



**TROY LOCAL DEVELOPMENT CORPORATION
Board of Director
Meeting Minutes**

**June 28, 2013
8:40 a.m.**

BOARD MEMBERS PRESENT: Bill Dunne, Hon. Ken Zalewski, and Dep. Mayor Pete Ryan

ABSENT: Wallace Altes, Andy Ross

ALSO IN ATTENDANCE: Justin Miller Esq., Selena Skiba, Monica Kurzejeski, Sharon Martin, Adrienne Waugh and Denee Zeigler

Minutes

The board nominated Hon. Ken Zalewski as the temporary chair of the meeting in the absence of the Chairman and Vice Chair.

**Deputy Mayor Pete Ryan made the motion to elect Hon. Ken Zalewski temporary chair.
Bill Dunne seconded the motion, motion carried.**

Hon. Hon. Ken Zalewski called the meeting to order at 8:40 a.m.

- I. The board decided to wait until the next meeting to review and approve the minutes from the June 14, 2013 meeting.

**Bill Dunne made a motion to table the minutes.
Deputy Mayor Pete Ryan seconded the motion, motion carried.**

- II. Agreement between TAP and LDC

Bill Dunne spoke to the board about TAP's Urban Initiative grant they received through the last round of CFA's. TAP's plan is to help promote the rehabilitation and sale of distressed properties in the City. After some discussions, it was decided that LDC would acquire the four properties located on Sixth Avenue and TAP would take on some of the major repairs such as roof and brick work. They are looking to invest about \$114,000 into the properties and then re-sell them to buyers that will live in them and maintain them for the required five years. Mr. Dunne stated that they will promote the properties to neighborhood associations and through the vacant

property work group. Monica Kurzejeski asked if they also intend to market to outside realtors as well. Mr. Dunne explained that they should be able to market with the groups mentioned, but if they need to they can market to realtors. Monica Kurzejeski asked if there were any other partnerships formed to help them through the process. Bill Dunne advised that at this point TRIP is available as a resource, but they intend to work with other agencies to help them through the process.

Deputy Mayor Pete Ryan asked if this agreement would need City Council approval. Bill Dunne advised not the agreement itself, but the sale of the foreclosed properties has to get City Council approval. Sharon Martin asked if there was a reason for the rush. Deputy Mayor Pete Ryan explained that there was a deadline for TAP to use the grant funds of August 1st. He also mentioned that the Mayor is aware and is willing to hold a special meeting of the City Council. Justin Miller questioned if the buildings were on the foreclosure list. Bill Dunne advised they were on the list. Monica Kurzejeski also wanted to note that there were people interested in the properties.

Selena Skiba questioned the time frame of 30 days listed on the draft agreement. Justin Miller explained that when they were creating the draft he assumed it was going to be a purchase from the foreclosure list as in previous situations. He advised that this situation is slightly different, so the timeframe would have to be changed to allow time for the City Council to decide. Bill Dunne did note that the properties were on the list and paperwork was filled out to purchase them.

Sharon Martin questioned the five year timeframe mentioned in the agreement. Justin Miller explained that because of TAP using grant funds, there are restrictions that are placed on the properties where it has to be owner occupied and maintained for a period of five years. Mrs. Martin questioned who would track this information. Justin Miller explained that it would be the responsibility of TAP and NYS to enforce the agreement. It would also be noted on the mortgage and recorded with the County.

Selena Skiba questioned how the taxes would work. Justin Miller advised that they will try and complete the process and transfer the properties by March 1st so they are within the same tax year and don't run into some of the same issues that they have in the past with properties that they have held onto for several years with no activity. Bill Dunne also noted that we are not purchasing the properties with the intent of making a profit or being the landlord and collecting income. Justin Miller explained that because there will not be a private tenant, they will be exempt from taxes. Once the buildings are sold, taxes can be paid on the properties.

Hon. Ken Zalewski clarified the request to be \$114,000. Justin Miller advised that the funds would be reimbursed by TAP and if there is any profit made on the properties it will come back to the LDC. Monica Kurzejeski pointed out to the board that we spoke on this a few months ago and it was suggested that if there is any profit or overage we could try and use it to reinvest in that area. Hon. Ken Zalewski questioned the financial position of the board that was discussed in the last meeting. Justin Miller advised that there have been a couple of closings since that time. Hon. Ken Zalewski asked if there were any other questions from the board and asked if there was a motion which would be contingent on the sale of the properties.

Sharon Martin asked if City Council approves the sale of the properties, when would the closing take place. Justin Miller advised as soon as possible so that work can begin. Adrienne Waugh asked if people come into the Assessors' office to ask about these specific properties should they be referred to Mr. Dunne's office. Bill Dunne advised yes. Monica Kurzejeski asked if there were already bids on the properties in question. Sharon Martin advised that there have been bids place on the properties. Mrs. Kurzejeski suggested working with the people that have already placed bids on the properties first. The board had a discussion on the process that would be taken at this point if the sale of the properties goes through. The Assessors office also spoke about some background of the process of bidding on properties on the foreclosure list.

Deputy Mayor Pete Ryan made a motion to accept title to four properties on Sixth Ave and enter into a funding agreement with TAP.

Bill Dunne seconded the motion, motion carried.

(See attached Resolution)

III. King Fuels Pre-Demo

Bill Dunne spoke to the board about the RFP for a demo contractor to take down the remaining buildings at the King Fuel sites. Authorization is being sought to spend up to \$15,000. Andrew Kreshik, senior planner for the City of Troy spoke to the board about the process taken to find a firm to test the site before demo work is done. Mr. Kreshik advised that a number of firms were asked to come in and give presentations. They looked at the cost of the testing and sampling of these items. Mr. Kreshik suggested CT Male because of their overall amounts and quality of work. He advised that \$10,000 should just cover the costs. Bill Dunne suggested that we authorize up to \$15,000 to spend if he feels it will be close to \$10,000. Hon. Ken Zalewski clarified that this has nothing to do with the actual remediation of the site. Andrew Kreshik advised that it is a lead up to it. Hon. Ken Zalewski asked if it would be more cost effective to demolish everything. Mr. Kreshik advised that if you go that route, you have to assume that everything contains asbestos. Mr. Kreshik also advised this study will provide a good base for potential bidders/contractors when it comes time for the RFP. Bill Dunne mentioned it will provide information about value to any items on the site.

Deputy Mayor Pete Ryan made a motion to authorize up to \$15,000 in funds for the pre-demo survey of the King Fuels site.

Bill Dunne seconded the motion, motion carried.

IV. Adjournment

Bill Dunne advised the board that he has spoke to a representative at Chevron about the parcels located adjacent to the King Fuels site. Andrew Kreshik also heard that Chevron was looking to discuss the properties.

Monica Kurzejeski advised the board she would have updates on possible candidates for the King Fuels site at the next meeting.

Hon. Ken Zalewski thanked everyone for attending. The next meeting is scheduled for July 12, 2013 at 8:30 a.m.

**Deputy Mayor Pete Ryan made a motion to adjourn.
Bill Dunne seconded the motion, motion carried.**

The meeting was adjourned at 9:25 a.m.

TROY LOCAL DEVELOPMENT CORPORATION

At a meeting of the Directors of the Troy Local Development Corporation (the "Corporation") that was convened on Friday June 28, 2013, at 8:30 a.m.

RESOLUTION OF THE TROY LOCAL DEVELOPMENT CORPORATION (i) ACCEPTING TITLE TO 3056 SIXTH AVENUE, 3058 SIXTH AVENUE, 3320 SIXTH AVENUE AND 3270 SIXTH AVENUE IN THE CITY OF TROY NEW YORK (THE "PROPERTIES"), (ii) AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH TAP, INC. TO ASSIST WITH THE REHABILITATION AND STABILIZATION OF THE PROPERTIES ALONG WITH THE EXECUTION AND DELIVERY OF ALL RELATED DOCUMENTS, AND (iii) MAKING A DETERMINATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA")

WHEREAS, pursuant to Sections 402 and 1411 of the Not-For-Profit Corporation Law ("N-PCL" or the "LDC Act") 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 (the "Certificate"), 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, in furtherance of the purposes and powers vested in the Corporation under the LDC Act and Certificate, the Corporation desires to acquire certain properties from the City of Troy located at 3056 SIXTH AVENUE, 3058 SIXTH AVENUE, 3320 SIXTH AVENUE AND 3270 SIXTH AVENUE (the "Properties") upon which are situated 4 buildings containing 10 apartments (the "Improvements"); and

WHEREAS, the Corporation desires to undertake the rehabilitation and stabilization of the Properties utilizing grant funding provided through Tap, Inc. ("TAP") pursuant to and in accordance with a certain Property Rehabilitation Agreement, a form of which is attached hereto as **Exhibit A**; and

WHEREAS, pursuant to the New York State Environmental Quality review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 NYCRR Part 617, as amended (collectively referred to as "SEQRA"), the Corporation has identified the acquisition of the Properties and related rehabilitation as an Unlisted Action pursuant to SEQRA for which the Corporation will conduct an uncoordinated review; and

WHEREAS, in furtherance of the foregoing, the Corporation desires to (i) accept title to the Properties from the City, (ii) authorize the execution and delivery of the Property

Rehabilitation Agreement with TAP, (iii) authorize the Executive Director of the Corporation to coordinate activities under the Property Rehabilitation Agreement, including the issuance of RFPs and/or bids for contractors, and (iv) adopt a Negative Declaration for SEQRA purposes.

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

Section 1. In furtherance of the purposes and powers vested in the Corporation under the LDC Act and Certificate, the Corporation hereby authorizes the acceptance of title to the properties from the City. The Chairman (or Vice Chairman) and/or Executive Director are hereby authorized to execute any and all documents and pay such recording fees as necessary to acquire title to the Properties.

Section 2. The Chairman (or Vice Chairman) and/or Executive Director are hereby authorized to execute and deliver the Property Rehabilitation Agreement with TAP in substantially the form attached hereto, with such changes and revisions as authorized by the Chairman (or Vice Chairman) and/or Executive Director, along with counsel to the Corporation. The Corporation further authorizes the expenditure of up to \$114,000.00 toward the activities outlined within the Property Rehabilitation Agreement.

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 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. The foregoing authorizations shall include, but not be limited to execution and delivery by the Chairman, Vice Chairman, Executive Director, Secretary and Acting Secretary of the Corporation to issue RFPs and/or bids in furtherance of the rehabilitation of the Properties.

Section 4. The Corporation hereby adopts a Negative Declaration for purposes of SEQRA with respect to the acquisition and rehabilitation of the Properties.

Section 5. This resolution 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:

	Yea	Nay	Absent	Abstain
Wallace Altes	[]	[]	[x]	[]
William Dunne	[x]	[]	[]	[]
Andy Ross	[]	[]	[x]	[]
Peter Ryan	[x]	[]	[]	[]
Hon. Kenneth Zalewski	[x]	[]	[]	[]

The Resolution was thereupon duly adopted.

SECRETARY'S CERTIFICATION

STATE OF NEW YORK)
COUNTY OF RENSSELAER) SS:

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

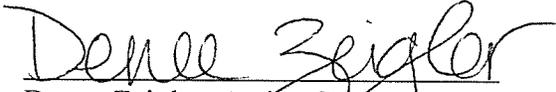
That I have compared the annexed extract of minutes of the meeting of the Troy Local Development Corporation (the "Corporation"), including the resolution contained therein, held on June 28, 2013, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings 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 28th day of June, 2013.


Denee Zeigler, Acting Secretary

[SEAL]