

Albany Industrial Development Agency

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Anthony J. Ferrara, *Chairman*
Kathy Sheehan, *Treasurer*
Susan Pedo, *Secretary*
Martin Daley
Tracy Metzger
C. Anthony Owens
Tracy Metzger

Michael Yevoli, *Chief Executive Officer*
Erik J. Smith, *Chief Financial Officer*
John Reilly, *Agency Council*

IDA MINUTES OF REGULAR MEETING Thursday, May 16, 2013

Attending: Anthony J. Ferrara, Kathy Sheehan, Susan Pedo, Martin Daley, C. Anthony Owens & Tracy Metzger

Absent:

Also Present: Michael Yevoli, Erik Smith, John Reilly, Joseph Scott, Sarah Reginelli, Bradley Chevalier, & Amy Gardner

Chairman Anthony J. Ferrara called the regular meeting of the IDA to order at 12:30 PM.

Roll Call

Chairman Ferrara reported that all Board members were present.

Reading of Minutes of the Annual and Regular Meeting of April 25, 2013

Since the minutes of the previous meeting had been distributed to Board members in advance for review, Chairman Ferrara made a proposal to dispense with the reading of the minutes. Anthony Owens stated that he had not been appointed the chairman of the Governance Committee and requested that the minutes be amended to reflect this. The Board concurred with his request.

Approval of Minutes of the Annual and Regular Meeting of April 25, 2013

Chairman Ferrara made a proposal to approve the minutes of the regular Board meeting of April 25, 2013 as amended. A motion to accept the minutes, as amended, was made by Kathy Sheehan and seconded by Martin Daley. A vote being taken, the minutes were accepted unanimously.

Reports of Committees

None

Report of Chief Executive Officer

Mike Yevoli informed the Board that since the resignation of John Vero from the Agency there has not been a representative from the IDA sitting on the Capitalize Albany Board. The Corporation recognizes the IDA as a key strategic and financial partner. As such, the Corporation will be considering the resumes of interested Agency Board members at the next Capitalize Albany Governance/Nominating

Committee Meeting. Selection of a new Corporation member is subject to the by-laws and policies of the Corporation.

Report of Chief Financial Officer

Erik Smith reviewed the monthly financial report with the Board. Mr. Smith reviewed year-to-date and projected cash inflows and outlays. Mr. Smith advised the Board that the expenditure activity through April 30th is consistent with the IDA's budget. At this time the IDA's projected year-end cash balance is \$768,229.

Communications

Columbia 425 NS, LLC

Mike Yevoli reviewed the 425 NS, LLC project with the Board. Mr. Yevoli advised the Board that St. Peter's is responsible for the lease at 425 New Scotland Avenue and is considering occupying the space with a different use than previously discussed. St. Peter's is expecting that the property will be occupied by St. Peter's Health Partners Medical Associates, P.C. (SPHPMA) and they will use it for administrative functions that support the health services they provide. Staff advised the Board that this was a very different project and would need to come before the Board again.

Unfinished Business

39 Sheridan Realty, LLC Project Resolution Authorizing Additional Financing May 2013

Staff reviewed the project with the Board. 39 Sheridan Realty, LLC (the "Company") is seeking additional financing from their lender to fund the project. The lender has required the Company to obtain the Agency's consent as part of the closing. Staff advised the Board that they had approved a similar resolution related to this project several months ago and that the project had not changed since then.

Chairman Ferrara presented the 39 Sheridan Realty, LLC Project Resolution Authorizing Additional Financing May 2013 to the Board. A motion to adopt the Resolution was made by Tracey Metzger and seconded by Susan Pedo. A vote being taken, the resolution passed unanimously.

Preliminary SEQR Resolution Peter D. Kiernan Plaza Project

Counsel reviewed the Resolution with the Board explaining that this project is expected to not have a significant effect on the environment.

Chairman Ferrara presented the Preliminary SEQR Resolution Peter D. Kiernan Plaza Project to the Board. A motion to adopt the Resolution was made by Tracey Metzger and seconded by Susan Pedo. A vote being taken, the resolution passed unanimously.

New Business

733 Broadway LLC Project Public Hearing Resolution

Staff advised the Board that the project had been discussed in depth at the May 8th Finance Committee meeting. A representative of the Applicant, Kevin McCarthy, reviewed the revised PILOT request with the Board. The Applicant is seeking a 40 year PILOT. The Applicant advised the Committee that they had increased the total amount of PILOT payments from approximately \$2.7 million to approximately \$3.94 million.

Chairman Ferrara presented the 733 Broadway LLC Project Public Hearing Resolution to the Board. A motion to adopt the Resolution was made by Tracey Metzger and seconded by Susan Pedo. A vote being taken, the resolution passed unanimously.

Downtown Tactical Plan Approval Resolution May 16, 2013

Staff reviewed the potential costs of the Downtown Tactical Plan with the Board. The possible deliverables of the plan were discussed. Staff reviewed their fundraising efforts to date.

Chairman Ferrara presented the Downtown Tactical Plan Approval Resolution May 16, 2013 to the Board. A motion to adopt the Resolution was made by Susan Pedo and seconded by Tracy Metzger. A vote being taken, the resolution passed unanimously.

Other Business

2013-2014 State Budget Agreement Effect on IDAs Discussion

Counsel advised the Board that the Governor's original Executive Budget proposed several restrictions on the authority of Industrial Development Agencies to grant New York State sales tax exemption. The final budget agreement however, preserves much of the authority of IDAs to grant exemptions but it does contain provisions that impact IDAs. Counsel reviewed the most significant provisions effecting IDAs in the Budget. These included a provision that restores the pre-2008 prohibition on "retail" projects and a new State sales tax recordkeeping and reporting section with a claw back/recapture provision.

There being no further business, Chairman Ferrara adjourned the meeting at 1:45PM.

Respectfully submitted,

Susan Pedo, Secretary