

Albany Industrial Development Agency

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Anthony J. Ferrara, *Chairman*
John R. Vero, *Vice Chairman*
Kathy Sheehan, *Treasurer*
Susan Pedo, *Secretary*
Martin Daley
C. Anthony Owens

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

IDA MINUTES OF REGULAR MEETING Thursday, November 15, 2012

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

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 12:15 PM.

Roll Call

Chairman Ferrara reported that all Board members were present.

Reading of Minutes of the Regular Meeting of October 22, 2012

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.

Approval of Minutes of the Regular Meeting of October 22, 2012

Chairman Ferrara made a proposal to approve the minutes of the regular Board meeting of October 22, 2012 as presented. A motion to accept the minutes, as presented, was made by Anthony Owens and seconded by John Vero. A vote being taken, the minutes were accepted unanimously.

Reports of Committees

None

Report of Chief Executive Officer

Mike Yevoli advised the Board that staff has arranged for Chris Betts an expert in low income tax credits to give a presentation at the next Finance Committee meeting on the subject.

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 October 31st is consistent with the IDA's budget. At this time the IDA's projected year-end cash balance is \$777,375.

Mr. Smith advised the Board that the Agency had recently received a check for \$176,000. The check represents the disbursement of the debt service reserve fund account balance for the 1991 City of Albany IDA Recreation Facility Revenue Bonds (Albany Municipal Golf Course Clubhouse Project). The Trust Indenture for the Project indicates final disposition of money is to be returned to the Agency. Mr. Smith advised the Board he was researching the original project related to the Trust Indenture language.

Unfinished Business

New Business

Authorizing Conveyance and Assignment – Columbia 16 NS LLC / American Realty Capital V LLC Project Resolution

Staff advised the Board that the proposal they had voted on in August between Columbia 16 NS, LLC and 16 New Scotland Square, LLC had changed. 16 New Scotland Square, LLC had decided not to purchase the project. Staff advised they were presenting the project again with a new buyer. The Applicant is now asking that the project be transferred in its entirety to the purchaser and the purchase price will be \$15 million. The 12 New Scotland parcel, which was not included as part of that proposed sale to 16 New Scotland Square, LLC would be included in the most recent proposed transfer and thus continue to be subject to PILOT agreement.

Staff advised the Board that the Finance Committee had reviewed the new proposal at their previous meeting. The Committee had recommended that staff work with the Applicant to amend the request to remove assignment of the PILOT to 12 New Scotland which in turn would change the tax status for the parcel to taxable as of March 1st, 2013. Joe Nicolla and Deb Lambek representing the project advised the Board that they had spoken with staff in regards to this issue and accept this change to the request.

Chairman Ferrara presented the Authorizing Conveyance and Assignment –Columbia 16 NS LLC / American Realty Capital V LLC Resolution to the Board. A motion to adopt the Resolution was made by Kathy Sheehan and seconded by Martin Daley. A vote being taken, the Resolution passed unanimously.

LV Apartments Limited Partnership Project Public Hearing Resolution

Adam Stein of Winn Development representing the project presented the proposed project to the Board. The proposed project location is 315 Northern Blvd. The project includes the reuse of the historic Philip Livingston Academy which has been vacant for three years. The Applicant proposes converting the structure into 105 affordable senior residential units. As part of the project the Applicant will need to purchase the building and 10 acres of the approximate 14 acres it's on from the school district. The school district is asking for \$2.5 million for the site and will retain 4 acres in front of the building. The Applicant is seeking both federal and state low income housing tax credits as well as historic tax credits. The project will provide affordable housing to seniors earning 50%, 60% and 90% of AMI. Mr. Stein reviewed the positive effects the project will have on the community with the Board. The Applicant is asking for a sales and use tax exemption, mortgage recording tax exemption, and the Agency's shelter rent PILOT.

The building does include some space that cannot be utilized as part of the proposed project as the Applicant cannot pass the costs onto the tenants per the rules and regulations associated with the low-income housing tax credits (LIHTC). Possible uses for these spaces were discussed. Mr. Stein advised the Board that the cafeteria was not part of the original historic structure and it would be demolished. The land in front of the school that would be retained by the school district was discussed. Mr. Stein reviewed the previous success of Winn Development with similar projects.

Chairman Ferrara presented the LV Apartments Limited Partnership Project Public Hearing Resolution to the Board. A motion to adopt the Resolution was made by Susan Pedo and seconded by Kathy Sheehan. A vote being taken, the Resolution passed unanimously.

Selection of Accountants Approval Resolution 2012

Susan Pedo, Chair of the Audit Committee advised the Board that the Committee met with representatives from Teal, Becker, and Chiramonte, CPAs, P.C. to discuss the upcoming 2012 audit engagement. The Committee reviewed the audit engagement letter and recommended the Agency accept the engagement. Ms. Pedo advised the Board that in accordance with the requirements under PAAA, a new partner would lead the engagement. The recommendation of Audit Committee was to execute the engagement letter.

Chairman Ferrara presented the Selection of Accountants Approval Resolution 2012 to the Board. A motion to adopt the Resolution was made by Martin Daley and seconded by John Vero. A vote being taken, the Resolution passed unanimously.

Communications

None

Other Business

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

Respectfully submitted,

Susan Pedo, Secretary