

## Town of Colonie Industrial Development Agency

Board Minutes  
September 24, 2012 Meeting

Meeting called to order by Chairman Kearney at 6:35 pm.

## Members in attendance:

John Kearney, Chairman

David DeLuca

Eric Phillips (absent 6:40 to 7:45)

Benjamin Syden (absent after 7:40)

David Hernandez

Gary Rinaldi (entered 7:05)

## Members absent

Sharon Bright Holub

Bond Counsel: M. Cornelia Cahill, from Hiscock & Barclay

Chief Executive Officer: Joseph LaCivita

Guests: Craig Blair, Town Comptroller  
Christopher Kelsey, Town Accounting Supervisor

**Public Hearing**

Chairman Kearney opened the public hearing on the JMDH Real Estate of Albany, LLC project at 6:36.

Stanley Fleishman provided a brief update on the project status and what the Company was looking for in the way of assistance from the IDA, as summarized below:

- The project has broken ground and a January 2013 opening is anticipated;
- IDA assistance: Sales tax exemption; mortgage tax exemption (within 3 years); a PILOT for the value of the improvements over a 10 year period with no increase in first five years and phase in for second five years; and assistance with the necessary improvements to the water infrastructure for the fire suppression system.

It was noted that the water infrastructure portion of the project totals about a \$536,000 and they are asking for assistance with the incremental cost (above the cost of putting in water holding tanks of \$271,000) of about \$265,000. This project replaces the existing line with a 12" diameter line, replaces the aged fire hydrants, and provides lateral stubs for future connections.

Mr. DeLuca noted that the requested PILOT does not comply with the IDA's Uniform Tax Exemption Policy and would require deviations from the Policy.

Ms. Cahill noted another public hearing would be necessary before the IDA could act on any matters surrounding a PILOT. The resolution that will be acted upon at the close of the public hearing instructs the CEO to establish a public hearing for the purposes of a PILOT.

Mr. LaCivita will contact the Project Manager before weeks end to inform them whether or not the Board was in favor of the water infrastructure improvement portion of the project.

The gentlemen from JMDH were thanked for their presentation and exited the meeting.

The public hearing was closed at 7:15.

**RESOLUTION: Authorizing the execution of the lease agreement and other documents in connection with a certain project for JMDH Real Estate of Albany, LLC and determining other matters in connection therewith. Made by Benjamin Syden, seconded by David DeLuca, and unanimously approved by members in attendance.**

Joseph LaCivita indicated the public hearing for the PILOT for JMDH Real Estate of Albany, LLC would be scheduled at the Town of Colonie Public Operations Center, 347 Old Niskayuna Road, Latham, New York on October 22, 2012 at 6:30 pm.

Discussion on the water portion of the project ensued. Ms. Cahill confirmed for Mr. DeLuca that the public portion of the water project was allowable. Discussion followed on how much of the water project should be entertained and the benefits to the project under the IDA's Uniform Tax Exemption Policy. Mr. LaCivita was instructed to review the benefit received from the PILOT under this policy versus the overall water infrastructure project.

Chairman Kearney then temporarily tabled the discussion at 7:30 to allow the Governance Committee Chair to give his report before he had to exit the meeting.

#### **Governance Committee Report –**

Committee Chairman Syden indicated that the Committee had met earlier this evening to discuss an attendance policy. They will be suggesting the attendance policy require the members to be at 6 meetings per year, with encouragement to be at 100% of all meetings.

Additionally they looked to Ms. Cahill for the ability to attend meetings via electronic media. Ms. Cahill stated that any member can attend meetings via teleconference, but could not be counted in the quorum, or for voting, as this was prohibited. Video conferencing was a viable method but must be done in an area with public access and the public had to be made aware of the location.

Committee Chairman Syden indicated there would be another meeting on October 22, 2012 at 6:00, at which the Committee would be discussing the IDA's role in economic development, and would be looking to establish an economic development policy. The Committee has concerns as to the balance of allowable projects under the Law versus the IDA's economic development mission.

At 7:45 the discussion returned to the JMDH water project.

Mr. LaCivita was advised to inform the Project Manager that the IDA was in favor of the water project, but would have to wait until the October meeting to determine the extent of the assistance to be provided.

### **CEO Report**

Mr. LaCivita noted that there was a resolution that needed to be acted upon as it related to the Town of Colonie project to make pools located at the Town Park accessible to all people and compliant with the Americans with Disabilities Act project.

**RESOLUTION: Authorizing a recreation project to be undertaken at the Town of Colonie Town Park and determining other matters in connection therewith. Made by David DeLuca, seconded by David Hernandez, and unanimously approved by members in attendance.**

### **Approval of the Minutes:**

**MOTION: to accept the August 20, 2012 minutes as corrected by Mr. DeLuca, was made by David DeLuca, seconded by David Hernandez, David DeLuca and David Hernandez abstained, and unanimously approved by members in attendance.**

### **Audit Committee –**

Committee Chairman DeLuca indicated that there was nothing to report at this time but the Committee would be meeting with Mr. LaCivita to finalize the 2013 budget.

### **Unfinished Business and Project Updates:**

#### **Project Updates:**

Winding Creek Bike Path – The project is currently on hold because the Town DPW department is backlogged. Joe indicated there will be a minor additional cost to reestablish a natural barrier that the contractor accidentally destroyed.

Texas Roadhouse – They are looking for assistance with about a \$2.225 million project for construction of a building near the intersection of Wolf and Sand Creek Roads.

Duravent – The Village of Colonie has approved everything and they are currently working on financing.

Trans Tech – They were denied funding on their Consolidated Funding Application with the state. They are on hold while they review other financing options.

Spotted Zebra – Currently at the Town Planning Board and will be looking to formally present to the IDA at the October 2012 meeting.

Mr. LaCivita also indicated there were two other projects he was aware of that may be approaching the IDA for assistance. Gallivan Enterprises is looking to relocate from Brunswick to the Town on Crabapple Lane, and Cabellas is still looking at former Engle's farm property.

**Training:**

Ms. Cahill indicated that there were only three sources for recognized training. She suggested the most convenient were the ABO webinars. Mr. LaCivita indicated he would sign up those members that required the training and let them know the details.

Meeting adjourned at 8:15 pm

Next meeting will be October 22, 2012 at 6:30 pm.