

NOTICE OF SECOND PUBLIC HEARING  
ON PROPOSED PROJECT  
AND FINANCIAL ASSISTANCE  
RELATING THERETO

Notice is hereby given that a public hearing pursuant to Section 859-a(2) of the General Municipal Law of the State of New York (the "Act") will be held by Town of Guilderland Industrial Development Agency (the "Issuer") on the 11th day of October, 2017 at 7:00 o'clock p.m., local time, in the 2<sup>nd</sup> Floor Meeting Room at the Guilderland Town Hall located at 5209 Western Turnpike in the Town of Guilderland, Albany County, New York, in connection with the following matters:

The Issuer has previously held a public hearing with respect to the below described project on May 18, 2017. The purpose of the second public hearing is to consider the increase in the principal amount of the revenue bonds being considered by the Issuer.

Albany Place Development LLC (the "Company") has presented an application (the "Application") to the Issuer, a copy of which Application is on file at the office of the Issuer, requesting that the Issuer consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest or interests in a parcel of land containing approximately 5.8 acres located at 1228 Western Avenue in the Town of Guilderland, Albany County, New York (the "Land"), together with the existing buildings containing in the aggregate approximately 115,000 square feet of space located on the Land (collectively, the "Facility"), currently known as the Best Western Sovereign Hotel; (2) the reconstruction and renovation of the Facility; and (3) the acquisition and installation thereon and therein of various machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and operated as a residential assisted senior living facility and related activities; (B) the financing of all or a portion of the costs of the foregoing by the issuance of taxable and/or tax-exempt revenue bonds of the Issuer in one or more issues or series in an aggregate principal amount sufficient to pay all or a portion of the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to be approximately \$25,035,000 and in any event not to exceed \$32,000,000 (the "Obligations"); (C) paying a portion of the costs incidental to the issuance of the Obligations, including issuance costs of the Obligations and any reserve funds as may be necessary to secure the Obligations; (D) the granting of certain other "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively with the Obligations, the "Financial Assistance"); and (E) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Issuer.

The Issuer is considering whether (A) to undertake the Project, (B) to finance the Project by issuing, from time to time, the Obligations, (C) to use the proceeds of the Obligations to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, and (D) to provide certain exemptions from taxation with respect to the Project, including (1) exemption from mortgage recording taxes with respect to any documents, if any, recorded by the Issuer with respect to the Project in the office of the County Clerk of Albany County, New York or elsewhere, (2) exemption from deed transfer taxes on any real estate transfers, if any, with respect to the Project, (3) exemption from sales taxes relating to the acquisition, reconstruction, renovation and installation of the Project Facility, and (4) in the event that the Project Facility would be subject to real property taxation if owned by the Company but shall be deemed exempt from real property taxation due to the involvement of the Issuer therewith, exemption from real property taxes (but not including special assessments and special ad

valorem levies), if any, with respect to the Project Facility, subject to the obligation of the Company to make payments in lieu of taxes with respect to the Project Facility.

If issuance of the Obligations is approved, interest on the Obligations will not be excludable from gross income for federal income tax purposes unless (A) pursuant to Section 147(f) of the Code and the regulations of the United States Treasury Department thereunder (the “Treasury Regulations”), the issuance of the Obligations is approved by the Town Board of the Town of Guilderland, New York after the Issuer has held a public hearing on the nature and location of the Project Facility and the issuance of the Obligations; and (B) pursuant to Section 142(a)(7) of the Code, at least ninety-five percent (95%) of the net proceeds of the Obligations are used to provide a “qualified residential rental project” within the meaning of such quoted term in Section 142(d) of the Code.

If the Issuer determines to proceed with the Project and the issuance of the Obligations, (A) the Project Facility will be acquired, reconstructed, renovated and installed by the Issuer and will be leased (with an obligation to purchase) or sold by the Issuer to the Company or its designee pursuant to a project agreement (the “Agreement”) requiring that the Company or its designee make payments equal to debt service on the Obligations and make certain other payments and (B) the Obligations will be a special obligation of the Issuer payable solely out of certain of the proceeds of the Agreement and certain other assets of the Issuer pledged to the repayment of the Obligations. THE OBLIGATIONS SHALL NOT BE A DEBT OF THE STATE OF NEW YORK OR THE TOWN OF GUILDERLAND, NEW YORK, AND NEITHER THE STATE OF NEW YORK NOR THE TOWN OF GUILDERLAND, NEW YORK SHALL BE LIABLE THEREON.

The Town of Guilderland Zoning Board of Appeals has issued a negative declaration pursuant to Article 8 of the Environmental Conservation Law (the “SEQR Act”) regarding any potential environmental impact of the Project.

The Issuer will at said time and place hear all persons with views on the location and nature of the proposed Project, the Financial Assistance being contemplated by the Issuer in connection with the proposed Project or the proposed plan of financing the proposed Project by the issuance from time to time of the Obligations.

The Town Board of Town of Guilderland, New York has previously adopted a resolution approving a principal amount of revenue bonds in an amount not to exceed \$30,000,000 in order for the interest on such revenue bonds to qualify for exemption from federal income taxation.

Additional information can be obtained from, and written comments may be addressed to: Donald Csaposs, Chief Executive Officer, Town of Guilderland Industrial Development Agency, Guilderland Town Hall on Western Avenue, Route 20, Guilderland, New York 12084; Telephone: (518) 356-1980.

Dated: September 26, 2017

TOWN OF GUILDERLAND INDUSTRIAL  
DEVELOPMENT AGENCY

BY: s/William N. Young, Jr.  
Chairman