

**ALBANY CONVENTION CENTER AUTHORITY
MEETING MINUTES
CAHILL ROOM, ALBANY COUNTY OFFICE BUILDING
AUGUST 1, 2006 – 3:00PM**

ATTENDEES: GAVIN DONOHUE, JOHN HARRIS, SUZANNE MORRIS, GEORGE LEVEILLE, HON. JOHN MCENENY, BRAD ROSENSTEIN, JOSEPH PENNISI, LLOYD STEWART, MICHELE VENNARD (VIA TELECONFERENCE).

CALL TO ORDER AND ROLL CALL:

Meeting was called to order at 3:00 pm and a roll call was taken by Chairman Leveille at the conclusion of the public comment period.

PUBLIC COMMENT PERIOD 3:00-3:11

The following is the list of speakers who made public comments at this meeting. The entire meeting is on audio tape and the public comments are available to anyone requesting to hear them.

The Hon. Dominick Calsolaro – Albany Common Council, Ward 1
John Wolcott – Citizen

The public comment period concluded at 3:11.

APPROVAL OF PREVIOUS MEETING MINUTES:

The Minutes of the June 23 meeting were reviewed. Mr. Donohue moved the Minutes be approved; Mr. Rosenstein seconded the motion which was unanimously approved.

ORGANIZATIONAL ISSUES:

⇒ **INTERIM EXECUTIVE DIRECTOR SEARCH UPDATE**

Mr. Leveille explained that an Executive Director will be hired in early 2007 when permanent financing is secured. This will also coincide with selection of office space. Candidates have been contacted and most have expressed continued interest. Resumes will be reviewed and a “short list” will be invited for interviews in September/October. Resumes are still being accepted.

⇒ **ALBANY COUNTY MEMORANDUM OF UNDERSTANDING**

The agreement with Albany County for the \$100,000 loan has been received, reviewed by the board and will be addressed later in the meeting. Mr. Leveille thanked Mr. Pennisi and the County Legislature. Mr. Harris offered a motion to authorize Mr. Leveille to execute the agreement on behalf of the Authority. Mr. Stewart seconded the motion. The resolution was unanimously adopted with Mr. Pennisi abstaining.

⇒ **ALBANY COUNTY CONVENTION & VISITORS BUREAU MEMORANDUM OF UNDERSTANDING**

Mr. Leveille began by noting the Board discussed this at length at the last meeting. The approved motion to obtain an opinion from the Albany County Attorney on any conflict of interest on the part of Ms. Vennard was pursued. The attorney felt it was inappropriate for the county to render an opinion as they had no real relationship with the authority. Mr. Leveille referenced the letter from Neil Rivchin, convention bureau attorney, that there was no conflict – as long as Ms. Vennard abstained from voting on the matter. Based upon his own comfort with the opinion, Mr. Leveille suggested the Authority proceed with the memorandum of understanding to be able to utilize the services of the staff member identified by the Bureau and interviewed by board members, to move the project forward. Mr. Leveille then recommended that the Authority's attorneys, upon their engagement, be asked to review the conflict of interest issue and to render an opinion. On that basis Mr. Harris made a motion, seconded by Mr. Rosenstein, to approve the memorandum of understanding with the Albany County Convention and Visitors Bureau and to request an opinion from the Authority's attorneys upon their engagement. The resolution was unanimously adopted with Mr. Pennisi and Ms. Vennard abstaining. Mr. Leveille then introduced Al Sorrentino, the Bureau's staff member providing project management services.

FINANCE AND OPERATIONS SUB-COMMITTEE REPORT:

⇒ **OUTSIDE COUNSEL RFP**

Mr. Harris made the sub-committee's recommendation to formally engage five firms with varied levels of expertise concentration. He cited each firm's strengths, as demonstrated in the interviews, in matters the Authority would be seeking counsel for. Discussion then turned to how the process would work to ensure strong and diverse legal counsel to the Authority and giving Mr. Leveille the lead role in assigning work to the retained firms. The firms were identified and Mr. Harris made a motion to enter into agreements with all five firms, seconded by Mr. Rosenstein. Mr. Donohue recommended the board be sensitive to any pending litigation one firm or another may have with the city, county, etc. so the Authority could use

another of the five for a similar legal matter. Mr. Harris explained that such disclosures were a part of the proposals from the firms as well as an integral part of the day to day way law firms operate. Other discussion took place ensuring the Authority's ability to go beyond the five firms if need be. The resolution was unanimously adopted.

Mr. Leveille asked Mr. Harris if his recommendation for a firm from among the five identified firms to provide services as general counsel was Harris Beach PLLC and what the process to bring them aboard was. Mr. Rosenstein then made a motion to authorize Mr. Leveille to enter into retainer agreements with the five firms, seconded by Mr. Harris. The resolution was unanimously adopted. Mr. Leveille thanked Mr. Harris and Mr. Pennisi for their time and effort in the interview process.

⇒ **MWBE/EEO CONSULTING SERVICES**

Mr. Leveille gave a brief overview of the past discussions regarding the need and desire to pursue this important initiative. He acknowledged Mr. Stewart's efforts assisting with putting together the RFQ now out. Mr. Leveille asked Mr. Sorrentino to inform all on the publishing schedule. It is running in the Minority Commerce Weekly 7/27, 8/3 & 8/10, the NYS Contract Reporter, 8/8 & 8/15 and is posted on the authority's website. Mr. Leveille went on to explain to the public the importance of "Phase One" of the RFQ. Responses are due 5pm, September 8, 2006.

⇒ **BOARD RESOLUTION FOR OPENING BANK ACCOUNT**

A resolution of the Authority is necessary to open a bank account, and to authorize an officer of the Authority to sign the documents required by the bank. As the Secretary, Ms. Vennard, is out of town, the by-laws allow for the appointment of an Assistant Secretary. Mr. Leveille asked for nominations. Mr. Rosenstein moved that Mr. Harris be appointed as Assistant Secretary, seconded by Mr. Leveille. A question was raised about who the signatories on the account were. Mr. Leveille and Mr. Pennisi had previously been authorized to sign for the Authority. Further discussion occurred about setting a threshold amount that would only require one signature. Mr. Sorrentino informed the group that Mr. Harris wanted to wait until general counsel was engaged so they could advise the board as to what was allowed under the Public Authority Accountability Act. Mr. Leveille called the vote on Mr. Rosenstein's motion to appoint Mr. Harris as Assistant Secretary and authorizing the Secretary and Assistant Secretary to do all things necessary to open a bank account. The resolution was unanimously adopted.

SITE SELECTION SUB-COMMITTEE REPORT:

Ms. Vennard thanked the committee members for their work and gave an in-depth overview of the efforts to date that led to the recommendation to be made (copies of the recommendation and criteria used were made available to the public and a photographic aerial view was unveiled). She pointed out that only a portion of the area being recommended would ultimately be the site. She highlighted the buildings of historic significance and the board's commitment to be sensitive to them during the process. Following Ms. Vennard's report, a discussion ensued. Mr. Donohue stated that Ms. Vennard had summed it up "perfectly" and reiterated her comments. Assemblyman McEneny suggested the public should have an explanation as to why the other sites were not selected and proceeded to do so. Mr. Harris pointed out that there will be other opportunities for the public to comment on the site selection regardless of the vote on the recommendation. Mr. Leveille commented that all the valid concerns that the public offered will be addressed as the environmental review process is undertaken. He further pointed out the opportunities for private sector development that would be created by having the entire area reviewed versus just the convention center/hotel location. He also commented that no conclusion has been reached on the disposition of the bus terminal. He closed by thanking Ms. Vennard and the sub-committee for their efforts. Mr. Harris then made a motion to accept the report and recommendation of the Site Selection Sub-Committee. The motion was seconded by Ms. Vennard and unanimously adopted.

OTHER BUSINESS:

No other business was discussed.

ADJOURN TO THE PRESS EVENT:

Mr. Leveille asked for a motion to adjourn, which motion was made, seconded and unanimously adopted. The meeting was adjourned at 4:10 pm. Mr Leveille then invited all present to join the Governor, the Mayor and other dignitaries at Liberty Park for the 5 pm press event.

**The next meeting will be held on Friday August 25, 2006
at 8:30 am at 112 State St. in the Cahill Room.**