

City of Albany Industrial Development Agency

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Elizabeth Staubach, Chair
Lee Eck, Vice Chair
Darius Shahinfar, Treasurer
Anthony Gaddy, Secretary
Joseph Better
Christopher Betts
John Maxwell

Ashley Mohl, Interim Chief Executive Officer
Andrew Corcione, Chief Operating Officer
Marisa Franchini, Agency Counsel
A. Joseph Scott, Special Counsel

MINUTES OF THE IDA REGULAR BOARD MEETING

Wednesday, October 23, 2024

Attending: Darius Shahinfar, Lee Eck, Joseph Better, Anthony Gaddy and John Maxwell

Absent: Elizabeth Staubach and Christopher Betts

Also Present: Ashley Mohl, Andrew Corcione, Maria Lynch, Cassidy Roberts, Olivia Sewak, A. Joseph Scott, Mike Bohne and Christopher Canada

Public Present: David Sarraf and John Trueack

Acting Chair Lee Eck called the Regular Board Meeting of the IDA to order at 12:17 p.m.

Roll Call, Reading and Approval of Minutes of the September 19, 2024, Board Meeting

A roll call of the Board members present was held. Acting Chair Lee Eck reported that all members were present with the exception of Chair Elizabeth Staubach and Christopher Betts. Since the minutes of the previous meeting had been distributed to Board members in advance for review, Acting Chair Eck made a proposal to dispense with reading and approve the minutes of the Regular Board meeting of September 19, 2024. A motion was made by Darius Shahinfar and seconded by Anthony Gaddy to accept the minutes as presented. The motion was passed with all present members voting aye.

Report of Chief Financial Officer

Staff provided the Board with a report on the Agency's monthly cash position for September 2024, which had been distributed to the board prior to the meeting.

Unfinished Business

Centre Square, LLC (1233-35 Broadway)

Staff reviewed the proposed Centre Square, LLC project with the Board. Staff noted the project had been discussed in detail at the October Finance Committee meeting and at the public hearing held on October 9th during which no public comments were received. The project is located at 1233-1235 Broadway, between Main Street and Centre Street. The project involves the purchase of two tax exempt parcels and the construction of a building containing twelve market rate rental units. The newly constructed three-story building will total +/- 10, 200 SF. Staff noted that as a part of the project review an extensive cost-benefit analysis was completed.

Acting Chair Lee Eck asked for a motion to approve the *Resolution Confirming SEQR Determination for Centre Square, LLC* project. A motion was made by Darius Shahinfar and seconded by Joseph Better. A vote being taken, the resolution passed unanimously with all members voting aye.

Acting Chair Lee Eck asked for a motion to approve the *Pilot Deviation Approval Resolution* for the *Centre Square, LLC* project. A motion was made by Darius Shahinfar and seconded by John Maxwell. A vote being taken, the resolution passed unanimously with all members voting aye.

Acting Chair Lee Eck asked for a motion to approve the *Commercial Retail Finding Resolution* for the *Colvin Avenue Commons, LLC* project. A motion was made by Darius Shahinfar and seconded by Anthony Gaddy. A vote being taken, the resolution passed unanimously with all members voting aye.

Acting Chair Lee Eck asked for a motion to approve the *Approving Resolution* for the *Colvin Avenue Commons, LLC* project. A motion was made by Darius Shahinfar and seconded by Joseph Better. A vote being taken, the resolution passed unanimously with all members voting aye.

Equity Development Partners, LLC (67 Livingston Ave)

Staff reviewed the proposed *Equity Development Partners, LLC* project with the Board, which was discussed in detail at the October Finance Committee Meeting. The proposed project is located at 67 Livingston Ave at the intersection with Broadway. The project involves the construction of a mixed-use +/- 58,400 SF, 6-story structure that will include 57 units of affordable housing, 1,590 SF of ground floor retail space intended to serve as an art gallery and 10 residential units (+/- 5,100 SF) on the second floor reserved for Capital Repertory Theatre to temporarily house actors. The Applicant is requesting certain exemptions from real property taxes. A representative for the Applicant, David Sarraf, was on hand to discuss the project and answer questions from the Board. The applicant is requesting real property tax exemptions in the form of a 10% shelter rent residential PILOT, which is in alignment with CAIDA policy, as well as a commercial PILOT request that deviates from the Project Evaluation & Assistance Framework. Staff noted a third-party consultant has been brought on board to evaluate the financial assumptions and reasonableness relating to the commercial PILOT request and found that the abatements requested were necessary and within reasonable parameters.

Joseph Better made a motion to approve the *Equity Development Partners, LLC Public Hearing Resolution*, which was seconded by Darius Shahinfar. A vote being taken, the motion was passed with all present members voting aye.

Project representative David Sarraf exited the meeting at 12:25 p.m.

New Business

Man Realty, LLC (90 S. Swan St)

Staff reviewed with the *Man Realty, LLC* project and request for a *Resolution Consenting to 2nd Modification of Basic Documents*. The Project entered into a Lease Agreement with the Agency on June 16, 2021, and was approved for sales and mortgage recording tax exemptions. The Project proposes to redevelop an underutilized +/- 44,000 SF, 4-story building into an apartment complex containing approximately 61 market rate residential apartments and 1,000 SF of commercial/retail space. A representative for the Applicant was present to answer questions from Board members. Staff added that on November 23, 2023, the Company requested and was approved for an extension of the project completion date from December 31, 2023, to August 31, 2024. The Agency approved this request on December 14, 2023, and then a modification agreement was executed on June 1, 2024, reflecting the new completion date of August 31, 2024. The Company now is requesting a further extension of the completion date from August 31, 2024, to February 28, 2025, due to unforeseen delivery delays and unexpected staffing issues.

Staff recommended that this be the last and final sales tax extension request considered by the Board.

A motion to approve the *Resolution Authorizing a 2nd Modification to the Basic Documents* was made by Darius Shahinfar and seconded by Anthony Gaddy. A vote being taken, the motion passed with all other present members voting aye.

Project representative John Trueack left the meeting at 12:30 p.m.

2025 Draft IDA Budget

Staff discussed the IDA Draft Budget for 2025 in detail noting a draft copy of the budget had been previously discussed in detail with the Finance Committee and publicly posted at Albany City Hall and noticed within the required timeframe. The agency is budgeting a surplus of \$283,880 in the 2025 budget. Revenues for the agency are budgeted to be \$1,357,866 in 2025. Most of this revenue is expected to be in the form of fee revenue, which is budgeted to be approximately \$1,286,866. The agency's total budgeted expenses for 2025 are projected to be \$1,073,986. While most expenses remain consistent with the 2024 budget, there are adjustments in the areas of audit, insurance, the sub-lease

with AHCC, and strategic activities. YTD, projected ending cash balance at 12/31/2025 is projected to be \$4,141,378. The Board discussed the draft budget and its implications.

Acting Chair Lee Eck asked for a motion to approve the *2025 Budget Approval Resolution*. A motion was made by Darius Shahinfar and was seconded by John Maxwell. A vote being taken, the motion passed with all members voting aye. Staff identified that per Agency policy and in alignment with general municipal law, the draft 2025 budget was posted at City Hall and mailed to both the Mayor and Common Council President at least 10 days prior to the approval of the 2025 Budget.

Other Business

Agency Update

Staff provided an update on current staffing, noting the resignation of Senior Economic Developer Renee McFarlin and the active search for her replacement.

Compliance Update

Staff provided the Board with the monthly status update letter from DMG Investments regarding the 1211 Western Avenue Property Associates, LLC project. The letter indicated a pause in the requested paving work, citing a focus on the safety of workers, pedestrians, and neighbors. Staff will continue to monitor the project's progress and noted that the sales tax exemption certificate, extended in August 2024, is set to expire on November 31. The project will return to the Board for review at that time.

Staff circulated the "2023 City of Albany IDA Year in Review" document, which will be posted on the IDA website and went on to say that the PARIS Report will be reviewed and approved at the end of the year. Staff will provide the report to the Common Council as well.

Staff provided an update on efforts to secure a new auditor for the Agency. Staff reported receipt of a formal termination letter from Teal, Becker, and Chiaramonte (TBC) and noted that five firms are currently under consideration through the procurement process. An Audit Committee meeting is planned for November.

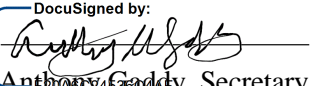
Capitalize Albany Corporation (Liberty Park Acquisition Assistance)

Acting Chair Lee Eck requested a motion to enter Executive Session for the purposes of discussing proposed, pending or current litigation. The motion was made by Anthony Gaddy and was seconded by Darius Shahinfar. A vote being taken, the motion passed with all members voting aye. The Board entered Executive Session at 12:42 p.m.

At 12:55 p.m. Acting Chair Lee Eck asked for a motion to exit the Executive Session. The motion was made by Darius Shahinfar and was seconded by Joseph Better. A vote being taken, the motion passed with all present members voting aye. Acting Chair Eck noted that no action was taken during Executive Session.

There being no further business, a motion to adjourn the meeting was made by Darius Shahinfar and seconded by Joseph Better. A vote being taken with all present members voting aye, the meeting was adjourned at 12:56 p.m.

Respectfully submitted,

DocuSigned by:

Anthony Gaddy, Secretary