

**Victoria Storrs**  
*Chair*

**Richard Kotlow**  
*Treasurer*

**David Kidera**  
*Member*

**Victor Franco**  
*Member*

**Edward W. De  
Barbieri**  
*Member*

**Georgette Steffens**  
*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 Agenda**  
Wednesday, January 25, 2023

**8:00 AM**

**Town Hall Room 101**

**Livestream:**

<https://us02web.zoom.us/j/87234308737?pwd=VWRNQXRDSHhSSDR3UFBaRTF4bVV0Zz09>

**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*  
518-439-4995Ex

**I. Call to Order/Roll Call/Quorum Approval**

**II. Introduction of new Members (Storrs)**

**III. Minutes Approval Regular Meeting**

1. Bethlehem Industrial Development Agency – Regular Meeting – October 26, 2022

**IV. Financial Report**

1. Financial Statements (Maikels)  
October, November and December 2022 Financials

**V. Communications**

1. None.

**VI. Old Business**

1. Project Updates (Hedgeman)
2. Report of Senior Economic Developer (Taylor)

**VII. New Business**

1. **Board Manuals/Name Plates**
2. **Bios and headshots**
3. **Training dates**
4. **New Policy Discussions**
  - a. Performance measures
  - b. Public comment policy
  - c. Operations and Accomplishments
5. Resolution to Approve a Consultant Agreement for Executive Director and a Retainer Agreement for Agency Counsel

**VIII. Adjourn**

## **REVISED CALENDAR OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY BOARD MEETINGS**

### **2023**

Wednesday, January 25, 2023 at 8:00am

Wednesday, February 15, 2023 at 8:00am

Wednesday, March 22, 2023 at 8:00am

Wednesday, April 26, 2023 at 8:00am

Wednesday, May 24, 2023 at 8:00am

Wednesday, June 28, 2023 at 8:00am

Wednesday, July 26, 2023 at 8:00am

Wednesday, August 23, 2023 at 8:00am

Wednesday, September 27, 2023 at 8:00am

Wednesday, October 25, 2023 at 8:00am

Wednesday, November 15, 2023 at 8:00am

Wednesday, December 20, 2023 at 8:00am

**Victoria Storrs**  
*Chair*  
**Vacant**  
*Vice Chair/ Assistant Secretary*  
**Vacant**  
*Secretary*  
**Richard Kotlow**  
*Treasurer*  
**David Kidera**  
*Member*  
**Victor Franco**  
*Member*  
**Edward W. De Barbieri**  
*Member*

**TOWN OF BETHLEHEM**  
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**Regular Meeting Agenda**  
**Wednesday, October 26, 2022**  
**8:00 AM**

**Town Hall Room 101**  
**Livestream:**

<https://us02web.zoom.us/j/86733977362?pwd=UUZyTG5zYlV0bElXSTF3NGZ3bEl3UT09>

**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*  
518-439-4995Ext.

**I. Call to Order/Roll Call/Quorum Approval**

A regular meeting of the Town of Bethlehem Industrial Development Agency was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, New York. The meeting was called to order at 8:02 a.m. The roll was called, and all members were present with the exception of Victor Franco, who attended via Zoom and was not counted as part of the quorum.

**II. Minutes Approval Regular Meeting**

**1. Bethlehem Industrial Development Agency- Regular Meeting- September 28, 2022**

The minutes of the September 28, 2022 meeting were approved on a motion by Chairperson Storrs, seconded by Mr. Kidera and Mr. Kotlow, with all members present in favor.

**2. Bethlehem Industrial Development Agency- Regular Meeting- June 22, 2022**

The minutes of the June 22, 2022 meeting were approved on a motion by Chairperson Storrs, seconded by Mr. Kidera and Mr. De Barbieri, with all members present in favor.

**III. Report of the Finance Committee**

**a. Financial Statements**

Mr. Kotlow began with the September 30, 2022 financial statements. Mr. Kotlow stated the PSEG revenue is far ahead of budget.

There is an approximate net income of \$500,000 for the year. Mr. Kotlow mentioned the importance of taking the net income into consideration when planning some of the initiatives for next year.

Mr. Kotlow discussed the proposed budget for 2023 and stated that the Finance Committee recommended approval.

#### **IV. 2023 Annual Budget Review and Approval (Storrs/Kotlow)**

##### **1. Services Contract**

Mr. Kotlow stated that the services contract includes administrative contracts for counsel, the CFO contract, and the moneys paid to the town. Ms. Storrs further explained the tradition of the town providing services to the IDA in exchange for a fee. This year, the IDA has paid a bit more because of the IDA's growth. Ms. Storrs proposed that the IDA pay \$40,000 to the town for 2023 services; \$30,000 towards the salary of the Senior Economic Developer and the remaining \$10,000 towards other administrative and facility services. The town bills the IDA twice yearly.

##### **2. Budget and Projections**

An additional \$20,000 has been budgeted into expenses to account for updating the website of the IDA and complying with the ABO.

Ms. Storrs mentioned that other expenses include membership in the Center for Economic Growth and New York State Economic Development Council. The IDA will also be partnering with the Bethlehem Chamber to pay for the SizeUp business intelligence tool and will be applying to operate an input/output software model from IMPLAN for \$2,500, which will help to evaluate economic impact.

Ms. Storrs discussed the budgeting of \$100,000 for business and economic development goals. Ms. Storrs mentions the possible use of the funds to pay for studies such as a high priority industrial parcel.

##### **3. Budget Resolution**

The 2023 Budget was approved upon a motion by Chairperson Storrs, seconded by Mr. De Barbieri and Mr. Kotlow, with all members present in favor.

#### **V. Communications**

##### **1. None.**

#### **VI. Old Business**

##### **1. Project Updates (Hedgeman)**

Ms. Hedgeman stated that she projects two new applications be presented by the end of the year. One for 41 Hamilton warehouse space and a second for a self-storage project.

Mr. Scott updated the board on CHPE which closed in escrow the first week of October. The project is expected to close on financing in early to mid-November. Mr. Scott emphasized that there is no money held in escrow, but rather it is documents being held.

##### **2. Report of Senior Economic Developer (Taylor)**

Mr. Taylor provided a brief update on the New York Forward grant which was discussed at the last meeting. Representatives from Empire State Development and the Department of State were given a tour of the project area (Delaware avenue) and discussed the projects proposed in the application. Either \$2.25 million or \$4.5 million should be received for the revitalization. Two or three of the nineteen applications will receive funding. Additionally, new email addresses for the board are setup and undergoing testing.

**VII. New Business**

**1. Resolution Amending Town of Bethlehem Industrial Development Agency Financial Assistance, procedures, and fees policy**

Ms. Hedgeman discussed the financial assistance policy. The major change here was project administrative fees. Ranges have been raised from previous fees. Ms. Storrs mentioned that the inducement resolution starts the review process. Actual financing would occur after review and upon adoption of an approving resolution.

Mr. Kotlow recommended adding section 6 which would state that the agency has power to negotiate all fees.

The amendment to the Fees policy was approved upon a motion by Chairperson Storrs seconded by Mr. De Barbieri and Mr. Kotlow, with all members present in favor.

**VIII. Future Meetings**

There is a deviation from the regular meeting schedule for the months of November and December to the upcoming holidays.

**IX. Adjourn**

The meeting was adjourned at 8:59 a.m. by Chairperson Storrs, with all members present in favor.

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
STATEMENT OF NET ASSETS  
October 31, 2022

ASSETS	October 31,2022
Current Assets	
Checking/Savings	
200.04 Cash-M&T Bank Agency Account	191,260.74
200.06 Cash-M&T CD	<u>750,000.00</u>
Total Checking/Savings	941,260.74
Other Current Assets	
380 Fee Receivable	78,175.38
480 Prepaid Expense	<u>603.34</u>
Total Other Current Assets	<u>78,778.72</u>
Total Current Assets	<u>1,020,039.46</u>
<b>TOTAL ASSETS</b>	<u><u>1,020,039.46</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
601 Accrued Expenses	<u>16,689.24</u>
Total Current Liabilites	<u>16,689.24</u>
Total Liabilities	<u>16,689.24</u>
Equity	
924 Net Assets	
924.3 Net Assets-Unassigned	<u>1,003,350.22</u>
Total 924 Net Assets	<u>1,003,350.22</u>
Total Equity	<u>1,003,350.22</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>1,020,039.46</u></u>

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
STATEMENT OF REVENUE AND EXPENSES  
October 31, 2022

ORDINARY INCOME/EXPENSE

Income

2116 FEE INCOME 474,713.30

2116.1 PSEG ENERGY REIMB 201,970.62

Total Income 676,683.92

Expenses

6460.4 Contractual Expenses 109,010.10

6460.5 Business & Economic Development 4,000.00

Total Expenses 113,010.10

NET ORDINARY INCOME 563,673.82

Other Income/Expense

Other Income

2401 Interest Income 127.91

Total Other Income 127.91

NET INCOME 563,801.73

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
BUDGET VS ACTUAL  
October 31, 2022

Ordinary Income/Expense	Oct-22	YTD Budget	Variance	Annual Budget
Income				
2116 Fee Income	474,713.30	43,953.33	430,759.97	52,744.00
2106.1 PSEG Energy Reimb	201,970.62	58,333.33	143,637.29	70,000.00
Total Income	676,683.92	102,286.66	574,397.26	122,744.00
Expenses				
6460.4 Contractual Expenses	109,010.10	98,383.33	10,626.77	118,060.00
6460.5 Business and Economic Dev	4,000.00	1,666.66	2,333.34	2,000.00
Total Expenses	113,010.10	100,049.99	12,960.11	120,060.00
Net Ordinary Income	563,673.82	2,236.67	561,437.15	2,684.00
Other Income/Expense				
2401 Interest Income	127.91	250.00	-122.09	300.00
Total Other Income	127.91	250.00	-122.09	300.00
Net Income	563,801.73	2,486.67	561,315.06	2,984.00



BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
STATEMENT OF NET ASSETS  
November 30, 2022

<b>ASSETS</b>	<u>November 30, 2022</u>
Current Assets	
Checking/Savings	
200.04 Cash-M&T Bank Agency Account	182,664.77
200.06 Cash-M&T CD	<u>750,000.00</u>
Total Checking/Savings	932,664.77
 Other Current Assets	
380 Fee Receivable	117,295.89
480 Prepaid Expense	<u>301.67</u>
Total Other Current Assets	117,597.56
 Total Current Assets	<u>1,050,262.33</u>
 <b>TOTAL ASSETS</b>	 <u><u>1,050,262.33</u></u>
 <b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
601 Accrued Expenses	<u>18,015.96</u>
Total Current Liabilities	<u>18,015.96</u>
 Total Liabilities	 <u>18,015.96</u>
 Equity	
924 Net Assets	
924.3 Net Assets-Unassigned	<u>1,032,246.37</u>
Total 924 Net Assets	1,032,246.37
 Total Equity	 <u>1,032,246.37</u>
 <b>TOTAL LIABILITIES &amp; EQUITY</b>	 <u><u>1,050,262.33</u></u>

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
STATEMENT OF REVENUE AND EXPENSES  
November 30, 2022

ORDINARY INCOME/EXPENSE

Income

2116 FEE INCOME	513,833.81
2116.1 PSEG ENERGY REIMB	<u>201,970.62</u>

Total Income	<u>715,804.43</u>
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Expenses

6460.4 Contractual Expenses	119,272.48
6460.5 Business & Economic Development	<u>4,000.00</u>

Total Expenses	<u>123,272.48</u>
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NET ORDINARY INCOME	<u>592,531.95</u>
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Other Income/Expense

Other Income

2401 Interest Income	165.93
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Total Other Income	<u>165.93</u>
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NET INCOME	<u><u>592,697.88</u></u>
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BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
BUDGET VS ACTUAL  
November 30, 2022

Ordinary Income/Expense Income	Nov-22	YTD Budget	Variance	Annual Budget
2116 Fee Income	513,833.81	48,348.66	465,485.15	52,744.00
2106.1 PSEG Energ Reimb	201,970.62	64,166.66	137,803.96	70,000.00
Total Income	715,804.43	112,515.32	603,289.11	122,744.00
Expenses				
6460.4 Contractual Expenses	119,272.48	108,221.66	11,050.82	118,060.00
6460.5 Business and Economic Dev	4,000.00	1,833.33	2,166.67	2,000.00
Total Expenses	123,272.48	110,054.99	13,217.49	120,060.00
Net Ordinary Income	592,531.95	2,460.33	590,071.62	2,684.00
Other Income/Expense				
2401 Interest Income	165.93	275.00	-109.07	300.00
Total Other Income	165.93	275.00	-109.07	300.00
Net Income	592,697.88	2,735.33	589,962.55	2,984.00

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
STATEMENT OF NET ASSETS  
December 31, 2022

ASSETS	December 30,2023
Current Assets	
Checking/Savings	
200.04 Cash-M&T Bank Agency Account	460,097.90
200.06 Cash-M&T CD	<u>751,986.25</u>
Total Checking/Savings	1,212,084.15
Other Current Assets	
380 Fee Receivable	40,394.12
480 Prepaid Expense	<u>0.00</u>
Total Other Current Assets	40,394.12
Total Current Assets	<u>1,252,478.27</u>
<b>TOTAL ASSETS</b>	<u><u>1,252,478.27</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
601 Accrued Expenses	<u>2,110.00</u>
Total Current Liabilites	<u>2,110.00</u>
Total Liabilities	<u>2,110.00</u>
Equity	
924 Net Assets	
924.3 Net Assets-Unassigned	<u>1,250,368.27</u>
Total 924 Net Assets	1,250,368.27
Total Equity	<u>1,250,368.27</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>1,252,478.27</u></u>

BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
STATEMENT OF REVENUE AND EXPENSES  
December 31, 2022

ORDINARY INCOME/EXPENSE

Income

2116 FEE INCOME	696,123.22
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2116.1 PSEG ENERGY REIMB	<u>242,364.74</u>
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Total Income	938,487.96
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Expenses

6460.4 Contractual Expenses	125,938.35
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6460.5 Business & Economic Development	<u>4,000.00</u>
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Total Expenses	129,938.35
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NET ORDINARY INCOME	<u>808,549.61</u>
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Other Income/Expense

Other Income

2401 Interest Income	2,270.17
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Total Other Income	<u>2,270.17</u>
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NET INCOME	<u><u>810,819.78</u></u>
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BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY  
BUDGET VS ACTUAL  
December 31, 2022

Ordinary Income/Expense	Dec-22	YTD Budget	Variance	Annual Budget
Income				
2116 Fee Income	696,123.22	52,744.00	643,379.22	52,744.00
2106.1 PSEG Energy Reimb	242,364.74	70,000.00	172,364.74	70,000.00
Total Income	938,487.96	122,744.00	815,743.96	122,744.00
Expenses				
6460.4 Contractual Expenses	125,938.35	118,060.00	7,878.35	118,060.00
6460.5 Business and Economic Dev	4,000.00	2,000.00	2,000.00	2,000.00
Total Expenses	129,938.35	120,060.00	9,878.35	120,060.00
Net Ordinary Income	808,549.61	2,684.00	805,864.61	2,684.00
Other Income/Expense				
2401 Interest Income	2,270.17	300.00	1,970.17	300.00
Total Other Income	2,270.17	300.00	1,970.17	300.00
Net Income	810,819.78	2,984.00	807,835.78	2,984.00

## Bethlehem IDA Project Summary

Project Name	Status	Project Basis (Project Size)	Closing Date	Application Fee	Agency Fee (0.75%)	Counsel Fee	2013 Annual Fee (0.05%)	2014 Annual Fee (0.05%)	2015 Annual Fee (0.05%)	2016 Annual Fee (0.05%)	2017 Annual Fee (0.05%)	2018 Annual Fee (0.05%)	2019 Annual Fee (0.05%)	2020 Annual Fee (0.05%)	2021 Annual Fee (0.05%)	2022 Annual Fee (0.05%)	2023 Annual Fee .05\$	2024 Annual Fee 0.05%	2025 Annual Fee 0.05%
<i>Closing 2011</i>																			
Infrastructure	Closed	\$6,750,000	12/30/2011	\$10,000	\$125,000	\$45,000	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375	\$3,375
ShopRite	Closed	\$12,799,450	12/30/2011	\$500	\$95,996	\$8,000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ShopRite Equip	Closed	\$4,750,000	4/16/2012	\$500	\$35,625	\$4,000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Closing 2012</i>																			
Bershire	Closed	\$1,816,890	5/9/2012	\$500	\$13,627	\$5,000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SEFCU	Closed	\$1,816,890	5/9/2012	\$500	\$13,627	\$5,000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Albany Enterprises	Closed	\$3,900,000	7/30/2012	\$500	\$29,250	\$5,000	\$1,950	\$1,950	\$1,950	\$1,950	\$1,950	\$1,950	\$1,950.00	\$1,950.00	\$1,950.00	\$1,950.00	\$1,950.00	\$0.00	\$0.00
Columbia 14	Closed	\$1,565,500	11/5/2012	\$500	\$11,741	\$4,000	\$783	\$783	\$783	\$783	\$783	\$783	\$783.00	\$783.00	\$783.00	\$783.00	\$783.00	\$0.00	\$0.00
<i>Closing 2013</i>																			
Finke Eneterprises	Closed	\$7,171,200	3/20/2013	\$500	\$53,784	\$7,500	\$0.00	\$3,586	\$3,586	\$3,586	\$3,586	\$3,586	\$3,586.00	\$3,586.00	\$3,586.00	\$3,586.00	\$3,586.00	\$3,586.00	\$0.00
Columbia 10	Closed	\$2,066,500	8/20/2013	\$500	\$15,500	\$6,000	\$0.00	\$1,033	\$1,033	\$1,033	\$1,033	\$1,033	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Columbia 5	Closed	\$1,245,000	8/20/2013	\$500	\$9,338	\$6,000	\$0.00	\$623	\$623	\$623	\$623	\$623	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Columbia 15 *	Pending	\$3,261,500	3/22/2013	\$500	\$12,231		\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Closing 2014</i>																			
ARHC/Slingerlands 11	Closed		6/13/2014	\$500	\$2,000	\$1,500	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ARCP/Selkirk Ventures	Closed		7/29/2014	\$500	\$2,000	\$1,500													
American Housing	Closed		10/28/2014		\$1,000	\$2,000	\$0.00	\$0.00	\$0.00	\$0.00	\$0	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Closing 2016</i>																			
Coeymans Recycling	Closed	\$4,905,000	5/12/2016	\$500	\$36,787	\$5,000	\$0.00	\$0.00	\$0.00	\$0.00	\$2,453	\$2,453	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>Closing 2018</i>																			
Air Products	Closed	\$14,100,000		\$500	\$105,750	\$9,000						\$7,050	\$7,050	\$7,050	\$7,050	\$7,050	\$7,050	\$7,050	\$7,050
SAE SUN Monolith	Closed	\$4,608,000		\$500	\$34,560	\$6,500						\$2,304	0	0	\$0	\$0			
<i>Closing 2022</i>																			
Burt Crane	Closed	\$5,216,068	11/21/2022		\$39,121	\$0											\$2,608.00	\$ 2,608.00	\$ 2,608.00
Totals		\$70,755,930		\$17,500	\$597,816	\$121,000	\$6,108	\$11,350	\$11,350	\$11,350	\$13,803	\$23,157	\$16,744	\$16,744	\$16,744	\$16,744	\$19,352	\$16,619	\$13,033
PSEG							\$70,000	\$70,000	\$70,000	\$106,000	\$70,000	\$72,500	\$72,000	\$68,000	\$38,000	\$70,000	\$80,000	\$40,000	\$0
Port of Albany	Closed			\$500	\$303,258												\$117,607.00	\$117,607.00	\$117,607.00
Totals																	\$216,959	\$174,226	\$130,640

\* temporary appointment of sales tax agent

## Town of Bethlehem Industrial Development Agency

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### 2022 AUTHORITY MISSION AND GOALS MEASUREMENT REPORT

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**Name of Public Authority:** Bethlehem Industrial Development Agency

**Public Authority's Mission Statement:**

The Agency's mission is to assist the Town in implementing the non-residential development components of the Plan by actively promoting, attracting, retaining and developing high quality jobs and capital investment in the Town with a focus on appropriate, economically sound and sustainable commercial, industrial, manufacturing, warehousing, educational, research and recreational facilities and projects. To secure expanded jobs and investment associated with such development, the Agency will provide to such projects technical and other assistance and financial assistance to such projects in accordance with Article 18-A of the General Municipal Law of the State of New York.

**List of Performance Goals and Measurement of Progress in Meeting Goals:**

**1. Advance job opportunities**

For the year ended December 31, 2022, the Agency closed on \_\_\_\_\_ different projects during the year. These Projects are anticipated to bring significant job growth to the area with total investments of \$\_\_\_\_\_ and the addition of potentially \_\_\_\_\_ full-time equivalent employees to the Town.

**2. Promote general prosperity and long-term economic vitality in the County**

The Agency continues to review, promote, develop and encourage projects that will advance job opportunities, health, general prosperity and economic vitality in the Town.

**3. Foster creation of new business**

The BIDA partners with various Stakeholders to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial and manufacturing facilities or educational and cultural facilities for the benefit of residents and taxpayers in the Town.

**4. Foster retention and expansion of existing businesses**

The BIDA partners with various stakeholders including the Bethlehem Chamber of Commerce for the purpose of fostering retention and expansion of existing businesses.

**5. Identify new opportunities for the local economy**

The BIDA members attend meetings and conduct research on new opportunities to help it meet the goals and objectives of advancing job opportunities, business expansion and



retention to help protect jobs that help bolster the Town's economy.

## **6. Enhance the economic wellbeing of Town residents and businesses**

The BIDA accomplished this goal by providing grants to Town businesses and organizations for personal protection equipment needed to maintain operations during the COVID-19 pandemic in 2020-21.

### **Additional questions:**

**1. Have the board members acknowledged that they have read and understood the mission of the public authority?**

**2. Who has the power to appoint the management of the public authority?**

The Town Board

**3. If the Board appoints management, do you have a policy you follow when appointing the management of the public authority?**

No.

**4. Briefly describe the role of the Board and the role of management in the implementation of the mission.**

The Role of Management of the Agency is delegated to an Executive Director. The Executive Director is responsible for the daily operations of the Agency including, but not limited to:

- Reviewing all applications
- Reviewing correspondence of the Agency
- Overseeing the financial operations of the Agency
- Providing support for Board and other meetings
- Maintaining the Agency website
- Ensuring compliance with all Federal, State and local laws

The Role of the Board is to hire and fire staff and to oversee the operations. The Board carries out its role by holding regular board and committee meetings and conducting an annual financial audit.

**5. Has the Board acknowledged that they have read and understood the responses to each of these questions?**

# BIDA

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## Town of Bethlehem Industrial Development Agency

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### PUBLIC COMMENT POLICY

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Notices of Board of Directors meetings are advertised on the Bethlehem IDA website at [www.bethlehemida.com](http://www.bethlehemida.com). Members of the general public are invited to attend and given the opportunity to address the Board during the Public Comment Period on the agenda in accordance with the following rules and procedure:

1. Each meeting will include a designated period for public comment (Public Comment Period), at which time members of the general public will be given the opportunity to speak before the board with regard to items on the Agenda only.
2. Any person wishing to speak must register by at least seventy-two (72) hours in advance of the meeting by sending an email to the Executive Director at: [Chedgeman@bethlehemida.com](mailto:Chedgeman@bethlehemida.com). Any person wishing to speak must state their name and the topic on which they will speak in the email. This pre-registration will be used by the Chair or the presiding officer to set the order and recognize speakers.
3. Speakers will be given a maximum of two (2) minutes to address the Board.
4. Written material, questions or comments requiring responses will not be accepted by the Board. The Public Comment Period will not be a question and answer period.
5. Upon a motion and majority vote of the members of the Agency, the public comment period may be suspended and/or extended.
6. Board Members, speakers, and audience members must observe proper decorum. Any statement made during the Public Comment Period shall not involve personal, impertinent, or slanderous attacks on individuals.
7. The Chair or the presiding officer shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive or disparaging language or racial or ethnic slurs directed at any other individual shall not be tolerated.
8. Banners, flyers or other signs are not permitted in the meeting room.

9. Distribution of flyers is not permitted in the meeting room.
10. Any individual who disregards the directives of the Chair or the presiding officer in enforcing the rules or who generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Board and/or is disruptive will be barred from further participation and forfeit their opportunity to address the Board and will be subject to removal by law enforcement.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

## Bethlehem Industrial Development Agency

### **2022 Operations and Accomplishments**

The Bethlehem Industrial Development Agency (the “Agency”) is a public benefit Agency which operates in the Town of Bethlehem, New York. The Agency is classified by the New York State Authorities Budget Office as a public authority. The Agency's mission is to assist the Town in implementing the non-residential development components of the Plan by actively promoting, attracting, retaining and developing high quality jobs and capital investment in the Town with a focus on appropriate, economically sound and sustainable commercial, industrial, manufacturing, warehousing, educational, research and recreational facilities and projects. To secure expanded jobs and investment associated with such development, the Agency will provide to such projects technical and other assistance and financial assistance to such projects in accordance with Article 18-A of the General Municipal Law of the State of New York.

### **Financial Highlights**

The Agency’s net position increased by \$\_\_\_\_\_ as a result of operations in 2022:

- Revenues increased by \$\_\_\_\_\_ compared to 2021.
- Expenses increased \_\_\_\_\_ compared to 2021 due to \_\_\_\_\_.

### **Agency Highlights**

During 2022, the Agency continued to successfully establish and/or improve administrative processes, policies, Board training and project awareness, intra-agency relationships, and community outreach:

- Prioritized Transparency and Training for Board and Accountability for Projects
  - The Agency invested in a chrome book and a camera/microphone for continued livestreaming all meetings and posting the recordings on the website
  - Approved the purchase of a new cost benefit analysis tool to better analyze potential projects
  - Reviewed and purchased SIZEUP Business Planning Tool in partnership with the Bethlehem Chamber of Commerce
  - Performed site visits for Projects to ensure compliance
- Repealed, Created, or Updated Policies
  - Adopted amendments to the Uniform Tax Exemption Policy (UTEP) regarding fee schedule for projects
  - Revised bylaws to be gender neutral
  - Reviewed current records of the Agency and Record Retention Policy as required by New York State law
  - Updated the current website to ensure compliance with New York State law
  - Initiated the design of a new website

- Projects
  - \$125 Million 400,000 square foot fuel cell manufacturing facility (Plug Power) at Vista Technology Park economic development cooperation agreement
  - Albany Port District Commission \$235,213, 646 Off-Shore Wind Project: \$853,000 Sales Tax Exemption
  - Vista Technology Park Infrastructure Bond Fee Splitter Agreement for 125 Vista
  - Finke Enterprises, LLC refinance
  - CHPE Transmission line economic development cooperation agreement
  - Cannon Development/Burt Crane \$3, 912,051 acquisition of Land on River Road for a new facility: \$535,000 of Sales tax, mortgage tax and real property tax abatement.
  
- Improved Inter-Agency and Stakeholders Relationships
  - Attended Albany County Alliance Quarterly Meetings
  - Attended Weekly Meetings with the Albany County Alliance and Town officials regarding the Plug Power Project

## **CONSULTANT** **AGREEMENT**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, by and between the Bethlehem Industrial Development Agency, a public benefit corporation of the State of New York whose address is 445 Delaware Avenue, Delmar, NY 12054 (the "Client") and Catherine M. Hedgeman, Esq., (herein, the "Consultant"), an individual having an address Hedgeman Law Firm, 52 Surrey Mall, PO Box 177, Slingerlands, NY 12159.

**WHEREAS**, the Town of Bethlehem Industrial Development Agency (herein "BIDA") desires to appoint and secure the services of an Executive Director and Agency Counsel, and;

**WHEREAS**, BIDA desires to appoint the Consultant Executive Director and Agency Counsel and formalize the duties of BIDA's Executive Director and Agency Counsel, and;

**WHEREAS**, the BIDA and the Consultant desire to enter into this Agreement to memorialize the Consultant's appointment as BIDA Executive Director and Agency Counsel and set forth the services to be provided by Consultant to BIDA as an independent contractor.

**NOW THEREFORE**, in consideration of the above-mentioned premises and of the mutual covenants contained herein, the parties hereto agree as follows:

### **Scope of Services:**

#### **Duties of the Executive Director/Agency Counsel**

This part-time position is responsible for all aspects of management and promotion of the BIDA except for financial reporting. The Executive Director/Agency Counsel reports directly to the BIDA Chair and is expected to be responsive to inquiries and requests from all board members.

Duties include, but are not limited to:

1. Planning regular and special meetings of the Agency and of Agency committees;
2. Reviewing and finalizing minutes of meetings;
3. Undertaking special projects requested by the Agency such as drafting a grant policy, grant application or grant agreement;
4. Providing orientation for new Agency board members;
5. Drafting policy documents for the Agency;
6. Providing clear, accurate and appropriate materials for Agency consideration, including but not limited to, project applications, resolutions, agendas and amendments to by-laws and policies;
7. Causing to be prepared and submitted timely accurate and complete reports as required by State law;
8. Interfacing with agencies such as the NYS Authorities Budget Office, the Office of the NYS Comptroller, NYS Economic Development Council, the Center for Economic Growth, and the Town of Bethlehem;
9. As directed by the board, promoting marketing endeavors, and directing Agency resources in such endeavors, consistent with the Mission Statement and strategic goals of the Agency.

The Executive Director is also responsible for shepherding applications for financial assistance through the Agency review and approval process culminating in a decision whether to grant financial assistance. The process requires the Executive Director/Agency Counsel to:

1. Oversee the preparation of a project report with a cost/benefit analysis;
2. Coordinate a public hearing;
3. Coordinate a discussion meeting and a decision meeting where an approving resolution may be adopted, such as sharing documents and materials sufficiently in advance of meetings to facilitate productive discussion and informed action and providing accurate and informed responses to inquiries raised by Agency board members; and
4. Be responsible for the annual review of active projects for compliance with closing documents and financial assistance agreements.

The responsibilities of the Executive Director also include the responsibilities of Agency Counsel.

These duties include:

1. Assisting board members fulfill their governance duties;
2. Providing the Chair and the Agency with legal advice, as needed, and representing the Agency in legal matters that come before the Agency; and
3. Interpreting provisions of State and federal law that govern the operations and activities of the BIDA.

### **Term of Appointment; Delivery of Services as Independent Contractor:**

The consultant services detailed above will commence on January 1, 2023 and, unless extended upon mutual consent, terminate on December 31, 2023, as may be extended by the BIDA board. The parties hereto mutually agree that the Base Fee to be paid hereunder shall be the exclusive remuneration of Consultant for the Scope of Services to be provided to BIDA herein and that any and all costs incurred by Consultant in furtherance of providing said Scope of Services shall be exclusively borne by Consultant without further reimbursement or remittance by the Client, unless as otherwise approved by BIDA in accordance with its policies. As an independent contractor, Consultant shall be responsible for all taxes and other benefits and nothing contained herein shall be interpreted as creating a relationship of servant, employee, partnership, or agency between BIDA and Consultant. Payment by BIDA for services rendered under this Agreement evidences the Consultant's acceptance of such status as independent contractor in accordance with the terms of this Agreement. The Consultant shall not make any claim, demand or application for any right or privilege applicable to an officer or employee of the BIDA, including, but not limited to worker's compensation coverage, unemployment insurance benefits, social security coverage, or retirement system membership or credit.

### **Payment for Services:**

Consultant shall bill for work performed according to the "Rate Schedule" attached to this Agreement as Exhibit A. Invoices shall be paid on a Net 10 basis.

During the term of this agreement, payment of will be made monthly to the consultant upon

receipt of a completed standard invoice and summary statement of the work performed for that month. It is anticipated and herein acknowledged that the actual workload will vary from one month to another. It is herein further acknowledged that said monthly payment is all- inclusive and is not an employment agreement with concomitant entitlement to certain fringe benefits and/or other remuneration.



**Liability and Indemnification:**

**Termination of Services:**

The consultant services detailed above may be terminated by either party upon Thirty (30) days' written notice.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed as of the day and year first written above.

**Town of Bethlehem Industrial Development Agency**

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**By: Victoria Storrs, Chair**

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**Catherine M. Hedgeman, Esq.**

## **Exhibit A**

### **Rate Schedule Public Authority Discounted Rates**

#### **Legal**

Catherine M. Hedgeman                      \$250/hr

#### **Executive Director Rate**

Catherine M. Hedgeman                      \$150/hr

#### **Proposed Annual Fee: \$50,000**

150 Hours Legal Fee Time:  $\$250/\text{hr} \times 150 = \$37,500$

83.33 Hours of Executive Director Time:  $\$150/\text{hr} \times 83.33 = \$12,500$

Additional time over the proposed Hours may be requested by the Agency at the billable rate or negotiated rate as determined by the Agency and Consultant/Counsel.

The proportional rate proposal may change to reflect actual hours spent on Legal Services vs. Executive Director time. The proposal reflects a “best estimate” based upon similar clients.