I. Call to Order

II. Minutes Approval

Bethlehem Industrial Development Agency - Regular Meeting - Oct 23, 2015 8:00 AM

III. Reports of Committees

IV. Communications

1. Letters from Office of State Comptroller/Audit of Effective Oversight of Project
   a. 11/6/15 letter to Connolly
   b. Attachment A
   c. 11/6/15 letter to Venezia
   d. OSC pamphlet "Understanding the Audit Process"

V. Old Business

1. Planning Board Update (Leslie)
2. Report of ED Coordinator (Staubach)
3. Columbia 15 Project (Connolly)
4. SAE Sun (Monolith) Project (Scott)

VI. New Business

1. Financial Statements 10/31/15 (Maikels)
2. Administrative Services Contract 2016/Resolution (Connolly)
3. Monitoring PILOT Collections & Disbursement (Connolly)
Meeting of Friday, November 20, 2015

4. Reform Legislation Compliance Documentation Status (Connolly)
   a. Criteria/Discussion (Scott/Connolly)

5. Approve Revised Organization Chart (Connolly)

6. Finance Committee Meeting - Friday November 20, 2015 immediately after Regular Meeting

7. Regular Meeting - Friday, December 18, 2015 8:00 a.m. Auditorium

VII. Adjournment

Adjourn
TOWN OF BETHLEHEM
Albany County - New York

INDUSTRIAL DEVELOPMENT AGENCY
445 DELAWARE AVENUE
DELMAR, NEW YORK 12054
Telephone: (518) 439-4955
Fax: (518) 439-5808
Email: info@bethlehemida.com
www.bethlehemida.com

Regular Meeting Minutes
Friday, October 23, 2015
8:00 AM
Town Hall Auditorium

I. Call to Order

A Regular Meeting of the Bethlehem Industrial Development Agency of the Town of Bethlehem was held on the above date at the Town Hall Auditorium, 445 Delaware Avenue, Delmar, NY. The Meeting was called to order at 8:00 AM.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frank S. Venezia</td>
<td>Board Member/Chairman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Joseph P. Richardson</td>
<td>Board Member/Vice Chairman</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Tim McCann</td>
<td>Board Member/Assistant Secretary</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Victoria Storrs</td>
<td>Board Member</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Pat Bulgaro</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Sandra Shapard</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Tim Maniccia</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Thomas P. Connolly</td>
<td>Executive Director/Agency Counsel</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Joe Scott</td>
<td>Bond Counsel</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Allen F. Maikels</td>
<td>CFO and Contracting Officer</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Elizabeth Staubach</td>
<td>Senior Planner/ED Coordinator</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Robin Nagengast</td>
<td>Assistant to the Executive Director</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Robert Leslie</td>
<td>Director of Planning</td>
<td>Present</td>
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</tbody>
</table>

II. Minutes Approval

Friday, September 25, 2015
RESULT: ACCEPTED [UNANIMOUS]
MOVER: Joseph P. Richardson, Board Member/Vice Chairman
SECONDER: Tim Maniccia, Board Member
AYES: Venezia, Richardson, McCann, Bulgaro, Shapard, Maniccia
ABSENT: Victoria Storrs

III. Reports of Committees

• REPORT OF FINANCE COMMITTEE

• A. 2016 BUDGET

Mr. Maikels presented the draft 2016 budget. There is an anticipated increase in PSEG energy reimbursements due to scheduled changes in the contract that was also reflected by lowering the projected use of fund balance. Fee income was adjusted down for 2016. The town is reimbursed for professional services. The Chair, the Executive Director and the Director of Planning assessed the performance of the Economic Development Coordinator, found it was a good use of funds, and recommended that the Agency continue to support the position.

Motion To: Approve 2016 Budget

RESULT: APPROVED [UNANIMOUS]
MOVER: Tim Maniccia, Board Member
SECONDER: Pat Bulgaro, Board Member
AYES: Venezia, Richardson, McCann, Bulgaro, Shapard, Maniccia
ABSENT: Victoria Storrs

IV. Communications

Nothing to report.

V. Old Business

• PLANNING BOARD UPDATE (LESLIE)

Vista sites that have expired are expected to return to the Planning Board.

Two other projects before the Planning Board include a contractors yard on Hannay Lane and a self storage warehouse facility.

Glenmont Plaza appeared before the Development Planning Committee for a new 7,000sf retail site facing Route 9W. Changes are being considered for the traffic operations on Route 9W to better attract a larger tenant for currently available space.

Windsor Development appeared before the Planning Board for Hamlet Phase II 4,000sf of commercial and 40 apartments.

• REPORT OF ED COORDINATOR (STAUBACH)
The Microenterprise Grant application was again considered a priority project in the recently updated Regional Economic Development Council Strategy Plan. Video will be available of the September Financial Resources Forum held at the Library. There are plans to hold the event again, with a tie in to the ME Grant if possible.

- **COLUMBIA 15 PROJECT (CONNOLLY)**
  No change.

- **SAE SUN (MONOLITH) PROJECT (SCOTT)**
  The financing structure for the project needed to be modified. A closing date hasn't been set.

**VI. New Business**

- **FINANCIAL STATEMENTS 9/30/15 (MAIKELS)**
  Mr. Maikels reported the financials for September 2015.

- **REFORM LEGISLATION COMPLIANCE DOCUMENTATION STATUS (CONNOLLY)**
  The legislation hasn't been signed.

- **A. APPLICATION/DISCUSSION (SCOTT/CONNOLLY)**
  Mr. Scott reviewed the changes to the project application and the Board discussed and provided input.

  **Motion To:** Motion to Approve the Revised Project Application

  **RESULT:** APPROVED [UNANIMOUS]
  **MOVER:** Joseph P. Richardson, Board Member/Vice Chairman
  **SECONDER:** Pat Bulgaro, Board Member
  **AYES:** Venezia, Richardson, McCann, Bulgaro, Shapard, Maniccia
  **ABSENT:** Victoria Storrs

- **REGULAR MEETING - FRIDAY, NOVEMBER 20, 2015 8:00 A.M. AUDITORIUM**

- **FINANCE COMMITTEE MEETING - FRIDAY NOVEMBER 20, 2015 IMMEDIATELY AFTER REGULAR MEETING**

**VII. Adjournment**

The meeting was adjourned on a motion by Ms. Shapard at 8:49am.
November 6, 2015

Mr. Thomas Connolly, Esq.
Bethlehem Industrial Development Agency
445 Delaware Avenue
Delmar, New York 12054

Dear Mr. Connolly:

The Division of Local Government and School Accountability of the Office of the State Comptroller has selected the Bethlehem Industrial Development Agency for an audit. The audit will determine if IDA projects are effectively overseen. The time period covered by this audit will be January 1, 2014 to May 31, 2015.

We have scheduled an entrance conference to begin the audit at 1:00 p.m. at your Bethlehem office on November 18, 2015. At the entrance conference, officials will be able to ask questions about the audit and about the resources, the examiners will need. The auditors will begin their examination immediately following the entrance conference. Once the audit is underway, our audit staff will be available to meet with any officials, including individual members of the Board, at any time during the fieldwork.

Attachment A lists some of the records and information we expect to review during our audit. We appreciate your cooperation in providing us with as much of the information as possible at the entrance conference. During the course of our audit, we may need to request additional information as well. We recognize that an audit places additional demands on you and your staff and we will do our best to minimize disruption to your day-to-day operations. We have enclosed a copy of our publication, Understanding the Audit Process, which explains how we conduct our audits.

At the conclusion of our audit, we will report on the audit’s results and provide recommendations to help improve your operations. As a key official, you will have a role in monitoring any corrective actions that needs to be taken. Therefore, please feel free to ask questions about the audit at the entrance conference and about the audit’s progress at any time during the audit engagement. If you have any questions at this time, please contact me at (518) 727-1835.

Sincerely,

Jeremy Dudley
Associate Examiner
Statewide and Regional Projects Unit
Division of Local Government and School Accountability

Enclosure
IDA Project Administration Audit

Attachment A

Initial Request for Records and Information

Our audit period will be the January 1, 2014 through May 31, 2015; therefore the items we are requesting should be for this period. Any items requested are preferred in electronic form when possible.

- Project application form(s) – Standard application form if applicable or variations of applications used for IDA projects.
- Project applications for the 16 projects on the 2014 PARIS report.
- A list of project applications submitted to the IDA during the audit period, and their status if they have been approved, denied, or pending approval.
- Any policies and procedures related to IDA project administration including applications, applicant reviews, project approvals, project monitoring, any required reporting from project owners (progress reports or similar), claw-backs, etc.
- Any reports to the Board on IDA projects, or updates on projects performance, if applicable.
- Any documented criteria used by the Board or IDA staff to evaluate projects for approval.
- A flow chart of the application review and approval process, or procedures.
- Any laws relevant to the IDA’s enabling legislation and statutory authority.
- IDA staff and Board member training records, if applicable.
- If there have been any changes to the Mission Statement, Goals, UTEP, By-laws or policies and procedures during our audit period, please provide information on those changes.
November 6, 2015

Mr. Frank Venezia, Chairman  
Board of Directors  
445 Delaware Avenue  
Delmar, New York 12054

Dear Chairman Venezia and Members of the Board:

The Division of Local Government and School Accountability of the Office of the State Comptroller has initiated an audit at Bethlehem IDA. The audit will determine if the IDA effectively oversees projects. Our audit will cover the period of January 1, 2014 through May 31, 2015. We have attached a copy of our publication, Understanding the Audit Process, which explains how we conduct our audits.

At the conclusion of our audit, we will report on the audit’s results and may provide recommendations to help improve your operations. As a member of the IDA, you will have a role in monitoring any corrective actions that need to be taken as a result of this audit. Therefore, please feel free to ask questions about the audit and about the audit’s progress at any time during the audit engagement. Our audit staff will also be available to meet at any time during the audit. If I can answer any questions you have at this time, please contact me at (518) 727-1835.

Sincerely,

Jeremy Dudley  
Jeremy Dudley  
Associate Examiner  
Division of Local Government and School Accountability

Enclosure
Your government has been scheduled for an audit. The audit process is an integral part of the government’s system of “checks and balances” providing an objective, independent review of your program stewardship and fostering accountability to the citizens of New York.

This booklet has been prepared to familiarize you with the audit process and provide insight into the key stages of its development, from the earliest stages to the final report. It describes what auditors look for and their professional auditing standards. The booklet is intended only to highlight some of the significant elements of the audit. Our staff will be happy to answer your questions as they come up during the process.

The mission of the Division of Local Government and School Accountability is clear: “To serve taxpayers’ interests by improving the fiscal management of local governments and schools in New York State.” This is the perspective our auditors bring to their work. We strive to accomplish our goals competently and professionally. We respectfully request your cooperation during this process to ensure that the essential facts are expeditiously collected and accurately interpreted. Working cooperatively will make this an easy process for you and a meaningful one for your constituency.

Our staff will schedule periodic meetings with you or your liaison to keep you fully informed of our progress. In addition, you may contact the on-site examiner-in-charge or any member of our management team at any time.
MISSION AND AUTHORITY

Our Mission

The Division of Local Government and School Accountability’s mission is to serve taxpayers’ interests by improving the fiscal management of local governments and schools in New York State.

To achieve our mission we have developed the following goals:

- Enable and encourage local government and school officials to maintain or improve fiscal health by increasing efficiency and effectiveness, managing costs, improving service delivery, and accounting for and protecting assets.

- Promote government reform and foster good governance in communities statewide by providing local government and school officials with up-to-date information and expert technical assistance.

Constitutional and Statutory Authority

Pursuant to the State Constitution (Article V, §1) and the General Municipal Law (Article 3), the State Comptroller has the responsibility to oversee the fiscal affairs of local governments. This oversight responsibility is exercised primarily through the Division of Local Government and School Accountability. One part of this responsibility is to periodically examine the fiscal affairs of local governments. Our examinations are designed to provide information to officials so that they can perform their financial stewardship responsibilities effectively. Section 35 of the General Municipal Law provides, in part, that a report of the examinations will be made and filed with the local government.
ACCESS TO RECORDS

During the audit, the Comptroller’s staff will require access to records, files and other information to complete the audit effectively. This may include information that various laws define as confidential and/or proprietary. The Comptroller’s right to access this information required for audit purposes is derived from General Municipal Law and other statutes.

AUDITS

The conduct and performance of our audits are guided by professional auditing standards promulgated by the Comptroller General of the United States in the publication, “Government Auditing Standards.”

Audits conducted by the Division fall into two categories: Internal Control Audits and Performance Audits.

Internal Control Audits review and test a local government’s policies and procedures to make sure that officials obtain, keep and use public resources properly.

Performance Audits assess how efficiently a local government runs aspects of its programs. Typically, these audits identify cost savings.

REVIEWS

The Division also performs mandatory and non-mandatory budget reviews.

Budget Reviews examine a local government’s budget prior to adoption for the purpose of determining whether information contained within the preliminary budget is supported and whether estimates are reasonable and balanced.
AUDIT PROCESS

A typical audit has several interrelated stages or activities.

♦ Research and Information Gathering

This process includes interviews with your staff and requests for documents and data. The purpose is to help us better define where we may or may not assign audit resources. This advance process results in a better-focused audit effort and allows us to determine if value will likely be added from doing the audit.

♦ Entrance Conference

An entrance conference establishes a climate of cooperation, informs local government officials and other top management about the audit process and offers officials the opportunity for input.

♦ Preliminary Audit Survey

The audit team conducts a survey of organizational and operational information before the major audit effort begins. The objective is to develop a more complete understanding of the organization and the areas that will be audited.

♦ Fieldwork Phase

This phase consists of the focused audit effort and usually comprises the single largest amount of time. The examiner in charge (EIC) supervises the day-to-day activities of the on-site audit team to ensure quality audit work is completed within predetermined time frames.

Packet Pg. 14
Preliminary Audit Findings

After completing the fieldwork phase for each audit segment, the EIC or other audit staff will discuss the findings and conclusions with involved local government management.

Exit Conference

At the completion of fieldwork, we will send a draft copy of our written findings and recommendations, and instructions for responding to our audit to each member of the governing board, the chief executive officer and any other appropriate local officials. Audit team members will schedule an exit conference with appropriate local government management to discuss these findings and recommendations. The exit conference provides local officials the opportunity to clarify issues that are to be included in the final audit report.

Local Official Response

Within 30 days of the transmittal of the draft report to the local government, the local government should formally respond with its official position concerning the audit findings or, at a minimum, should identify any factual differences with the report. This response letter will not be considered your corrective action plan as contemplated by General Municipal Law, but you may want to use it in developing that corrective action plan.
REPORT DISTRIBUTION

Final audit reports are public documents available to anyone requesting them, although they will be provided to the audited municipality before they are publicly distributed. Most final reports are provided to media representatives, some with accompanying press releases. We include the formal response to our audit findings filed by local officials as an appendix to our final audit report.

CORRECTIVE ACTION PLAN

Education Law for school districts and Commissioner of Education regulations for BOCES require that the governing board prepare a corrective action plan in response to any report issued by our Office. Your corrective action plan must be filed with us and the State Education Department and should include, with respect to each finding or recommendation, a statement of the corrective action taken or proposed to be taken. In addition, to the extent practicable, the implementation of such corrective action plan shall begin no later than the end of the next fiscal year.

For all other local governments, General Municipal Law provides that the governing board may prepare a corrective action plan to any report issued by our Office. Your corrective action plan must be filed with us and should include, with respect to each finding or recommendation, a statement of the corrective action taken or proposed to be taken. If you decide not to take corrective action to address one or more of the recommendations in our report, you should explain your reasons.
FIELD SERVICES SURVEY

We take our mission to help local officials improve their governments very seriously. Consequently, feedback about how our customers view our services is critical to us. At the conclusion of each audit service, we send a survey questionnaire to affected local officials asking for their perspectives on the service. The responses to these surveys, which can be submitted anonymously, provide us with valuable information that has helped us improve our operations. Please take the time to complete this survey when you receive it and return it to us.

SHARED COMMITMENT

We understand the audit process can be a trying time for you and your staff. Our auditors are always seeking ways to reduce disruption to your operations and to minimize the additional burden on your staff. We seek and welcome your cooperation during the coming audit as well as your constructive suggestions for improving the audit process.
Andrew A. SanFilippo, Executive Deputy Comptroller

Executive .......................................................................................................................................................... 474-4037

Gabriel F. Deyo, Deputy Comptroller
Nathaelie N. Carey, Assistant Comptroller

Audits, Local Government Services and Professional Standards ................................................. 474-5404
(Audits, Technical Assistance, Accounting and Audit Standards)

Local Government and School Accountability Help Line .............................................. (866) 321-8503 or 408-4934
(Electronic Filing, Financial Reporting, Justice Courts, Training)

New York State Retirement System

Retirement Information Services
Inquiries on Employee Benefits and Programs .............................................................................. 474-7736

Bureau of Member Services ............................................................................................................. 474-1101
Monthly Reporting Inquiries ............................................................................................................. 474-1080
Audits and Plan Changes ..................................................................................................................... 474-0167
All Other Employer Inquiries ............................................................................................................. 474-6535

Division of Legal Services
Municipal Law Section ....................................................................................................................... 474-5586

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Bureau of State Contracts ................................................................................................................. 474-4622
OFFICE OF THE STATE COMPTROLLER
DIVISION OF LOCAL GOVERNMENT AND SCHOOL ACCOUNTABILITY

Andrew A. SanFilippo, Executive Deputy Comptroller
Gabriel F. Deyo, Deputy Comptroller (518) 474-4037
Nathalie N. Carey, Assistant Comptroller (518) 474-4037
Cole H. Hickland, Director - Direct Services (518) 474-5480
Jack Dougherty, Director - Direct Services (518) 474-5480

Need help?
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State Office Building, Suite 1702 • 44 Hawley Street • Binghamton, New York 13901-4417
Tel (607) 721-8306 • Fax (607) 721-8313
# BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY

## STATEMENT OF NET ASSETS

October 31, 2015

### ASSETS

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<th>Description</th>
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<td>Total Checking/Savings</td>
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### TOTAL ASSETS

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### LIABILITIES & EQUITY

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<td>Current Liabilities</td>
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<td>Equity</td>
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<td>924 Net Assets</td>
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<tr>
<td>924.3 Net Assets-Unassigned</td>
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<td>Total 924 Net Assets</td>
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<td>Total Equity</td>
<td>514,212.16</td>
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### TOTAL LIABILITIES & EQUITY

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<tr>
<th></th>
<th>545,561.87</th>
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</thead>
</table>
# BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY
## STATEMENT OF REVENUE AND EXPENSES
### October 31, 2015

### ORDINARY INCOME/EXPENSE

<table>
<thead>
<tr>
<th>Income</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>2116 FEE INCOME</td>
<td>39,420.47</td>
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<tr>
<td><strong>Total Income</strong></td>
<td><strong>39,420.47</strong></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>6460.1 Salaries and Wages</td>
<td>39,680.00</td>
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<tr>
<td>6460.4 Contractual Expenses</td>
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<td>6460.8 Employee Benefits</td>
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<td><strong>Total Expenses</strong></td>
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### NET ORDINARY INCOME

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<tr>
<th>Other Income/Expense</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Income</td>
<td></td>
</tr>
<tr>
<td>2401 Interest Income</td>
<td>294.57</td>
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<tr>
<td><strong>Total Other Income</strong></td>
<td><strong>294.57</strong></td>
</tr>
</tbody>
</table>

| **NET INCOME**                  | **-99,699.60**|

### BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY

#### BUDGET VS ACTUAL

October 31, 2015

<table>
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<tr>
<th>Ordinary Income/Expense</th>
<th>Oct-15 YTD Budget</th>
<th>Variance</th>
<th>Annual Budget</th>
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<tr>
<td><strong>Income</strong></td>
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</tr>
<tr>
<td>2116 Fee Income</td>
<td>39,420.47</td>
<td>95,290.90</td>
<td>-55,870.43</td>
</tr>
<tr>
<td>Total Income</td>
<td>39,420.47</td>
<td>95,290.90</td>
<td>-55,870.43</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6460.1 Salaries and Wages</td>
<td>39,680.00</td>
<td>35,680.00</td>
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<td>6460.4 Contractual Expenses</td>
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<td><strong>Net Ordinary Income</strong></td>
<td>-99,994.17</td>
<td>-42,209.20</td>
<td>-57,784.97</td>
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#### Other Income/Expense

<table>
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<tr>
<th>Other Income/Expense</th>
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<tbody>
<tr>
<td><strong>Other Income</strong></td>
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<tr>
<td>2401 Interest Income</td>
<td>294.57</td>
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<td>-705.43</td>
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<td>Total Other Income</td>
<td>294.57</td>
<td>1,000.00</td>
<td>-705.43</td>
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**Net Income**

<p>| | | | |</p>
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<td>-99,699.60</td>
<td>-41,209.20</td>
<td>-58,490.40</td>
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</table>
2016
ADMINISTRATIVE SERVICES CONTRACT

THIS AGREEMENT is made as of the 1st day of January, 2016, by and between the following parties:

TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY, a public benefit corporation organized and existing under the laws of the State of New York having a principal place of business located at 445 Delaware Avenue, Delmar, New York 12054, party of the first part (hereinafter referred to as the “Agency”); and

TOWN OF BETHLEHEM, NEW YORK, a municipal corporation of the State of New York having a principal place of business located at 445 Delaware Avenue, Delmar, New York 12054, party of the second part (hereinafter referred to as the “Municipality”).

WITNESSETH:

WHEREAS, the Agency is authorized and empowered by the provisions of the New York State Industrial Development Agency Act, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 582 of the 1973 Laws of New York, as amended, constituting Section 909-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research, recreation and civic facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act (A) to make by-laws for the management and regulation of its affairs and (B) to appoint officers, agents and employees, to prescribe their qualifications and to fix their compensation and to pay the same out of funds of the Agency; and

WHEREAS, the Agency has employed an Chief Executive Officer/Executive Director (“Executive Director”) and Chief Financial Officer; and,

WHEREAS, pursuant to Section 858(6) of the Act, the Agency is authorized and empowered, with the consent of the Municipality, to use agents and employees of the Municipality, paying the Municipality its agreed proportion of the compensation or costs; and

WHEREAS, the Agency and the Municipality agree that the Municipality shall provide
certain services of the staff of the Municipality and of the Municipality’s Department of Economic Development and Planning (“Department”), to act as the staff of the Agency on a part-time basis in 2016; and

Whereas, the revenues of the Agency are variable, episodic and unpredictable, and

Whereas the Agency has adopted a policy requiring a fund balance of $450,000.00 ("Fund Balance Policy"); and

WHEREAS, the Agency wishes to compensate the Municipality for the Services within the limitations of Agency revenue and Fund Balance Policy as set forth on Exhibit A;

NOW, THEREFORE, the parties hereto agree as follows:

SECTION I
DUTIES AND RESPONSIBILITIES OF THE MUNICIPALITY

SECTION 1.1. SERVICES. (i) The Municipality shall provide the services of the Department’s Director (“Director”) and Economic Development Coordinator (“Coordinator”) and the Administrative Assistant to the Supervisor of the Municipality (“Administrative Assistant”) to provide consulting services to the Agency on a part-time basis. The services of the Director shall be to report to the Agency at its regular and special meetings on projects under review by the Department, the Planning Board and Zoning Board of Appeals. The services of the Coordinator shall be to perform assignments for the Agency of about 13.125 hours per week and to report to the Agency at its regular and special meetings about projects assigned by the Agency and the Department relating to economic development in the Municipality. The services of the Administrative Assistant shall be to perform the duties of the Clerk of the Agency (maintaining the records of the Agency, following the Guidelines for IDA Meeting Notices and Minutes and acting as Records Access Officer) and to assist the Executive Director.

(ii) [Intentionally Omitted]

(iii) [Intentionally Omitted]

(iv) [Intentionally Omitted]

SECTION 1.2. TERM. The term of this Agreement shall be from January 1, 2016 through December 31, 2016. The services to be provided by the Municipality hereunder shall be provided only during the term of this Agreement.

SECTION 1.3. STAFF. To accomplish the foregoing services, the Municipality is empowered to use such additional staff of the Municipality as the Department and its Director shall deem necessary to accomplish the Municipality’s obligations under this Agreement.

SECTION 1.4. OFFICE SPACE. The Municipality shall provide, maintain and equip suitable office space
for the Agency.

SECTION II

DUTIES AND RESPONSIBILITIES OF THE AGENCY

SECTION 2.1 PAYMENTS. (A) Contribution. In full consideration for all the services performed by the Municipality in a manner satisfactory to the Agency, the Agency shall pay to the Municipality the amount set forth on Exhibit A annexed hereto and made a part hereof, and one-half of said amount shall be paid on June 15, 2016, and one-half shall be paid on December 15, 2016.

(B) Expenses. [Intentionally Omitted]

(C) Expense Budget. [Intentionally Omitted]

SECTION 2.2. RELEASE. The acceptance by the Municipality of the amount set forth in Section 2.1A hereof shall release the Agency from any and all claims, causes of action and liability to the Municipality, or to its legal representative; rising out of or relating to this Agreement.

SECTION 2.3. MEETINGS. The Agency shall notify the Municipality and the Department and its Director of all meetings of the governing body of the Agency.

SECTION III

CANCELLATION OF AGREEMENT

SECTION 3.1. RIGHT TO CANCEL. Either party shall have the right to cancel this agreement upon sixty (60) days written notice to the other party, for any of the following reasons:

(A) For Cause: Upon any breach, default, or other defect of performance or breach of any representation, warranty or covenant under this Agreement, the Municipality and/or the Agency may cancel this Agreement. In addition, any breach of responsibilities on the part of the Director, including but not limited to theft, pilfering, willful refusal to follow instructions of the Board of the Agency, dereliction of duties, inefficiency in performing his duties, or other acts of a like nature, all as determined by the Agency, the Agency may cancel this Agreement.

(B) Upon Cancellation: Upon either party exercising its right to cancel this Agreement pursuant to paragraph (A) above, the Agency shall pay the prorated amount of Contribution to the Municipality pursuant to this Agreement.

SECTION 3.2. PROCEDURE UPON CANCELLATION. Upon the cancellation of this Agreement, the
Municipality shall comply with the following cancellation procedures:

(A) [Intentionally Omitted]

(B) [Intentionally Omitted]

SECTION 3.3 OWNERSHIP OF DOCUMENTS. Upon expiration or cancellation of this Agreement, all finished and unfinished documents, data, studies and reports, and other property purchased by the Municipality with funds provided by the Agency pursuant to this Agreement, shall become the property of the Agency.

SECTION IV
RELATIONSHIP; INDEMNITY

SECTION 4.1. RELATIONSHIP. (A) The relationship of the Municipality to the Agency arising out of this Agreement shall be that of an independent contractor. The Municipality, in accordance with its status as an independent contractor, covenants and agrees that neither the Municipality, nor any of its officers or employees, will, by reason hereof, make any claim, demand or application for any right or privilege applicable to an officer or employee of the Agency including, but not limited to, worker’s compensation coverage, unemployment insurance benefits, social security coverage, or retirement membership or credit.

(B) All personnel of the Municipality shall be within the employ of the Municipality only, which alone shall be responsible for their work, their direction, and their compensation. Nothing in this Agreement shall impose any liability or duty on the Agency on account of any acts, omissions, liabilities or obligations of the Municipality or any person, firm, company, agency, association, corporation, or organization engaged by the Municipality as expert, consultant, independent contractor, specialist, trainee, employee, servant or agent, or for taxes of any nature including, but not limited to, unemployment insurance and worker’s compensation, and the Municipality hereby agrees to indemnify and hold harmless the Agency against any such liabilities.

SECTION 4.2. INDEMNITY. The Agency shall not be liable for any debts, liens or encumbrances incurred by the Municipality or its officers and employees. The Municipality hereby agrees to indemnify and save harmless, the Agency against any and all claims, liability, loss, damages, costs or expenses which the Agency may hereafter incur, suffer or be required to by reason of any negligent or willful act or omission of the Municipality in the performance of this Agreement.

SECTION V
MISCELLANEOUS PROVISIONS
SECTION 5.1. REQUIRED APPROVALS. (A) The Supervisor of the Municipality has executed this Agreement pursuant to motion adopted by the Board of the Municipality, on _________________, 2015. This Agreement shall be executed at least in duplicate, and, after execution thereof, at least one copy thereof shall be permanently filed by the Municipality in the office of its Clerk.

(B) The Chairman of the Agency has executed this Agreement pursuant to Resolution adopted by the members of the Agency on September 26, 2015. This Agreement shall be executed at least in duplicate, and, after execution thereof, at least one copy thereof shall be permanently filed by the Agency in the records of the Agency.

SECTION 5.2. NOTICES. (A) All notices and other communications hereunder shall be in writing and shall be deemed given when mailed by United States registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

(1) To the Agency:

   Town of Bethlehem Industrial Development Agency
   445 Delaware Avenue
   Delmar, NY 12054
   Attention: Chairman

(2) To the Municipality:

   Town of Bethlehem
   445 Delaware Avenue
   Delmar, NY 12054
   Attention: Supervisor

(B) The Agency and the Municipality may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates and other communications shall be sent.

SECTION 5.2. WAIVER. No waiver of any breach of any provision of this Agreement shall be binding unless the same shall be in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

SECTION 5.3. SEVERABILITY. If any one or more of the covenants or agreements provided herein on the part of the Agency or the Municipality to be performed shall, for any reason, be held or shall, in fact, be inoperative, unenforceable or contrary to law in any particular case, such circumstance shall not render the provision in question inoperative or unenforceable in any other case or circumstance. Further, if any one or more of the phrases, sentences, clauses, paragraphs or sections herein shall be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed separable from the remaining covenants and agreements hereof and shall in no way affect the validity of the other provisions of this Agreement.

SECTION 5.4. ENTIRE AGREEMENT; AMENDMENTS. The foregoing contains the entire Agreement of the Agency and the Municipality and no modification thereof shall be binding unless the same is in writing and signed by the respective parties. This Agreement may not be amended, changed, modified,
altered or terminated, except by an instrument in writing signed by the parties hereto.

SECTION 5.5. EXECUTION OF COUNTERPARTS. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

SECTION 5.6. APPLICABLE LAW. This Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of New York.

SECTION 5.7. TABLE OF CONTENTS AND SECTION HEADINGS NOT CONTROLLING. The Table of Contents and the headings of the several Sections in this Agreement have been prepared for convenience of reference only and shall not control, affect the meaning of or be taken as an interpretation of any provision of this Agreement.

SECTION 5.8. BINDING EFFECT. All covenants and agreements herein contained by or on behalf of the Agency and the Municipality shall bind and inure to the benefit of the respective successors and assigns of the Agency and the Municipality, whether so expressed or not.

SECTION 5.9. ASSIGNMENT. The Municipality is hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this Agreement, or of its power to execute this Agreement, to any other person or corporation, without the prior written consent of the Agency.

SECTION 5.10. LIMITATION OF LIABILITY. The obligations and agreements of the Agency contained herein shall be deemed the obligations and agreements of the Agency, and not of any member, officer, agent or employee of the Agency in his individual capacity, and the members, officers, agents and employees of the Agency shall not be liable personally hereon or be subject to any personal liability or accountability based upon or in respect hereof or of any transaction contemplated hereby. The obligations and agreements of the Agency contained herein shall not constitute or give rise to a general obligation of the Agency, but rather shall constitute limited obligations of the Agency payable solely from the general funds of the Agency. Notwithstanding any provision of this Agreement to the contrary, the Agency shall not be obligated to take any action pursuant to any provision hereof unless (1) the Agency shall have been requested to do so in writing by the Municipality; and (B) if compliance with such request is reasonably expected to result in the incurrence by any member, officer, agent or employee of the Agency of any liability, fees, expenses or other costs, such person shall have received from the Municipality security or indemnity satisfactory to the Agency for protection against all such liability and for the reimbursement of all such fees, expenses and other costs.
WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

APPROVED AS TO FORM: TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY

BY:______________________________
Agency Counsel

BY:______________________________
(Vice) Chairperson

APPROVED AS TO FORM: TOWN OF BETHLEHEM

BY:______________________________
Municipality Attorney

BY:______________________________
Supervisor
STATE OF NEW YORK

COUNTY OF ALBANY

On the 20th day of November in the year 2015 before me, the undersigned, a notary public in and for said state, personally appeared FRANK S. VENEZIA personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

________________________________
Notary Public

STATE OF NEW YORK
COUNTY OF ALBANY

On the ____ day of __________________ in the year 2015 before me, the undersigned, a notary public in and for said state, personally appeared JOHN CLARKSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

________________________________
Notary Public
### Town of Bethlehem and Town of Bethlehem IDA

2016 Service Agreement  
Exhibit A

<table>
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<tr>
<th>Position Allocation:</th>
<th>Budgeted Salary</th>
<th>Est. Hours per Week</th>
<th>Percent Allocation</th>
<th>Dollars Allocable to IDA</th>
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<tr>
<td><strong>Salaries</strong></td>
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<tr>
<td>Director of Div. Econ Dev &amp; Planning (Leslie)</td>
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<td>Administrative Aide (Nagengast)</td>
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<tr>
<td>Economic Coordinator (Staubach)</td>
<td>63,987</td>
<td>18.75</td>
<td>35.0%</td>
<td>22,396</td>
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</table>

| Fringes               |                 |                     |                   |                          |
| Director of Planning  | 39,278          |                     | 20.0%             | 7,856                   |
| Administrative Aide   | 12,651          |                     | 11.4%             | 1,446                   |
| Senior Planner/Economic Director | 24,153 | 35.0% | 16,000 |

| Other                 |                 |                     |                   |                          |
| Payroll, PILOT Billing & Tracking |             |                     |                   | 16,000                   |

Total Estimated Costs Incurred by the Town, for the benefit of the IDA: $80,267

Agreed Upon Amount for Services for 2016 (not to exceed amount): $80,000

- **1/2 Time**
- **70% of 1/2 time**

The IDA’s 2016 budget includes a provision of $80,000 to fund this agreement. The Town will supply meeting space, video streaming/agenda service, website and other support as needed.
APPROVING RESOLUTION
ADOPTION OF UNIFORM CRITERIA FOR THE 2015 IDA REFORM LEGISLATION

A regular meeting of Town of Bethlehem Industrial Development Agency (the “Agency”) was convened in public session in the Town Hall auditorium located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York on November 20, 2015 at 8:00 o’clock a.m., local time.

The meeting was called to order by the Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Frank S. Venezia  
Chairman
Joseph P. Richardson  
Vice Chairman
Tim McCann  
Secretary
Victoria Storrs  
Assistant Secretary
Pat Bulgaro  
Member
Sandra Shapard  
Member
Timothy Maniccia  
Member

ABSENT:

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Thomas P. Connolly, Esq.  
Executive Director, Assistant Secretary and Agency Counsel
Allen F. Maikels  
Treasurer, Chief Financial Officer and Contracting Officer
Elizabeth Staubach  
Economic Development Coordinator
Robin Nagengast  
Assistant to the Executive Director
A. Joseph Scott, III, Esq.  
Special Counsel

The following resolution was offered by ____________, seconded by __________, to wit:

Resolution No. 1115-__

RESOLUTION AUTHORIZING THE ADOPTION OF UNIFORM CRITERIA FOR THE EVALUATION AND SELECTION FOR EACH CATEGORY OF PROJECTS FOR WHICH FINANCIAL ASSISTANCE WILL BE PROVIDED.

WHEREAS, Town of Bethlehem Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 582 of the 1973 Laws of New York, as amended, constituting Section 909-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial, manufacturing and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic
welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, on Friday, June 19, 2015, the New York State Legislature (the “Legislature”) passed legislation providing for certain reforms relating to the granting and monitoring of financial assistance by industrial development agencies (“IDA”) for IDA projects (the “Reform Legislation”); and

WHEREAS, the Reform Legislation requires each IDA to develop (1) a standard application form for requests for financial assistance, (2) uniform criteria for the evaluation and selection for each category of projects for which financial assistance is provided, and (3) uniform project agreements, including recapture provisions, for project benefits; and

WHEREAS, the Reform Legislation codifies a number of actions already taken by the Agency, including the adoption of uniform criteria for the evaluation and selection for each category of projects for which financial assistance is to be provided; and

WHEREAS, Section 1(5) of the Reform Legislation requires the adoption of the following uniform criteria:

(a) an assessment by the Agency of all material information included in connection with an application for financial assistance, as necessary to afford a reasonable basis for the decision by the Agency to provide financial assistance for a project;

(b) a written cost-benefit analysis by the Agency that identifies the extent to which a project will create or retain permanent, private sector jobs; the estimated value of any tax exemptions to be provided; the amount of private sector investment generated or likely to be generated by the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that might occur as a result of the project;

(c) a statement by an applicant that the project, as of the date of the application, is in substantial compliance with all provisions of article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and

(d) if the project involves the removal or abandonment of a facility or plant within the state, notification by the Agency to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located; and

WHEREAS, the uniform criteria previously adopted by the Agency can be found in Section 1703 of the Agency’s Uniform Tax Exemption Policy, attached hereto as Schedule A; and

WHEREAS, to comply with the Reform Legislation the Agency wishes to (a) formally acknowledge and approve the uniform criteria previously adopted by the Agency for purposes of the Reform Legislation and (b) adopt any criteria required by the Reform Legislation not included in the Agency’s Uniform Tax Exemption Policy or Application;
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency hereby finds and determines that:

(A) The uniform criteria previously adopted by the Agency attached hereto as Schedule A meets and exceeds the minimum uniform criteria required by Section 1(5)(a) and (b) of the Reform Legislation.

(B) The revised statement in subdivision F of Section VII of the Agency’s Application attached hereto as Schedule B meets the minimum uniform criteria required by Section 1(5)(c) of the Reform Legislation.

(C) The requirement added to Section 1703 of the Agency’s Uniform Tax Exemption Policy attached hereto as Schedule C meets the minimum uniform criteria required by Section 1(5)(d) of the Reform Legislation.

Section 2. The Agency hereby approves and adopts the following: (a) the uniform criteria attached as Schedule A, (b) the revised statement in subdivision F of Section VII of the Agency’s Application attached hereto as Schedule B and (c) the requirement added to Section 1703 of the Agency’s Uniform Tax Exemption Policy attached hereto as Schedule C.

Section 3. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required or provided for by Section 1(5) of the Reform Legislation, and to execute and deliver all such additional 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 this Resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of Section 1(5) of the Reform Legislation binding upon the Agency.

Section 4. 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:

Frank S. Venezia VOTING
Joseph P. Richardson VOTING
Tim McCann VOTING
Victoria Storrs VOTING
Pat Bulgaro VOTING
Sandra Shapard VOTING
Timothy Maniccia VOTING

The foregoing Resolution was thereupon declared duly adopted.
STATE OF NEW YORK )
COUNTY OF ALBANY )

I, the undersigned (Assistant) Secretary of Town of Bethlehem Industrial Development Agency (the “Agency”), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 20, 2015 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the “Open Meetings Law”), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency 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 rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this ___ day of November, 2015.

____________________________________
(Assistant) Secretary

(SEAL)
SCHEDULE A

SECTION 1703 OF THE UNIFORM TAX EXEMPTION POLICY

SECTION 1703. GENERAL PROVISIONS. (A) General Policy. The general policy of the Agency is to grant tax exemption as hereinafter set forth to any project which has been or will be financed by the issuance by the Agency of bonds, notes or other evidence of indebtedness with respect thereto.

In determining whether an applicant is eligible for financial assistance, the Agency considers the following general factors:

1. The nature of the proposed project (e.g., manufacturing, commercial)
2. The nature of the property before the project begins (e.g., vacant land, vacant buildings)
3. The economic condition of the area at the time of the application
4. The extent to which a project will create or retain permanent, private sector jobs
5. The estimated value of tax exemptions to be provided
6. The impact of the project and the proposed tax exemptions on affected tax jurisdictions
7. The impact of the proposed project on existing and proposed businesses and economic development projects in the Town of Bethlehem
8. The amount of private sector investment generated or likely to be generated by the proposed project
9. The likelihood of accomplishing the proposed project in a timely fashion
10. The effect of the proposed project upon the environment
11. The extent to which the proposed project will provide additional sources of revenue for the municipalities and school districts in which the project is located
12. The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the Town of Bethlehem
13. Whether affected tax jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided
14. The demonstrated public support for the proposed project
15. The extent to which the proposed project will require the provision of additional services, including but not limited to additional education, transportation, policy, emergency medical or fire services

16. Whether financial assistance is necessary in order for the applicant to undertake the project

(B) Exceptions. The Agency reserves the right to deviate from such policy in special circumstances. In determining whether special circumstances exist to justify such a deviation, the Agency may consider factors which make the project unusual, which factors might include but not be limited to the following factors: (1) the magnitude and/or importance of any permanent private sector job creation and/or retention related to project; (2) whether the affected tax jurisdictions will be reimbursed by the project occupancy if the project does not fulfill the purposes for which tax exemption was granted; (3) the impact of the project on existing and proposed businesses and/or economic development projects; (4) the amount of private sector investment generated or likely to be generated by the project; (5) demonstrated public support for the project; (6) the estimated value of the tax exemptions requested; and (7) the extent to which the proposed project will provide needed services and/or revenues to the affected tax jurisdictions. In addition, the Agency may consider the other factors outlined in Section 874 (4) (a) of the Act.

(C) Application. No request for a tax exemption shall be considered by the Agency unless an application and environmental assessment form are filed with the Agency on the forms prescribed by the Agency pursuant to the rules and regulations of the Agency. Such application shall contain the information requested by the Agency, including a description of the proposed project and of each tax exemption sought with respect to the project, the estimated value of each tax exemption sought with respect to the project, the proposed financial assistance being sought with respect to the project, the estimated date of completion of the project, and whether such financial assistance is consistent with this part.
SCHEDULE B

REVISED SUBDIVISION F OF SECTION VII
OF THE APPLICATION

VII. REPRESENTATIONS BY THE APPLICANT. The applicant understands and agrees with the Agency as follows:

F. Compliance with Article 18-A of the General Municipal Law: The Project, as of the date of this Application, is in substantial compliance with all provisions of article 18-A of the General Municipal including, but not limited to, the provisions of Section 859-a and subdivision one of Section 862; and the provisions of subdivision one of Section 862 of the General Municipal Law will not be violated if Financial Assistance is provided for the Project.
SCHEDULE C

NEW PROVISION FOR SECTION 1703 OF THE
UNIFORM TAX EXEMPTION POLICY

SECTION 1703. GENERAL PROVISIONS.

(D) Removal or Abandonment. If the proposed project involves the removal or abandonment of a facility or plant within the state, the Agency will notify the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.