

Town of Colonie Industrial Development Agency

Board Minutes  
March 19, 2012 Meeting

Meeting called to order by Vice Chairman DeLuca at 6:30 pm.

Members in attendance:

Dave DeLuca                      John Kearney  
Gary Rinaldi                      David Hernandez

Members absent:

Sharon Bright Holub              Benjamin Syden  
Vacant Chairman Position

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

Chief Executive Officer: Joseph LaCivita

Guests: Robert Tengeler, Hiscock & Barclay

Craig Blair, Town Comptroller and IDA Assistant Treasurer  
Christopher Kelsey, Town Accounting Supervisor  
Dean DiVito and Kenneth Raymond, from Shelter Cove, LLC  
Alison Newell and Jill LaBoissiere, from Bollam, Sheedy, Torani & Co.

**Presentation:**

**Shelter Cove:**

Mr. DiVito and Mr. Raymond were introduced to give a presentation on Shelter Cove, an approved planned development district, to be located at 1308 Loudon Road. The project will provide 200 apartments, or condominiums, and 111 single family homes. Additionally, it will provide 8000 square feet of office space, extend the Town Bike Path and donate 10 acres of new park land to the Town of Colonie

The target market is rental for families, business professionals and empty nesters with rents in the \$1,300 to \$1,500 range. 15 of the 200 apartments will be short-term rentals within the Marriott product.

Project is expected to create approximately 210 direct and indirect jobs during the construction phase and 10 permanent positions post-construction. This does not count the 40 potential positions the office space could provide.

Principals are currently looking for sales and mortgage tax exemptions and a PILOT agreement from the IDA.

It was noted by Mr. DeLuca that in order to provide a PILOT and/or sales and mortgage tax exemptions, the board would have to act on a deviation from the current uniform tax exemption policy as this project does not qualify under the current policy.

Mr. DiVito and Mr. Raymond thanked the Board for their time.

**Annual Audit Reports:**

Ms. LaBoissiere and Ms. Newell provided a brief overview of the 2011 financial report and required communication with the board.

Acting Chairman DeLuca temporarily adjourned the meeting so the Audit Committee could meet independently with the auditors at about 7:00.

Acting Chairman DeLuca called the meeting back to order at 7:15.

## CEO Report

**IDEC conference:** Joe LaCivita had been previously approved to attend this conference but was cost prohibitive. Joe is looking for approval to attend the Conference from April 24 to 27, 2012.

**MOTION: Approval for Joe LaCivita to attend the IDEC conference from April 24 to 27, 2012. Made by John Kearney, seconded by Gary Rinaldi, and unanimously approved.**

**RiverSpark membership:** Joe LaCivita and Craig Blair provided a brief summary of why this was being brought before the IDA. Based on the current fiscal constraints of the Town, the Supervisor has requested the IDA consider providing the 2012 membership support in light of all the economic benefits the town received (among the theme attractions in Colonie include Pruyn House, Schuyler Flatts, Erie canal Lock#4, Colonie Town Park and Bike Path etc.).

Mr. DeLuca requested confirmation that it was a one year request only and that although the Town was required to be a member it did not necessarily need to contribute at the requested levels. Craig Blair confirmed that membership was required by annual support, at any level. The Town Supervisor had thought that matching what the City of Cohoes paid was acceptable, approximately \$5,600.

**MOTION: Approve payment of the 2012 membership support for RiverSpark in the amount of \$5,600. Made by John Kearney, seconded by David Hernandez, and unanimously approved.**

## Approval of the Minutes:

**MOTION: to accept the January 23, 2012 minutes as provided, with the correction identified by David DeLuca, was made by John Kearney, seconded by Gary Rinaldi, and unanimously approved.**

## Committee Reports:

Governance Committee – No report

Audit Committee – Committee Chairman DeLuca indicated that they met with the audit firm early this evening and the committee voted to recommend acceptance of the 2011 audited financial reports.

**MOTION: Approve the Committee's recommendation to accept the 2011 audited financial reports. Made by David Hernandez, seconded by Garry Rinaldi, and unanimously approved.**

## Unfinished Business:

### Jetro Restaurant Depot:

The Company has closed on the Railroad Avenue property and is beginning to go through the Town's planning process. Once the Town's process has been completed it will need to come back to the IDA. At that time the IDA would act on a preliminary inducement and schedule a public hearing for the project.

**DuraVent :** The Company has started the planning process with the Village of Colonie Planning Board. Joe was unsure of the status at this point. Again once the Village planning process is complete the Company would need to come back to the IDA for preliminary inducement and schedule a public hearing.

Joe needs to investigate the SEQR application because he was unsure if the IDA was named in the original. If not, Joe would have it performed for the IDA.

**PepsiCo:** No longer is looking for IDA support as it went through with the process and invested \$15 million of its own money. They decided to stay in Latham and retool as necessary. The State provided no funding for this project either.

**Cyclics Corporation and Tire Conversion Technologies:**

Joe has notified both of these entities the IDA could not provide the assistance they were currently looking for based on the ABO's guidance that IDA's could not provide grants.

**Building Green SIPS:**

This is a manufacturer of insulated building materials and wants to locate at 35 Broadway in Menands. It is a woman owned business that will bring 20 new manufacturing jobs and potential for additional sales and service jobs. They are also currently in discussions with the State for additional assistance.

**Shelter Cove:** Based on the presentation they are looking for the sales and mortgage tax exemption and PILOT agreement. Connie Cahill pointed out that it does not currently qualify under the IDA's Uniform Tax Exemption Policy, but the Board could act on a deviation.

Discussion ensued and Connie was asked if IDA's could do housing projects. She indicated that there is a 1980s OSC opinion that provides that whether housing constitutes an IDA project is a factual matter to be determined by the members of an IDA. Members must determine if the project prevents neighborhood deterioration, prevents blight, and creates jobs. Connie added that many IDAs in urban areas have done housing projects but that it is less common in suburban areas. It was the sense of the Board that this project would not generally no qualify as an IDA project.

It was determined that Joe would contact the Company and give them the preliminary sense that the Board was not in favor of providing the sales/mortgage tax exemptions or the PILOT. A formal vote could not be held as David DeLuca needed to recuse himself from a vote and therefore a quorum was not available.

**Other:  
Adoption of policies:**

Connie Cahill distributed the resolution for review and approval.

Meeting adjourned at 7:40 pm

Next meeting will be April 23, 2012 at 6:30 pm

FINAL