



**GUILDERLAND IDA BOARD
MEETING AGENDA
P A C K E T
JULY 26, 2022
07:00 PM**

A G E N D A
GUILDERLAND IDA BOARD
MEETING AGENDA
JULY 26, 2022
07:00 PM

1. Call to order
2. Public Comment
3. Approval of the May 31, 2022 minutes
4. CEO Report
5. Counsel's Report
6. Old Business
7. New Business

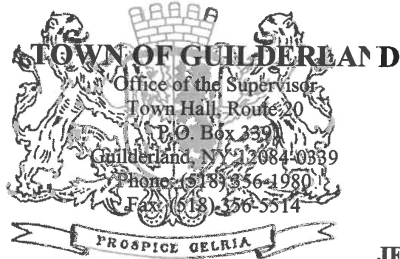
* Consideration of the Town's request for financial assistance to fund the Comprehensive Plan update.

Attachment: [Correspondence from Supervisor Barber.pdf](#)

Attachment: [SIGNED LTR TO S JOHNSTON RE ELIGIBILITY LETTER _COMPREHENSIVE PLAN EXPENDITURE - JULY 25 2022.pdf](#)

Attachment: [RESOLUTION APPROVING TOWN COMPREHENSIVE PLAN FUNDING - 2022.pdf](#)

8. Other matters
9. Adjourn



PETER G. BARBER
SUPERVISOR

JESSICA MONTGOMERY
SECRETARY

July 6, 2022

Hon. Shelly Johnston
Chairwoman, Town of Guilderland Industrial Development Agency
Guilderland Town Hall
PO Box 339
5209 Western Turnpike
Guilderland, NY 12084

Re: Town of Guilderland Comprehensive Plan Update

Dear Chairwoman Johnston:

The Town of Guilderland has initiated the process for updating the Town's 2001 Comprehensive Plan ("Plan update"), a core document for guiding the Town in planning decisions.

For the first step in this anticipated two-year process, the Capital District Regional Planning Commission recently provided the Town with "Town of Guilderland Demographic and Growth Analysis, 1990-2020" which provides background on housing growth and characteristics, demographic composition, population, diversity, education, and economic overview. With the Town Board's approval, the Town issued a request for proposals, returnable by July 28, by planning consultants to assist with the preparation of the updated Plan. Later this summer, the Town Board will appoint a Comprehensive Plan Committee to guide the process.

As previously discussed, I am requesting the IDA's financial participation for \$50,000 to advance this effort. The estimated total project cost is \$200,000. The Town is also applying for a grant under NYS Department of State's Smart Growth Community Planning and Zoning Grant Program, which promotes land use planning principles that create livable, sustainable and equitable communities.

Please let me know if you have any questions. I look forward to the IDA's participation in this important initiative.

Sincerely yours,

Peter G. Barber
Town Supervisor

cc: Don Csaposs, CEO of Guilderland IDA



July 26, 2022

Town of Guilderland Industrial Development Agency
Guilderland Town Hall
Western Avenue, Route 20
P.O. Box 339
Albany, New York 12084
Attention: Shelly Johnston, Chair

Re: Town of Guilderland Industrial Development Agency
Proposed Comprehensive Plan Update Funding

Dear Chair Johnston:

You have requested that my firm as counsel to Town of Guilderland Industrial Development Agency (the "Agency") review the request submitted by the Town of Guilderland (the "Town") regarding the funding of a portion of the cost of updating the Town Comprehensive Plan. The Town has submitted the request (the "Request") to the Agency by letter dated July 6, 2022.

Please note the following:

1. The Agency is a public benefit corporation created by the provisions of Chapter 1030 of Laws of 1969 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 146 of the 1973 Laws of New York, as amended, constituting Section 909-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act").
2. The purpose of the Agency as described in Section 858 of the General Municipal Law includes the following: "shall be to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research and recreation facilities including industrial pollution control facilities, educational or cultural facilities, railroad facilities, horse racing facilities, automobile racing facility and continuing care retirement communities"



Shelly Johnston, Chair
July 26, 2022
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3. The Agency has the power under Section 858(9) of the General Municipal Law to “(t)o make contracts and leases, and to execute all instruments necessary or convenient to or with any person, firm, partnership or corporation either public or private”

4. When undertaking “projects” under the Act, the Agency is required, under Section 909-a of the General Municipal Law to “take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans”

We have reviewed the provisions of the Act, including the background provisions described above. Based on such review, it is our position that the Agency has the power and authority to approve the Request. Assuming that the Agency determines to approve the Request, we would recommend that the Agency approve the Request pursuant to a resolution considered and adopted by the members of the board.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "A. Scott".

A. Joseph Scott, III

Cc: Donald Csaposs, Agency CEO

**AUTHORIZING RESOLUTION
UPDATE OF TOWN COMPREHENSIVE PLAN**

A regular meeting of Town of Guilderland Industrial Development Agency (the “Agency”) was convened in public session in the Guilderland Town Hall located at 5209 Western Turnpike in the Town of Guilderland, Albany County, New York on July 26, 2022 at 7:00 o’clock p.m., local time.

The meeting was called to order by the (Vice) Chair and, upon roll being called, the following members of the Agency were:

PRESENT:

| | |
|-----------------------------|-------------------------------|
| Shelly Johnston | Chair |
| William N. Young, Jr., Esq. | Vice Chair |
| Christopher Bombardier | Treasurer/Assistant Secretary |
| William H. Smart | Secretary/Assistant Treasurer |
| Vera Dordick | Member |
| Kevin Hicks | Member |
| Paul Pastore | Member |

ABSENT:

THE FOLLOWING PERSONS WERE ALSO PRESENT:

| | |
|----------------------------|--------------------------|
| Donald Csaposs | Chief Executive Officer |
| William Adams | Chief Financial Officer |
| Jessica Montgomery | Administrative Assistant |
| A. Joseph Scott, III, Esq. | Agency Counsel |

The following resolution was offered by _____, seconded by _____, to wit:

Resolution No. 0722-

RESOLUTION APPROVING THE FUNDING OF A PORTION OF THE COST OF THE UPDATE TO THE TOWN OF GUILDERLAND COMPREHENSIVE PLAN.

WHEREAS, Town of Guilderland Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of 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 146 of the 1973 Laws of New York, as amended, constituting Section 909-a 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 and recreation 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, the Town of Guilderland (the "Town") has requested that the Agency assist the Town with the funding of a portion of the cost of an update to the Town Comprehensive Plan (the "Request"); and

WHEREAS, the Request is described in a letter dated July 6, 2022 and attached hereto as Exhibit A; and

WHEREAS, the Agency desires to approve the Request and assist the Town in funding a portion of the cost of the update to the Town Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF TOWN OF GUILDERLAND INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency hereby further finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) That the Request constitutes a "Type II action" pursuant to 6 NYCRR 617.5(c), and therefore that, pursuant to 6 NYCRR 617.6(a)(1)(i), the Agency has no further responsibilities with respect to the Request under Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended and the regulations adopted pursuant thereto; and

(C) The Town Comprehensive Plan is an important planning tool providing for the development of the Town of Guilderland, New York; and

(D) The current Town Comprehensive Plan is dated 2001 and needs to be updated; and

(E) The updating of the Town Comprehensive Plan will, among other things, promote the development of the Town of Guilderland, New York; and

(F) The approval of the Request will promote and maintain the job opportunities, general prosperity and economic welfare of the citizens of the Town of Guilderland, New York and the State of New York and improve their standard of living; and

(G) It is desirable and in the public interest for the Agency to approve the Request.

Section 2. In consequence of the foregoing, the Agency hereby determines to assist the Town in the funding of a portion of the cost of the update to the Town Comprehensive Plan in an amount not to exceed \$50,000.

Section 3. The Agency is hereby authorized to do all things necessary or appropriate for the accomplishment of the provisions of the Request, and all acts heretofore taken by the Agency with respect to such Request are hereby ratified, confirmed and approved.

Section 4. The Chair (or Vice Chair) of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver any documents relating to the Request, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, all in substantially the forms thereof presented to this meeting, with such

changes, variations, omissions and insertions thereto as the Chair (or Vice Chair) shall approve, the execution thereof by the Chair (or Vice Chair) to constitute conclusive evidence of such approval.

Section 5. 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 the provisions of the Request, 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 the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Request binding upon the Agency.

Section 6. 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:

| | | |
|-----------------------------|--------|-------|
| Shelly Johnston | VOTING | _____ |
| William N. Young, Jr., Esq. | VOTING | _____ |
| Christopher Bombardier | VOTING | _____ |
| William H. Smart | VOTING | _____ |
| Vera Dordick | VOTING | _____ |
| Kevin Hicks | VOTING | _____ |
| Paul Pastore | VOTING | _____ |

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) SS.:
COUNTY OF ALBANY)

I, the undersigned (Assistant) Secretary of Town of Guilderland Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 26, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of such proceedings of the Agency and of such Resolution set forth therein 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 26th day of July, 2022.

(Assistant) Secretary

(SEAL)

EXHIBIT A
LETTER FROM TOWN OF GUILDERLAND

012114.00000 Business 22720074v1

A-1



PETER G. BARBER
SUPERVISOR

JESSICA MONTGOMERY
SECRETARY

July 6, 2022

Hon. Shelly Johnston
Chairwoman, Town of Guilderland Industrial Development Agency
Guilderland Town Hall
PO Box 339
5209 Western Turnpike
Guilderland, NY 12084

Re: Town of Guilderland Comprehensive Plan Update

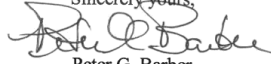
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For the first step in this anticipated two-year process, the Capital District Regional Planning Commission recently provided the Town with "Town of Guilderland Demographic and Growth Analysis, 1990-2020" which provides background on housing growth and characteristics, demographic composition, population, diversity, education, and economic overview. With the Town Board's approval, the Town issued a request for proposals, returnable by July 28, by planning consultants to assist with the preparation of the updated Plan. Later this summer, the Town Board will appoint a Comprehensive Plan Committee to guide the process.

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Please let me know if you have any questions. I look forward to the IDA's participation in this important initiative.

Sincerely yours,

Peter G. Barber
Town Supervisor

cc: Don Csaposs, CEO of Guilderland IDA

A-2

012114.00000 Business 22720074v1