



**Regular Board Meeting  
Minutes**

**January 18, 2019  
9:00 a.m.**

**BOARD MEMBERS PRESENT:** Heidi Knoblauch, Hon. David Bissember, Hon. Monica Kurzejeski, Andy Ross and Steve Strichman

**ABSENT:**

**ALSO IN ATTENDANCE:** Justin Miller, Esq., Mary Ellen Flores, Lucas Nathan, Jim Lozano, Deanna Dal Pos, Chris Stephens, Ken Crowe, Andrew Kreshik and Denee Zeigler

**Minutes**

The public hearing was called to order at 9:00 a.m. by the Vice Chair.

- I. Public Hearing – EPA MAC Grant  
(See attached Public Hearing Agenda Minutes)

The regular board meeting was called to order at 9:08 a.m. by the Vice Chair.

- II. Election of Officers

The vice chair explained we are moving to agenda item number four in order to elect a new chair.

**Steven Strichman made a motion to elect Heidi Knoblauch as the new chair of the Troy LDC.**

**Hon. Monica Kurzejeski seconded the motion, motion carried.**

- III. Minutes

The board reviewed the minutes from the December 21, 2018 meeting.

**Andy Ross made a motion to approve the minutes for the December 21, 2018 meeting.**

**Hon. Monica Kurzejeski seconded the motion, motion carried.**

- IV. Authorizing Resolution – EPA MAC Grant

Ms. Knoblauch advised this authorizing resolution goes along with the public hearing that was just held regarding the EPA MAC grant application. (See attached Resolution 01/19 #1)

**Steven Strichman made a motion to approve the Troy LDC sending in an application for the EPA MAC grant.  
Andy Ross seconded the motion, motion carried.**

V. Annual Disclosure and Fiduciary Forms

Mr. Strichman noted that the annual disclosure and fiduciary form are to be filled out by the board members and returned to Denee Zeigler.

VI. Executive Director's report

**King Fuel's site** – Mr. Strichman advised there is no update regarding to the King Fuels site negotiations, however it is moving forward. He added that we are making a submission to National Grid for an additional \$300,000 grant for clean up on the site.

**4<sup>th</sup> Street** – Mr. Strichman advised that the 4<sup>th</sup> Street lot transfer is complete and we are waiting for invoice to start coming in; signage and striping. Hon. Monica Kurzejeski added that CHA has a layout for the striping that they are working on.

**Industrial Road Access Rd.** – Mr. Strichman advised no update yet on the sale of a portion of the Alamo site. Mr. Bissember asked for additional information on the sale. Mr. Strichman explained that the southwest corner of the parcel has an irregular shape that creates a bump out. He advised that we may be able to sell this small portion, which will help with construction of the road.

VII. Financials

Ms. Flores distributed a loan report to the board members and spoke briefly about each loan.

Ms. Flores advised there is \$3.2 million in assets versus \$2.1 million in liabilities and \$1.1 million in equity. The largest change is from the write off of the equipment which we don't own and a grant that was awarded to the City of Troy for composting. She advised not much else has changed. Mr. Miller asked about security deposits that are listed. Ms. Flores advised that it is related to the National Grid account at the King Fuels site.

Ms. Flores noted a deficit of \$25,000 for the month of December. She explained it is due to two large expenses; the write off of the equipment and asbestos removal at the King Fuels site. Ms. Kurzejeski asked if this was for engineering at the site. Mr. Strichman noted that it was cost related to illegal dumping that occurred at the site. Mr. Ross asked if there was a way to identify where it came from. Mr. Strichman noted that there are no cameras in that area.

Ms. Flores advised that there is a year-end deficit of \$121,000, which is mostly related to loss due to the write off of the equipment and the sale of the Fifth Avenue property. She added that income was not as high as it has been in prior years. Ms. Kurzejeski wanted to note that we did receive a grant along with the donation of the Fifth Avenue property.

**Andy Ross made a motion to approve the financials as presented.  
Steven Strichman seconded the motion, motion carried.**

VIII. Old Business & New Business

Mr. Strichman noted that National Grid is looking to extend the license agreement they have with us for work being done just north of the former e-Lot building at the King Fuels site. Mr. Miller advised that we may want to request some closeout records from them when the time comes. He explained that they are continuing their work with the pipeline that ran along the river, which may help to secure the site. This amendment will allow additional access to that area of the site and extend the end date to December 31, 2019.

**Andy Ross made a motion to amend and extend the license agreement on file with National Grid at the King Fuels site.  
Hon. David Bissember seconded the motion, motion carried.**

IX. Adjournment

With no additional business to discuss, the LDC board meeting was adjourned at 9:25 a.m.

**Hon. Monica Kurzejeski made a motion to adjourn the LDC board meeting.  
Hon. David Bissember seconded the motion, motion carried.**

PUBLIC HEARING AGENDA  
TROY LOCAL DEVELOPMENT CORPORATION

JANUARY 18, 2019 AT 9:00 A.M.  
CITY HALL, 433 RIVER STREET, 5<sup>TH</sup> FLOOR, TROY, NEW YORK 12180

Report of the public hearing of the Troy Local Development Corporation (the “Corporation”) regarding a Multipurpose Assessment and Cleanup (“MAC”) Grant Application and proposed site cleanup project held on Friday January 18, 2019 at 9:00 a.m., at the Troy City Hall, located at 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180.

I. ATTENDANCE

Steven Strichman, Executive Director  
Andy Ross, Vice Chair  
Heidi Knoblauch, Board Member  
Hon. Monica Kurzejeski, Board Member  
Hon. David Bissember, Board Member  
Justin Miller, Esq., Legal Counsel  
Mary Ellen Flores, CFO  
Jim Lozano, CFO  
Denee Zeigler, Acting Secretary  
Deanna Dal Pos, NAI Platform  
Chris Stephens, Wojeski & Co., CPA’s  
Ken Crowe, Times Union  
Andrew Kreshik, City of Troy

II. CALL TO ORDER: (Time: 9:00 a.m.). Andy Ross opened the hearing and Justin Miller read the following into the hearing record:

This public hearing is being conducted by the Corporation in connection with the proposed submission of an Application (the “Application”) to the United States Environmental Protection Agency (“EPA”) for a Multipurpose Assessment and Cleanup (“MAC”) Grant (the “Grant”) in connection with the undertaking of a certain project (the “Project”) which will include site remediation and clean-up activities to be undertaken at the Corporation’s approximately 16-acre property located at 7990-8053 Main Street, Troy, New York, which is identified as Tax Parcel 111.75-1-1./1 and commonly referred to as the former “King Fuels Site”.

A Notice of Public Hearing describing the Project was published in *Troy Record*, a copy of which is attached hereto and is an official part of this transcript. The Corporation has requested and will continue to solicit comments from the public and all interested parties with respect to the Application and Project, along with the Corporation’s Analysis of Brownfields Cleanup Alternatives (“ABCA”), which are all available for public inspection and viewing during regular business hours at the Corporation’s offices located at Troy City Hall, located at 433 River Street, 5th Floor, Troy, New York 12180 (Office of Planning and Economic Development).

### III. PROJECT SUMMARY

As outlined within the ABCA, the Corporation intends undertake the removal and disposal of asbestos containing materials (“ACM”) at the site, which is estimated to cost approximately \$1M. The ACM remediation is necessary to allow National Grid to undertake a much larger remediation of coal tar contamination associated with the site’s former use as a Manufactured Gas Plant (“MGP”).

### VI. PUBLIC COMMENTS

Hon. Monica Kurzejeski asked what the next steps will be if the grant is awarded and remediation is done. Andrew Kreshik advised that we have a variance in place with NYS DOL to remove the existing asbestos contaminated material on site along with the piles of non-contaminated materials around the site. He added that we would need to get a contractor and air monitoring company in place in order for the report with NYS DOL to be closed out. Mr. Kreshik advised after that point, National Grid can be contacted to start their clean-up process. Deanna Dal Pos asked if there is any sense of a timeline. Mr. Kreshik advised that if funding is received for the asbestos clean-up, it is a matter of getting new bids. He added that the variance that we have would need to be extended. Once that is done, the work should take about three months. Ms. Kurzejeski asked about the grant award timeline. Mr. Miller advised that a June announcement with the funds being spent by the end of 2019. Mr. Kreshik asked if the government shutdown will affect the process. Mr. Miller advised the only issue they have seen so far is that the Q&A department is not staffed, but hopes that by the time the grant is submitted everything will be up and running again.

### VII. ADJOURNMENT

With no other comments, the public hearing was closed at 9:08 a.m.

## AUTHORIZING RESOLUTION

*(Multipurpose Assessment and Cleanup (“MAC”) Grant Application)*

A regular meeting of the Troy Local Development Corporation was convened on January 18, 2019 at 9 a.m.

The following resolution was duly offered and seconded, to wit:

Resolution No. 041/19 #1

### RESOLUTION OF THE TROY LOCAL DEVELOPMENT CORPORATION AUTHORIZING THE APPLICATION TO THE US ENVIRONMENTAL PROTECTION AGENCY FOR A MULTIPURPOSE ASSESSMENT AND CLEANUP GRANT IN CONNECTION WITH THE UNDERTAKING OF REMEDIAL ACTIVITIES AT THE FORMER KING FUELS SITE

WHEREAS, pursuant to Sections 402 and 1411 of the Not-For-Profit Corporation Law (“N-PCL” or the “Law”) of the State of New York, the Corporation was established as a domestic, not-for-profit corporation on November 29, 1988, and thereafter reincorporated as a domestic, not-for-profit local development corporation pursuant to N-PCL Section 1411(h) pursuant to a certain Certificate of Reincorporation filed on April 5, 2010, all for certain charitable and public purposes, among other things, including relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding the City of Troy, New York (the “City”) by attracting new industry to the City or by encouraging the development of, or retention of, an industry in the City, and lessening the burdens of government and acting in the public interest; and

WHEREAS, the Corporation anticipates submitting an Application (the “Application”) to the United States Environmental Protection Agency (“EPA”) for a Multipurpose Assessment and Cleanup (“MAC”) Grant (the “Grant”) in connection with the undertaking of a certain project (the “Project”) which will include site remediation and clean-up activities to be undertaken at the Corporation’s approximately 16-acre property located at 7990-8053 Main Street, Troy, New York, which is identified as Tax Parcel 111.75-1-1./1 and commonly referred to as the former “King Fuels Site”, and herein, the “Site”; and

WHEREAS, as outlined within the Analysis of Brownfield Cleanup Alternatives (“ABCA”) attached hereto as **Exhibit A**, hereto, the Corporation desires to undertake the Project, which entails remediation of asbestos containing materials (“ACM”) found to be located on the Site in connection with a 2015 onsite investigation performed by the Corporation and the New York State Department of Labor (“NYSDOL”) Asbestos Control Bureau; and

WHEREAS, in furtherance of the Application and Grant, the Corporation duly scheduled, noticed and conducted a public hearing on Friday, January 18, 2019 at 9:00 a.m., local time, at

the Troy City Hall, located at 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, to hear and accept all written and oral comments on the Application, Project, Grant and ABCA; and

WHEREAS, the Corporation desires to authorize the submission of the Application and undertake certain preliminary actions relating to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE TROY LOCAL DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The Corporation hereby authorizes the submission of the Application for the Grant. The Chairman, Vice Chairman and/or the Chief Executive Officer of the Corporation are hereby authorized, on behalf of the Corporation, to execute and deliver all materials necessary in connection with same (collectively, the “Documents”).

Section 2. The Secretary or Assistant Secretary of the Corporation are hereby authorized, where appropriate, to affix the seal of the Corporation to the Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman, Vice Chairman and/or Chief Executive Officer of the Corporation shall approve, and the execution thereof by the Chairman, Vice Chairman and/or Chief Executive Officer of the Corporation to constitute conclusive evidence of such approval.

Section 3. The officers, employees and agents of the Corporation are hereby authorized and directed for and in the name and on behalf of the Corporation to do all acts and things required and to execute and deliver all such checks, certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Corporation with all of the terms, covenants and provisions of the documents executed for and on behalf of the Corporation.

Section 4. These Resolutions shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

The Resolution was thereupon duly adopted.

STATE OF NEW YORK                    )  
COUNTY OF RENSSELAER            ) ss.:

I, the undersigned Secretary of the Troy Local Development Corporation, DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Troy Local Development Corporation (the " Corporation "), including the resolution contained therein, held on January 18, 2019 with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Corporation and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Corporation had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Corporation present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation this 18<sup>th</sup> day of January, 2019.

  
Secretary

[SEAL]

EXHIBIT A  
Analysis of Brownfield Cleanup Alternatives

**ANALYSIS OF BROWNFIELDS  
CLEAN UP ALTERNATIVES**

**USEPA Brownfields Cleanup Grant Program  
7990-8053 Main Street  
Troy, New York**

**Tax Parcel 111.75-1-1./1**

Date: January 10, 2019  
Prepared By: Troy Local Development  
Corporation  
433 River Street  
Troy, New York 12180

## **DRAFT ANALYSIS OF BROWNFIELDS CLEAN UP ALTERNATIVES**

### **Introduction and Background**

The subject property, historically known as the “King Fuels Site”, is approximately 16 acres in size and is located at 7990-8053 Main Street in the City of Troy, New York. The site is situated on the eastern shore of the Hudson River and located approximately 200 yards upstream from the State Route 378 bridge. The City of Troy is located in Rensselaer County, New York, approximately 10 miles northeast of the State Capital and is the County seat. According to the most recent census, the City of Troy has a population of approximately 49,000 residents.

The King Fuels Site is zoned industrial with proposed remediation and redevelopment plans pursued by owner Troy Local Development Corporation (“TLDC”) to establish a multi-tenanted commercial and light industrial park. Surrounding parcels are currently used for a combination of commercial, industrial and railroad uses.

This Analysis of Brownfield Cleanup Alternatives (“ABCA”) is provided to outline alternatives evaluated for the proposed remediation of asbestos materials found to be located on the property. Asbestos contamination was identified as a result of a 2015 onsite investigation performed by TLDC and the New York State Department of Labor (“NYSDOL”) Asbestos Control Bureau.

### **Site Current and Past Uses**

TLDC acquired the site pursuant to (i) a certain Bankruptcy Court Order signed September 19, 2006 by the Honorable Robert E. Littlefield, Jr., United States Bankruptcy Judge, entitled United States Bankruptcy Court, Northern District of New York, In Re The King Service, Inc., d/b/a King Fuels, Debtor, Chapter 7, Case No. 04-14661, Order Granting Chapter 7 Trustee’s Motion and Approving Sale of Certain Assets Free and Clear of Liens Pursuant to U.S.C. Sec. 363 (the “Bankruptcy Order”), and (ii) a certain Trustee’s Deed, dated October 6, 2006 and recorded in the Rensselaer County Clerk’s Office at Book 3752 of Deeds at Page 265.

The Site is subject to the terms of (1) a certain Order on Consent Index No. A4-0473-0000 between the Company and the New York State Department of Environmental Conservation (“NYSDEC”) effective November 17, 2003, superceding and replacing Order on Consent Index No. D0-0001-9210 between NYSDEC and the Niagara Mohawk Power Corporation, d/b/a National Grid, effective December 7, 1992; (2) NYSDEC Record of Decision (“ROD”), NIMO Troy – Water Street MGP Site, Operable Unit No. 1, Area 2 – Former Plant Site, Site Number 4-42-029, July 2003; and (3) The Decision and Order of Supreme Court Justice James B. Canfield dated June 1, 2005, in Application of NYSDEC v. The King Service, Inc., d/b/a King Fuels, Richard Slote and Daniel Slote (Renss. Co. Index No. 214569) (collectively, the above documents are referred to herein as the “Order”).

The site has over a 150-year history of industrial use including iron and steel production. Manufactured gas production (“MGP”) evolved at the site to support the iron and steel industries, along with distribution to local residences and businesses. During the 1920’s MGP operations expanded to include distribution lines from Troy to the cities of Amsterdam and Glens Falls. The practices of the historic industries and the materials they were handling resulted in the release of contaminants into the environment, including coal tar.

National Grid’s involvement with the site began in 1929 when Niagara Hudson Power Corporation, a predecessor to Niagara Mohawk, first acquired the MGP operation. Much of the MGP works were sold to Republic Steel in the 1950’s. King Fuels began operating a bulk petroleum terminal and distribution center at the site in 1957 and through a series of transactions during the 1960’s concluding in 1973, had acquired the entire site from Republic Steel except for a small gas regulator station retained by Niagara Mohawk.

Environmental studies relating the MGP began in 1994 following the Order requiring investigation and where necessary, remediation of 21 former MGP sites, including this site, all owned by National Grid or its predecessor companies. Shortly before National Grid was poised to commence remediation of the MGP contamination, a contractor hired by TLDC caused a stop work order and related variances which are the subject of this project and must be completed to enable National Grid to complete the \$35 million MGP site remediation.

### **Redevelopment Project Goals**

The TLDC intends to remediate the asbestos contamination located on the site, which will allow National Grid to initiate its much larger and comprehensive remediation of the MGP contaminates. Once both remediation activities are completed, TLDC will be able to return the site to full economic use.

### **Applicable Regulation and Cleanup Standards**

The site cleanup will be overseen by an environmental consultant/environmental professional who will coordinate with NYSDOL to follow applicable guidelines and regulations for the removal and disposal of asbestos containing materials (“ACM”).

The project will be completed in accordance with 12 NYCRR Part 56-11.5. The work areas will be cleared with a final visual inspection per 12 NYCRR part 56-9.1, with the most recent air samples acting as the final clearance air sample, subsequent to removal of the debris.

### **Identification and Analysis of Brownfield Cleanup Alternatives**

There are two (2) cleanup alternatives application to the King Fuels Site.

Alternative 1 – Remove and dispose of ACM from the site.

Effectiveness – this alternative addresses removal of ACM sufficient to allow National Grid to commence MGP contaminate remediation.

Implementability – the only issue with implementing this alternative is the availability of sufficient funding to address ACM contamination.

Cost – this action is expected to cost approximately \$1M due of the extensive amount and dispersion of ACM on the site.

Alternative 2 – No asbestos removal from the site.

Effectiveness – this alternative does not address the need to redevelop the property that would benefit not only the surrounding community but the City of Troy. Further if the ACM is not removed from the site, National Grid will not undertake the larger \$35 million site remediation.

Implementability – this alternative does not address the ACM contamination.

Cost – TLDC would avoid immediate costs associated with ACM contamination, but significant and long term negative financial impacts would be incurred by TLDC due to site liabilities and carrying costs. Furthermore, the community and City of Troy would continue to suffer from the site remaining contaminated, vacant and underutilized.

## **RECOMMENDATION**

Based on the analysis presented in this report, the first alternative addresses the ACM contamination and supports further cleanup by National Grid that is compatible with the proposed end use of the property. Therefore, the first alternative is recommended.