Address _____

City and State _____ Zip code _____

Web Site Address _____

E-mail Address _____

Employer Identification Number/Federal Tax ID/Social Security No.: _____

Number of Full Time Employees (FTEs): _____

Business start date: ____ / ____ / ____

Type of Business Entity (check all that apply):

- Sole Proprietor Partnership LLC S-Corporation C-Corporation
- National Chain Independent Contractor for National Chain Veteran Owned Business
- MWBE Locally Owned Franchise Not-for-Profit Corporation

Did your business close during the pandemic? YES_ NO_

If YES,

What was the duration of the closure? _____

When did you reopen? Phase: _____ Date: ____ / ____ / ____

Average monthly spending on PPE items \$ _____, fixtures \$ _____

Grant Amount Request, not to exceed \$500.00: _____

Purpose: Personal Protective Equipment _____

Attachment: Application BIDA Grant Program V3 (6270 : COVID Application)

Fixtures necessary to prevent the spread of COVID-19 _____

List all other loans or grants received or applied for with a similar purpose:

The Applicant has been negatively affected by the State Disaster Emergency YES__NO__

Describe how affected:

Part III. Declarations

The authorized representative of the Applicant must certify in good faith to all of the below by initialing next to each one:

_____ The Applicant does not have more than 50 full time employees (FTEs) as of March 7, 2020.

_____ The Applicant was in operation prior to March 7, 2020.

_____ The Applicant was financially viable prior to March 7, 2020.

_____ Issuance of the grant is conditioned on the Applicant and the Agency executing a written agreement covering the terms and conditions of the Grant.

_____ The funds will be used for personal protective equipment or fixtures necessary to prevent the spread of COVID-19

_____ The Applicant is physically located within the Town of Bethlehem and conducts business within the Town.

_____ The Applicant commits to reporting the status of business operations, using a provided form, on 1/15/2021 and 1/15/2022.

_____ Financial statements (balance sheet and income and expense statement) for the most recent fiscal year are attached. Internally prepared financial statements and tax returns will be accepted.

I/we attest that to the best of my/our knowledge, the information contained in this application is correct and true. I/we am/are aware that the filing of a false instrument in connection with this application may constitute an attempt to defraud the Town of Bethlehem Industrial Development Agency and may be illegal under the laws of the State of New York.

If Applicant is a sole proprietorship, partnership, or limited liability company, sign below:

Signature _____ Date ____ / ____ / _____

Signature _____ Date ____ / ____ / _____

If Applicant is a corporation, sign below:

Name/Title: _____

Corporate Name: _____

Signature _____ Date ____ / ____ / _____

Attachment: Application BIDA Grant Program V3 (6270 : COVID Application)

Frank S. Venezia
Chair

Victoria Storrs
Vice Chair

Tim McCann
Secretary

Richard Kotlow
Assistant Secretary

Tim Maniccia
Member

David Kidera
Member

**Catherine M.
Hedgeman, Esq.**
Member

TOWN OF BETHLEHEM

Albany County - New York

INDUSTRIAL DEVELOPMENT AGENCY

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Treasurer, Chief Financial
Officer and Contracting Officer
518-487-4679

Vacant
Economic Development
Coordinator
Ext. 1189

Robin Nagengast
Assistant to the Executive
Director and Clerk
Ext. 1164

Town of Bethlehem Industrial Development Agency COVID-19 Small Business State Disaster Emergency Grant Agreement

THIS AGREEMENT, entered into as of this _____ day of _____ by and between _____ having its principal office at _____ (hereinafter "Company") and the Town of Bethlehem Industrial Development Agency having its principal office at 445 Delaware Avenue, Delmar, New York (hereinafter "Agency"), making and entering into same as the date of its execution by an authorized representative of the AGENCY.

WITNESSETH THAT:

WHEREAS, the Agency on _____ authorized the Agency to grant Agency funds to the Company for the purpose of providing to small businesses or not-for-profits funds for the purchase of personal protective equipment (hereinafter "PPE") and for the installation of fixtures (hereinafter "Fixtures") necessary to prevent the spread of COVID-19.

NOW, THEREFORE, the parties do agree as follows:

1. **Project Descriptions.** The Agency will grant funds to the Company which will use the funds for the reimbursement of PPE and Fixtures more fully described in the Company's application for funds during the period 3/7/2020 through 12/31/2021.
2. **Grant Amount.** The Agency agrees to grant up to \$500 for the project. Under no circumstances will the Agency be expected to provide more than \$500 to the Company.
3. **Grant Disbursement.** The Agency shall disburse its grant to the Company only after the AGENCY receives proof satisfactory to the Agency that the Company has purchased PPE and/or installed Fixtures.
4. **Hold Harmless Agreement.** The Company agrees to indemnify and defend the Agency and hold it harmless from any claim against it in any way arising out of the Agency's involvement with this project.
5. **Other Undertakings of the Company.**
 - a. The Company is an "Eligible Entity" as set forth in New York State Chapter 109 of the Laws of 2020 amending section 858 of the General Municipal Law.
 - b. The Company is a small business or not-for-profit corporation that did not have more than 50 full time employees (FTEs) as of 3/7/2020;
 - c. The Company is physically located in the Town of Bethlehem (hereinafter "Town");
 - d. The Company was in operation prior to 3/7/2020.
 - e. The Company conducts business within the Town.

- f. The Company was financially viable prior to 3/7/2020.
 - g. The Company has been negatively affected by the State disaster emergency.
 - h. The Company must provide to the Agency financial statements (balance sheet and income and expense statements) for the previous fiscal year. Internally prepared financial statements and tax returns will be accepted.
 - i. The Company must provide the Agency with a listing of all other loans and grants it has received or applied for with a similar purpose.
 - j. The Company shall report to the Agency, using the form provided, on the status of its business operations in the previous calendar year on 1/15/2021 and 1/15/2022.
 - k. In the event the Company does not use the grant funds for authorized purposes, the Agency will recapture the grant funds.
6. **Assignments.** The Company shall not assign or otherwise transfer any of its rights, duties or obligations under this agreement without the Agency’s advance written authorization.
 7. **Audit.** The Company agrees to participate actively, if requested, and without compensation in audits of the grant made by the New York State Comptroller or the New York State Authorities Budget Office.
 8. **No Waiver.** No failure on the part of the Agency to exercise, and no delay in exercising, any right hereunder shall operate as a waiver thereof, nor shall any single or partial exercise by the Agency of any right hereunder preclude any other or future exercise thereof or the exercise of any other right.
 9. **Applicable Law.** This Agreement and the rights and obligations of the parties hereunder shall be construed and interpreted in accordance with the laws of the State of New York.
 10. **Notice.** All notices permitted or required under this Agreement shall be in writing and shall be deemed to be given when delivered personally or deposited in the mails, postage prepaid, certified mail addressed to the Company at its address set forth above and addressed to the Agency at its address set for above. Either party may change its address by notice similarly given.
 11. **Records.** The Company agrees to keep and maintain books, records and other documents relating to the receipt and disbursements of monies advanced by the Agency; and any duly authorized representatives of the Agency, shall, at all reasonable times, have access to and the right to inspect, copy, audit, and examine all such books, records and other documents of the Company until all issues arising from the grant agreement have been finally settled.
 12. **Public Information Disclosures.** The Company understands and agrees that some information furnished in connection with this application for a grant involves the use of public funds and as such may be public pursuant to the statutes of the State of New York.
 13. **Termination.** This Disaster Relief Emergency Grant Program will terminate on 12/31/2021.

IN WITNESS WHEREOF, the Company and the Agency have executed this Agreement as of the date first above written.

Town of Bethlehem IDA

(Company Name)

By:

By:

Frank S. Venezia, Chair

Name/Title:

Date:

Date:

Attachment: Grant Agreement BIDA Grant Program v3 (6271 : COVID Agreement)