

Albany Industrial Development Agency

21 Lodge Street
Albany, New York 12207
Telephone: (518) 434-2532
Fax: (518) 434-9846

Anthony J. Ferrara, *Chairman*
Willard A. Bruce, *Vice-Chairman*
Betty J. Barnette, *Treasurer*
Susan Pedo, *Secretary*
Prairie Wells
Gary Simpson
Martin Daley

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

IDA MINUTES OF REGULAR MEETING Thursday, December 17, 2009

Attending: Anthony Ferrara, Bill Bruce, Susan Pedo, Betty Barnette, Prairie Wells & Martin Daley

Absent: Gary Simpson

Also Present: A. Joseph Scott, John Reilly, Mike Yevoli, Erik Smith, Nadine Zeigler & Jeff Sullivan

Chairman Ferrara called the regular meeting of the IDA to order at 12:15 PM.

Roll Call

Chairman Ferrara reported that all Board Members were present with the exception of Gary Simpson.

Reading of Minutes of the Regular Meeting of November 19, 2009

Since the minutes of the previous meetings had been distributed to Board members, in advance for review, Chairman Ferrara made a proposal to dispense with the reading of the minutes.

Approval of Minutes of the Regular Meeting November 19, 2009

Chairman Ferrara made a proposal to approve the minutes of the Regular Board Meetings as presented. No objections, deletions, or changes were rendered. A motion to accept the minutes, as presented, was made by Martin Daley and seconded by Betty Barnette. A vote being taken, the minutes were accepted unanimously.

Chairman Ferrara recommended the agenda be modified to address New Business. No objection was rendered and the agenda was so modified.

New Business

Madison Properties of Albany, LLC Project Commercial Findings Resolution

Joe Scott reviewed the resolution with the Board explaining that this resolution makes a determination that the project qualifies under the IDA statutes. Chairman Ferrara presented the *Madison Properties of Albany, LLC Project Commercial Findings Resolution* to the Board. A motion to adopt the Resolution

was made by Susan Pedo and seconded by Martin Daley. A vote being taken, the Resolution passed unanimously.

Madison Properties of Albany, LLC Project PILOT Deviation Approval Resolution

Eric Smith reviewed the resolution with the Board explaining that this resolution approves a PILOT deviation which allows enough relief for the project to proceed financially. The PILOT is one of a 10 year term with a full 100% deviation in year one with that deviation reducing by 10% annually through the 10 year term. Full taxes will begin being paid in year 11. Martin Daley inquired if any other approvals were necessary in order for the project to move forward in obtaining a mortgage. Mr. DeThomasis, project applicant, stated that no other steps were necessary as he already had a commitment letter based on this scenario, as presented. Bill Bruce asked if any of the taxing jurisdictions had responded to the notification they received on the PILOT deviation. Eric Smith confirmed that we did not receive any response from any of the jurisdictions.

Chairman Ferrara presented the *Madison Properties of Albany, LLC Project PILOT Deviation Approval Resolution* to the Board. A motion to adopt the Resolution was made by Betty Barnette and seconded by Martin Daley. A vote being taken, the Resolution passed unanimously.

Madison Properties of Albany, LLC Project SEQR Resolution

Joe Scott reviewed the resolution with the Board explaining that the project consists of interior work and renovations which is a Type II project under the SEQR rules. All other environmental concerns have been addressed and approved through the City processes.

Chairman Ferrara presented the *Madison Properties of Albany, LLC Project SEQR Resolution* to the Board. A motion to adopt the Resolution was made by Bill Bruce and seconded by Susan Pedo. A vote being taken, the Resolution passed unanimously.

Madison Properties of Albany, LLC Project Approving Resolution

Joe Scott reviewed the resolution with the Board explaining that this resolution is the final approval for the execution and delivery of the documents along with the approval for benefits being granted to the project.

Chairman Ferrara presented the *Madison Properties of Albany, LLC Project Approval Resolution* to the Board. A motion to adopt the Resolution was made by Bill Bruce and seconded by Martin Daley. A vote being taken, the Resolution passed unanimously.

Albany Medical Center 2006 Project – Restructuring – Issuer Approving Resolution

Joe Scott reviewed the resolution with the Board. He explained that the original transaction was backed by a letter of credit from Citizen's Bank. Citizen's credit rating has gone down increasing the interest rate that AMC would pay. This resolution would allow AMC to get a separate letter of credit from the Federal Home Loan Bank which will stand behind the Citizen's Bank letter of credit – increasing the total credit rating of the transaction, thus reducing the interest rate to near where it was anticipated to be at the outset of the project. There is no change in the IDA's position in regard to the transaction. Prairie Wells asked if this transaction would be effected due to the sunseting of the Civic Facilities Legislation. Mr. Scott explained that it would not be effected because there is no new money, just a modification of the original transaction which is allowed.

Chairman Ferrara presented the *Albany Medical Center 2006 Project – Restructuring – Issuer Approving Resolution* to the Board. A motion to adopt the Resolution was made by Betty Barnette and seconded by Bill Bruce. A vote being taken, the Resolution passed unanimously.

Albany Medical Center Hospital 2006 Project – Restructuring – Issuer Approving Resolution

Joe Scott explained that this resolution is exactly the same as the prior resolution but effects a 2nd bond issue.

Chairman Ferrara presented the *Albany Medical Center Hospital 2006 Project – Restructuring – Issuer Approving Resolution* to the Board. A motion to adopt the Resolution was made by Prairie Wells and seconded by Martin Daley. A vote being taken, the Resolution passed unanimously.

Memo Re: Albany College of Pharmacy Project

Joe Scott reviewed the memo with the Board and asked the Board if they desired to go into Executive Session to review any possible legal issues under “attorney-client” privilege. Susan Pedo made a motion that the Board go into Executive Session – this motion was seconded by Betty Barnette. A vote being taken, the motion passed unanimously.

The Board entered into Executive Session (requesting that the Staff stay) at 12:36PM on the basis of potential litigation to be discussed with Agency’s Counsel. The Board exited Executive Session at 12:50PM. The Board took no action during the Executive Session.

Albany College of Pharmacy Project – Resolution Authorizing Release of Certain Lands

Chairman Ferrara presented the *Albany College of Pharmacy Project – Resolution Authorizing Release of Certain Lands* to the Board. A motion to adopt the Resolution was made by Betty Barnette and seconded by Martin Daley. A vote being taken, the Resolution passed unanimously.

Reports of Committees

Audit Committee

Susan Pedo, Chairperson of the Audit Committee, reported that a meeting was held prior to today’s Board meeting and that the committee met with a representative of the auditing firm of Teal, Becker & Chiramonte – Sarah Lawyer. Ms. Lawyer expressed the desire to conduct the audit in a time frame that would allow the IDA to meet it’s reporting requirements with PAAA.

Report of Chief Executive Officer

Mike Yevoli reported that there was changes made to the Public Authorities Accountability Act and indicated that he would coordinate with Joe Scott to prepare a report in January to outline these changes for the Board. He also reported that there was no progress was made on any civic facilities legislation. Mr. Yevoli updated the Board on the progress of the creation of the Capital Resource Corporation stating that it would have to be reintroduced to the Common Council in the new year of 2010. It would then go back into committee to be considered.

Finally, Mr. Yevoli informed the Board that the Strategic Acquisition check was issued by the Agency to ACDA which enabled the purchase of a number of homes on Clinton Avenue which would not have been possible without the infusion of these IDA funds.

Report of Chief Financial Officer

Erik Smith reviewed the monthly financials with the Board. He noted that our cash balance at the end of December is now forecasted to be approximately \$460,000.

Communications

None

Unfinished Business

None

Other Business

There being no further business, Mr. Ferrara adjourned the meeting at 1:14PM.

Respectfully submitted,

Susan Pedo, Secretary

G:IDA,IDA Regular Meeting Minutes,IDA Minutes 2009,Minutes 12_17_2009