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**Chair**

Vacant

**Vice-Chair**

Andy Ross

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**Board Members**

Hon. Monica Kurzejeski

Hon. David Bissember

**Executive Director**

Steven Strichman

**Board of Directors Meeting  
Planning Department Conference Room  
City Hall  
433 River Street, Suite 5001  
Troy, New York 12180**

**January 18, 2019**

**9:00 a.m.**

**AGENDA**

- I. Public Hearing – EPA MAC Grant
- II. Approval of Minutes from the December 21, 2018 board meeting.
- III. Authorizing Resolution – EPA MAC Grant
- IV. Election of officers
- V. Annual Disclosure and Fiduciary Forms
- VI. Executive Director's report
- VII. Financials
- VIII. Old Business
- IX. New Business
- X. Adjournment

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  
[list other TLDC representatives in attendance]  
Members of the General Public

II. CALL TO ORDER: (Time: 9:00 a.m.). \_\_\_\_\_ opened the hearing and \_\_\_\_\_ 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

VII. ADJOURNMENT

As there were no comments, the public hearing was closed at \_\_\_\_\_ a.m.



**Regular Board Meeting  
Minutes**

**December 21, 2018  
9:00 a.m.**

**BOARD MEMBERS PRESENT:** Kevin O'Bryan, Hon. David Bissember, Hon. Monica Kurzejeski, Andy Ross and Steve Strichman

**ABSENT:**

**ALSO IN ATTENDANCE:** Mayor Patrick Madden, Justin Miller, Esq., Mary Ellen Flores, Lucas Nathan, Jim Lozano, Dylan Turek, Deanna Dal Pos, Heidi Knoblauch and Denee Zeigler

**Minutes**

The regular board meeting was called to order at 9:00 a.m.

I. Minutes

The board reviewed the minutes from the October 19, 2018 meeting.

**Steve Strichman made a motion to approve the minutes for the October 19, 2018 meeting.**

**Hon. David Bissember seconded the motion, motion carried.**

II. Economic Development Director

Steve Strichman spoke to the board members about appointing Dylan Turek as the LDC's Economic Development Director. He noted that it is a non-paying position and allows him to be covered under the Directors & Officers Insurance. Mr. Strichman noted that he will be working on the reuse of the King Fuels site. Ms. Kurzejeski asked if an agreement needs to be in place in order to for the LDC to share city staff; similar to the IDA. Mr. Miller noted that no MOU is needed in this case. The regular board had no questions about the budget that was presented during the audit & finance committee meeting.

**Hon. Monica Kurzejeski made a motion to approve the appointment of Dylan Turek as the LDC's Economic Development Director.**

**Hon. David Bissember seconded the motion, motion carried.**

III. Board Member Evaluation

Mr. Strichman noted that the Confidential Board Member Evaluation is included in the agenda to be filled out by the board members. He advised that it does not require a signature and is a requirement of the ABO.

IV. Executive Director's report

**4<sup>th</sup> Street property transfer** – Mr. Strichman advised the board that we partially closed on the transfer of the property related to the 4<sup>th</sup> Street project. He advised that we will do some work to the portion of the lot we own and plans on spending up to \$400.

**Chairman** – Mr. Strichman wanted to thank Kevin for his time on the board as Chairman.

V. Financials

Ms. Flores advised there is \$3.2 million in assets versus \$2.2 million in liabilities and \$1.1 million in equity; not much change from last month. The chairman noted that the loan portfolio has performed well year after year. Ms. Kurzejeski asked about the Small Business Summit. Mr. Strichman noted that we did not have one this year, the funds showing on the balance sheet are carry over from the previous summit.

Mr. Strichman presented the loan portfolio to the board members:

**Rare Form Brewing** – He advised that they are currently caught up and advised that one of the loans ends early 2019.

**77 Congress Street** - He advised that he will be reaching out to 77 Congress Street after the meeting. He noted that we are two payments behind after making the loan extension.

**Trojan Lofts** – He advised that this loan is close to completion. It was caught up at one point, but is now two payments behind.

**BSM Banquets** – He noted that this loan is close to being caught up and are two payments behind at this point. The chairman noted that this is one of our larger loans and we will need to keep an eye on this one.

**Dutch Udder** – He explained that they are interested in paying off their loan and possible moving to another location within Troy.

Ms. Kurzejeski asked about the Balance Loft. Ms. Flores advised yes, it is off the books.

Ms. Flores advised there was nothing of note on the profit and loss sheets. She advised that there is \$7,700 loss for November.

**Hon. Monica Kurzejeski made a motion to approve the financials as presented.**

**Andy Ross seconded the motion, motion carried.**

VI. Old Business

Mr. Strichman noted that we are continuing to work on the disposition of the King Fuels site. He advised we have some positive options.

VII. New Business

Mr. Strichman spoke to the board about the South Troy Industrial Access Road and a possible sale of the Alamo site. He advised that we will review the options for

selling the parcel and present to the board in the near future. Andy Ross asked about possible asbestos. Mr. Strichman noted that there may be small areas of the building with potential asbestos.

VIII. Adjournment

Mayor Patrick Madden spoke to the board members thanking them for the time they put in. He also wanted to thank the chairman for his leadership and professionalism. Hon. Monica Kurzejeski also wanted to express her thanks to the chairman and noted it has been a pleasure.

With no additional business to discuss, the LDC board meeting was adjourned at 9:30 a.m.

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

DRAFT

## 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. \_\_\_\_\_

### 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 \_\_\_\_ day of \_\_\_\_\_, 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.

**2019 ANNUAL DISCLOSURE STATEMENT for THE CITY OF TROY**

Last Name:	First Name:
Title:	Dept./Agency:
Work Address:	
Phone #:	Email:

If the answer to any of the following questions is "NONE", please so indicate.

**1. REAL ESTATE OWNERSHIP:** List the address of each piece of property that you, your spouse, or other member of your immediate family or household own or have a financial interest in. List only real estate that is in the City of Troy or within 1 mile of the boundary of the City of Troy.

Name of Family Member	Relationship to You	Address of Real Property	Type of Investment

**2. YOUR OUTSIDE EMPLOYER(S) OR BUSINESS(ES):** List the name of any outside employer or business from which you receive compensation for services rendered or goods sold or produced or of which you are a member, officer, or employee. Also include any entity in which you have an ownership interest, except a corporation of which you own less than 5% of the outstanding stock. Identify the type of business (i.e., partnership, corporation, self-employment, or sole proprietorship) and your relationship to the employer or business (i.e., owner, partner, director, member, employee, or shareholder).

Name of Employer/Business	Nature of Business	Type of Business	Relationship to Business	Percentage of Ownership

**3. SPOUSE'S EMPLOYER OF BUSINESS:** List the name of any outside employer or business from which your spouse receives compensation for services rendered or goods sold or produced or of which your spouse is a member, officer, or employee. Identify the nature of the business. Identify the type of business (i.e., partnership, corporation, self-employment, or sole proprietorship) and your spouse's relationship to the employer or business (i.e., owner, partner, director, member, employee, or shareholder). If your spouse's ownership exceeds 5%, indicate your spouse's percentage of ownership.

Name of Employer/Business	Nature of Business	Type of Business	Relationship to Business	Percentage of Ownership

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## *Acknowledgement of Fiduciary Duties and Responsibilities*

As a member of the Authority's board of directors, I understand that I have a fiduciary obligation to perform my duties and responsibilities to the best of my abilities, in good faith and with proper diligence and care, consistent with the enabling statute, mission, and by-laws of the Authority and the laws of New York State. The requirements set forth in this acknowledgement are based on the provisions of New York State law, including but not limited to the Public Authorities Reform Act of 2009, Public Officers Law, and General Municipal Law. As a member of the board of directors:

### I. Mission Statement

I have read and understand the mission of the Authority; and the mission is designed to achieve a public purpose on behalf of the State of New York. I further understand that my fiduciary duty to this Authority is derived from and governed by its mission.

I agree that I have an obligation to become knowledgeable about the mission, purpose, functions, responsibilities, and statutory duties of the Authority and, when I believe it necessary, to make reasonable inquiry of management and others with knowledge and expertise so as to inform my decisions.

### II. Deliberation

I understand that my obligation is to act in the best interests of the Authority and the People of the State of New York whom the Authority serves.

I agree that I will exercise independent judgment on all matters before the board.

I understand that any interested party may comment on any matter or proposed resolution that comes before the board of directors consistent with the laws governing procurement policy and practice, be it the general public, an affected party, a party potentially impacted by such matter or an elected or appointed public official. However, I understand that the ultimate decision is mine and will be consistent with the mission of the Authority and my fiduciary duties as a member of the Authority's board of directors.

I will participate in training sessions, attend board and committee meetings, and engage fully in the board's and committee's decision-making process.

### III. Confidentiality

I agree that I will not divulge confidential discussions and confidential matters that come before the board for consideration or action.

### IV. Conflict of Interest

I agree to disclose to the board any conflicts, or the appearance of a conflict, of a personal, financial, ethical, or professional nature that could inhibit me from performing my duties in good faith and with due diligence and care.

I do not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of my duties in the public interest.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Authority Name: \_\_\_\_\_

Date: \_\_\_\_\_