



AGENDA

May 16, 2024 – 8:30 am
111 Washington Ave, Suite 100
Albany, NY 12210
Conference Room

1. Welcome Jeffrey Stone, Chair
 - a. Susan Pedo, new board member
2. Roll Call for Record Jeffrey Stone, Chair
3. Meeting Minutes of March 21, 2024 Jeffrey Stone, Chair
4. Committee Reports:
 - a. Finance Committee Allen Maikels, Chair
 - i. April Narrative & Financials
 - ii. Alliance Voucher for Q1 2024
5. CFO Report Amy Thompson, CFO
6. CEO Report Kevin O'Connor, CEO
7. Other business:
 - a. Action item: Resolution Kevin Catalano, AACA
 - i. Loan Request: Fallon Wellness Pharmacy
 - b. Action item: Resolution
 - i. Loan Modification: 219 Warehouse Grill
8. Open Discussion All Board Members
9. Executive Session (if necessary) Jeffrey Stone, Chair
10. Adjournment Jeffrey Stone, Chair



Roll Call

May 16, 2024 – 8:30 a.m.

111 Washington Ave, Suite 100, Albany, NY 12210 - Conference Room

Board Member	Present / Excused / Absent
Jeffrey Stone, Chairman	
Alan Alexander, Treasurer	
Diana Ostroff, Secretary	
Allen Maikels, Member	
Marcus Pryor, Member	
Daniel Scarring, Member	
Susan Pedo, Member	
Caitlin O'Brien (Ex-Officio – J. Cunningham)	
Lucas Rogers (Ex-Officio – M. McLaughlin)	



**Board of Directors Meeting Minutes
March 21, 2024**

DIRECTORS PRESENT	Sean Ward, Alan Alexander, Caitlin O'Brien, Marcus Pryor, Lucas Rogers, and Daniel Scarring
EXCUSED DIRECTORS	Jeffrey Stone, Diana Ostroff and Alan Maikels,
COUNSEL PRESENT	Madeline Kauffman and John Hartzell
GUEST PRESENT	Kevin Testo and Samuel Zadrozny
AACA STAFF PRESENT	Kevin O'Connor, Amy Thompson, Kevin Catalano, Rosemary McHugh, and Antionette Hedge

Mr. Ward called the meeting to order at 8:33 a.m. Mr. Ward read roll call and it was determined that there was quorum.

Mr. Ward presented the Minutes from the November 16, 2023 meeting. There are no corrections noted. Mr. Ward made a motion to approve the November 16, 2023 Meeting Minutes; Mr. Pryor seconded the motion; all those present voted in favor.

Governance Committee Report: Madeline Kauffman and John Hartzell of Nolan Heller Kauffman LLP presented updates to (a) the Code of Ethics Policy, (b) the Conflict of Interest Policy, (c) the Whistleblower Policy, (d) the Procurement Guidelines & Procurement Policy, (e) the Property Disposition Policy, (f) the Investment Policy, and (g) the Property Acquisition Policy, as well as the following additional documents for consideration by the Board (i) the Mission Statement & Performance Goals for 2024, and (ii) the Report of completion by all Board Members of required Board Member training. There were no questions from the Board.. Mr. Alexander made a motion to accept the above policies and documents. Mr. Pryor seconded the motion; all Board members in attendance voted in favor.

Audit Committee Report: Kevin Testo and Samuel Zadrozny of The Bonadio Group provided an overview of the 2023 Audit Report and the required NYS Public Authorities Reporting Information System ("PARIS") Filings. All audit procedures were completed and were unmodified and unqualified. Mr. Zadrozny reviewed the auditor's responsibilities regarding the Financial Statements. Mr. Zadrozny was able to confirm 100% of the outstanding loans.. Mr. Alexander made a motion to approve the 2023 Audit. Mr. Pryor seconded the motion; all those voting on the motion voted in favor. Mr. Pryor made a motion to approve the PARIS Filings. Mr. Alexander seconded the motion; all Board members in attendance voted in favor.

Finance Committee Report: Ms. Thompson presented the February 2024 Financial Statements.. There were no questions from the Board. Mr. Alexander made a motion to accept the February 2024 Financial Statements; Mr. Ward seconded the motion; all Board members in attendance and voting on the motion voted in favor.

Ms. Thompson presented the Fourth Quarter 2023 Advance Albany County Alliance Vouchers. There were no questions from the Board. Mr. Pryor made a motion to accept the Fourth Quarter 2023 Advance Albany County Alliance Vouchers; Mr. Alexander seconded the motion; all Board members in attendance and



voting on the motion voted in favor.

Mr. O'Connor presented the Alliance CEO Report.

The loan application of Data Network Marketing Inc, DBA The Mailworks, and a Resolution in connection therewith, was presented to the Board by Mr. Catalano. Upon due consideration of the following loan terms, a motion to approve the loan application was made by Mr. Pryor and seconded by Mr. Alexander. All Board members in attendance and voting on the motion voted in favor.

Borrower: Data Network Marketing Inc, DBA The Mailworks
Principal Amount: \$750,000.00
Interest Rate: 4%
Term: 5-year term, 10-year amortization
Guaranty: Unlimited personal guaranty of Brianne Baggetta
Collateral: First mortgage on property located at 236 Broadway, Menands, New York. The family has agreed to subordinate their \$2,500,000 mortgage to ACBDC.

The loan application of Common Rots Brewing Company – Albany Outpost, and a Resolution in connection therewith, was presented to the Board by Mr. Catalano. Upon due consideration of the following loan terms, a motion to approve the loan request was made by Mr. Pryor and seconded by Mr. Alexander. All Board members in attendance and voting on the motion voted in favor.

Borrower: Common Roots Brewing Company – Albany Outpost
Principal Balance: \$550,000.00
Interest Rate: 4%
Guaranty: Unlimited personal guaranty of Christian Weber and Herbert “Bert” Weber
Term: 5-year term, 10-year amortization
Collateral: A first lien on all equipment, a second mortgage lien on property at 280 Mill Pond Dr, Lake Placid, New York. Assignment of Life Insurance on Christian Weber in the full amount of the loan.

The loan renewal request respecting 1033 Loudon Road, LLC, and a Resolution in connection therewith, was presented to the Board by Mr. Catalano. Upon due consideration of the following loan terms, a motion to approve the loan extension and modification was made by Mr. Alexander and seconded by Mr. Pryor. All Board members in attendance and voting on the motion voted in favor.

Borrower: 1033 Loudon Road, LLC
Principal Balance: \$59,903.71
Interest Rate: 4%
Renewal Term: 60-month term and amortization.
Collateral: A second position mortgage on the property at 1033 Loudon Road, subordinate to a 1st position mortgage held by NBT Bank. 1st position UCC filing against assets of operation company Fitness Playground Group, LLC.

Mr. Catalano presented a Resolution approving the Shovel Ready Site Development Grant for Evaluation of the Port of Coeymans. The request for \$100,000.00 to evaluate an electricity infrastructure upgrade in and around the Port of Coeymans, Coeymans Industrial Park and nearby parcels in order to attract and build out the Port area for offshore wind and other industry use. Mr. Pryor made a motion to accept the Resolution; Mr. Alexander seconded the motion; all Board members in attendance and voting on the motion voted in favor.



Other Business: Mr. Catalano provided an update on possible loan prospects.

Mr. Ward made a motion to move to adjourn the meeting at 9:53 a.m., Mr. Alexander seconded the motion; all members of the Board in attendance voted in favor.

Respectfully submitted,

Diana Ostroff, Secretary

ALBANY BUSINESS DEVELOPMENT CORPORATION
Financial Statement Narrative
For the Period Ending
April 30, 2024

This report provides an overview of the P&L and Balance Sheet for Albany Business Development Corporation YTD April 2024.

In 2024 the ACBDC will continue to promote economic growth and business retention by offering financing to businesses. The businesses demonstrated strong possibilities for growth, real property improvement, increased employment, and retention of employment within the County.

Total revenue for YTD April was \$223,443 derived from bank, loan, and investment interest. We were favorable to budget by \$14,235.

The ACBDC remains committed to financial transparency and accountability. Rigorous financial controls and reporting mechanisms are in place to ensure the effective and responsible use of funds in alignment with the organization's mission and objectives. As of April the ACBDC has disbursed one loan in 2024 to Moxie Owl LLC for \$180,000 with a few more in the pipeline in the upcoming months.

The expenses YTD were \$137,713 which was favorable to budget by \$62,287 due to the Shovel Ready Site Development Fund reimbursement being significantly less than the budgeted amount. All in, the ACBDC has spent roughly \$48,755 of the \$1,000,000 pledged to the Alliance to assist with the expenses related to shovel ready sites.

Our current cash position is strong at \$10,034,304. The decision to invest \$5,000,000 in US Treasury Bills has resulted in additional investment interest earned annually. The net income for the corporation at the end of April was \$85,731.

Our loan receivable balance stands at \$9,945,422 and all loans are paid current.

There are currently no identifiable significant risks or uncertainties that would impact the ACBDC's future financial performance.

Profit & Loss

Operating Revenue –

Application fees of \$500 from Moxie Owl LLC.

Bank interest of \$52,958.

Loan interest received is in the amount of \$103,627.

Investment interest of \$66,358.

Operating Expenses–

Shovel Ready Site Development Fund expenses of \$9,207 are reimbursable items to the Alliance for Shovel Ready Site expenses paid to Tom Owens and GdB Geospatial LS.

Agency Fee expenses of \$128,506 include expenses reimbursed to the Alliance for YTD April which include payroll/benefits, professional/legal services, and miscellaneous office expenses.

Balance Sheet

Assets –

Cash balance as of April 30, 2024 is \$10,034,304 of which roughly \$5,066,000 is invested in US Treasury bills.

Loans receivable of \$9,945,422 of which all loans are currently paid up to date.

Liabilities –

Due to Alliance balance of \$137,713 includes reimbursable expenses for Jan-April 2024 for both operating expenses as well as Shovel Ready Site Development Fund expenses.

Albany County Business Development Corporation
Statement of Net Position
As of April 30, 2024

	Total
ASSETS	
Current Assets	
Bank Accounts	
Restricted Cash	
10220 - M&T MM 3324 ALTECH ACBDC	3,856,196.21
10250 - M&T 4113 AI Tech Operating	1,088,102.07
10260 - US Treasury Bill - 6 months	2,566,908.90
10270 - US Treasury Bill - 12 months	2,499,265.25
Total Restricted Cash	\$ 10,010,472.43
Unrestricted Cash	
10210 - M&T ACBDC Corp Checking 4105	23,828.78
10255 - M&T 3994 CRAF Operating	3.00
Total Unrestricted Cash	\$ 23,831.78
Total Bank Accounts	\$ 10,034,304.21
Accounts Receivable	
14615 - Loans Receivable-AI Tech LT	9,945,422.26
14620 - Bad Debt Allowance	-102,594.35
15150 - Accrued Loan Interest	27,001.36
Total Accounts Receivable	\$ 9,869,829.27
Other Current Assets	
15200 - Accrued Investment Income	104,568.43
Total Fixed Assets	\$ 104,568.43
Total Current Assets	\$ 20,008,701.91
Fixed Assets	
16000 - Furniture & Fixtures	6,588.00
16999 - Accumulated Depreciation	-6,588.00
Total Fixed Assets	\$ 0.00
TOTAL ASSETS	\$ 20,008,701.91
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20051 - Due to Advance Albany Co Alliance	137,713.04
Total Accounts Payable	\$ 137,713.04
Total Liabilities	\$ 137,713.04
Net Position	
28615 - Trust Assets	15,650,961.00
30000 - Net Assets	6,176,905.00
Retained Earnings	-2,042,607.67
Net Operating Revenues	85,730.54
Total Net Position	\$ 19,870,988.87
TOTAL LIABILITIES & NET POSITION	\$ 20,008,701.91

Albany County Business Development Corporation
Statement of Revenue, Expenses and Changes in Net Position
YTD April 2024

		Total
Operating Revenues		
41000 - Application Fees		500.00
44000 - Bank Interest		52,958.38
44050 - Loan Interest Earned		103,627.18
44100 - Investment Interest		66,357.62
Total Operating Revenues	\$	223,443.18
 Operating Expenses		
50034 -Shovel Ready Site Development Fees		9,206.68
50035 - Agency Fee		128,505.96
Total Operating Expenses	\$	137,712.64
 Change in Net Position	\$	85,730.54

Albany County Business Development Corporation
Budget vs. Actuals: 2024 Budget - FY24 P&L
YTD April 2024

	Actual	Budget	Budget Variance	% of Budget
Operating Revenues				
41000 - Application Fees	500.00	875.00	-375.00	57.14%
44000 - Bank Interest	52,958.38	83,333.36	-30,374.98	63.55%
44050 - Loan Interest Earned	103,627.18	125,000.00	-21,372.82	82.90%
44100 - Investment Interest	66,357.62	0.00	66,357.62	100.00%
Total Operating Revenues	\$ 223,443.18	\$ 209,208.36	\$ 14,234.82	106.80%
Operating Expenses				
50034 -Shovel Ready Site Development Fees	9,206.68	83,333.36	-74,126.68	100.00%
50035 - Agency Fee	128,505.96	116,666.64	11,839.32	110.15%
Total Operating Expenses	\$ 137,712.64	\$ 200,000.00	-\$ 62,287.36	68.86%
Change in Net Position	\$ 85,730.54	\$ 9,208.36	\$ 76,522.18	931.01%

Advance Albany County Alliance LDC
as agent for
Albany County Business Development Corporation
Q1 2024
Voucher \$88,229.66

2024 Agency Budget	\$	350,000.00
Q1 2024 Salaries and Fringe Benefits	\$	63,463.87
Q1 2024 Professional Fees	\$	8,457.09
Q1 2024 Other Business Expenses	\$	16,308.70
Q1 2024 Rental Income	\$	(2,962.92)

Total Q1 2024 Voucher	\$	85,266.74
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Total Remaining	\$	264,733.26
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Advance Albany County Alliance LDC
 as agent for
Albany County Business Development Corporation
Shovel Ready Site Development
 Q1 2024
 Voucher \$7,931.68

Shovel Ready Site Budget	\$	1,000,000.00
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Q1 2024 Legal/Professional Fees	\$	7,931.68
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Total Q1 2024 Voucher	\$	7,931.68
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Q3 2023 Voucher Paid November 2023	\$	33,400.00
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Q4 2023 Voucher Paid April 2024	\$	6,108.25
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Total Remaining	\$	952,560.07
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**Advance Albany County Alliance
Profit and Loss by Class
January - March, 2024**

	Shovel Ready Site Dev				
	ACBDC	General	Fund	STAGE Grant	TOTAL
Income					
ACBDC Reimbursement	85,266.74				85,266.74
CRC Management Fee		33,333.33			33,333.33
IDA Management Fee		66,666.66			66,666.66
Interest Income		5,611.42			5,611.42
Received From Albany County		800,000.00			800,000.00
Rental Income	2,962.92	8,888.76			11,851.68
Shovel Ready Site Reimbursement			7,931.68		7,931.68
Stage Grant Income				4,000,000.00	4,000,000.00
Total Income	\$ 88,229.66	\$ 914,500.17	\$ 7,931.68	\$ 4,000,000.00	\$ 5,010,661.51
Gross Profit	\$ 88,229.66	\$ 914,500.17	\$ 7,931.68	\$ 4,000,000.00	\$ 5,010,661.51
Expenses					
Legal & Professional Services					0.00
Legal Fees	2,253.35	29,352.04	7,744.18		39,349.57
Professional Fees	6,249.42	6,186.12	187.50		12,623.04
Total Legal & Professional Services	\$ 8,502.77	\$ 35,538.16	\$ 7,931.68	\$ 0.00	\$ 51,972.61
Other Business Expenses					0.00
Bank Charges & Fees	750.00	19.50			769.50
Charitable Contributions		1,000.00			1,000.00
Computer Software	2,146.26	2,387.82			4,534.08
Computer/Internet	1,676.10	2,226.10			3,902.20
Dues & Subscriptions	1,249.98	2,603.88			3,853.86
Insurance	1,200.36	1,327.65			2,528.01
Meals & Entertainment		378.52			378.52
Meeting Expense		696.50			696.50
Office Supplies	395.29	716.93			1,112.22
Parking	847.50	2,567.46			3,414.96
Payroll Fee	1,126.36	1,126.43			2,252.79
Postage		83.29			83.29
Professional Development		5,796.52			5,796.52
Rent	5,925.84	17,777.55			23,703.39
Sponsorship		10,500.00			10,500.00
Telephone		42.56			42.56
Travel Expenses		4,483.15			4,483.15
Utilities	516.00	516.00			1,032.00
Total Other Business Expenses	\$ 15,833.69	\$ 54,249.86	\$ 0.00	\$ 0.00	\$ 70,083.55
Payroll Expenses					0.00
Employee Benefits					0.00
401k ER Match	2,298.42	2,176.32			4,474.74
Health Insurance	7,721.04	7,407.78			15,128.82
Payroll Tax - FICA	3,582.01	4,879.20			8,461.21
Payroll Tax - FUTA	81.98	436.33			518.31
Payroll Tax - SUTA	949.78	1,547.29			2,497.07
Workers Comp	137.49	137.52			275.01
Total Employee Benefits	\$ 14,770.72	\$ 16,584.44	\$ 0.00	\$ 0.00	\$ 31,355.16
Salaries	49,122.48	60,175.09			109,297.57
Total Payroll Expenses	\$ 63,893.20	\$ 76,759.53	\$ 0.00	\$ 0.00	\$ 140,652.73
Total Expenses	\$ 88,229.66	\$ 166,547.55	\$ 7,931.68	\$ 0.00	\$ 262,708.89
Net Operating Income	\$ 0.00	\$ 747,952.62	\$ 0.00	\$ 4,000,000.00	\$ 4,747,952.62
Other Expenses					
Depreciation Expense		8,320.62			8,320.62
Total Other Expenses	\$ 0.00	\$ 8,320.62	\$ 0.00	\$ 0.00	\$ 8,320.62
Net Other Income	\$ 0.00	-\$ 8,320.62	\$ 0.00	\$ 0.00	-\$ 8,320.62
Net Income	\$ 0.00	\$ 739,632.00	\$ 0.00	\$ 4,000,000.00	\$ 4,739,632.00

Row Labels	Sum of Amount
ACBDC	
ABM Parking Services	600.00
Adobe	621.82
ADP	1,522.61
Aurora Ins	269.28
Beazley Ins	514.24
Boardable	503.84
Bonadio & Co, LLP	5,800.00
CDPHP	9,822.72
CEG	1,249.98
Commercial Investigations, LLC	403.74
Downhome	621.00
Dropbox	108.00
Fusco Personnel	45.68
Hanover	49.10
Intelligent Technology Solutions, Inc	1,126.10
Intuit	291.60
Iron Mountain	65.26
Naomi Stryker	97.50
Nolan Heller Kauffman LLP	2,253.35
Parking	150.00
Payroll	53,641.15
Philadelphia Ins	367.74
Rent	5,925.84
Spectrum	550.00
Travelers	33.08
Utilities	516.00
W.B. Mason	330.03
Wilmington Trust	750.00
Grand Total	88,229.66

Vendor	Sum of Amount
Shovel Ready Site Development Fund	
GdB Geospatial LS, P.C.	187.50
Thomas M Owens, Esq	6,424.18
Young Sommer LLC	1,320.00
Grand Total	7,931.68

**ALBANY COUNTY BUSINESS DEVELOPMENT CORPORATION
BOARD OF DIRECTORS**

RESOLUTION

APPROVING FALLON WELLNESS PHARMACY, LLC LOAN APPLICATION

WHEREAS, Albany County Business Development Corporation (“ACBDC”) administers a revolving business loan fund for the purpose of creating and retaining jobs in Albany County; and

WHEREAS, the staff of the Advance Albany County Alliance Local Development Corporation (the “Alliance”), as agents of ACBDC, has reviewed and recommended approval of a loan application from Fallon Wellness Pharmacy, LLC to purchase a premises in Latham, New York into which to relocate its business (the “Loan Application”); and

WHEREAS, the material terms of the ACBDC loan recommended to be provided on the basis of the Loan Application (the “Loan”) would be as follows:

<u>Borrower:</u>	Fallon Wellness Pharmacy, LLC, and/or a newly formed real estate holding company
<u>Principal Amount:</u>	\$300,000.00
<u>Interest Rate:</u>	4%
<u>Term:</u>	5-year term, 20-year amortization
<u>Guaranty:</u>	Unlimited personal guaranty of Erika Fallon (and operating company if a real estate holding company is formed).
<u>Collateral:</u>	Second mortgage on commercial real estate located at 303 Troy -Schenectady Road, Latham, subordinate to a mortgage loan from NBT Bank, NA in the amount not greater than \$1,050,828; Second priority security interest in all business assets of Borrower.
<u>Other Terms:</u>	Assignment of Life Insurance on the life of Erika Fallon in an amount not less than \$300,000.

NOW, THEREFORE, BE IT RESOLVED, that the Loan Application is hereby conditionally approved, subject to completion of all standard requirements of ACBDC and satisfaction of all conditions precedent normally applicable to ACBDC business loans and all conditions which legal counsel for ACBDC deems reasonably appropriate to the circumstances; and be it further

RESOLVED, that upon satisfaction of all of the aforesaid requirements and conditions, ACBDC is authorized to close and fund the Loan, including execution by appropriate official of Alliance, as agent of ACBDC, of all documents required to be executed in connection therewith.

Albany County Business Development Corp.
AI Tech Loan Fund
Loan Proposal
May 16, 2024

BORROWER: Fallon Wellness Pharmacy, LLC or Real Estate Holding Company, LLC to be Formed.

REQUEST: Three-Hundred Thousand Dollars (\$300,000)

TERM: 5-Year Term – 20 Year Amortization

RATE: 4.00%

PROJECT: Fallon Wellness Pharmacy, LLC is actively pursuing a new location for their Pharmacy at 303 Troy -Schenectady Road, Latham. The decision has been made to move 3.7 miles east on the same road as their lease is coming due with the existing landlord and there is significant deferred maintenance that needs to be addressed. The decision to move from their current location has been a difficult one.

The sources and uses of the proposed project financing are follows:

SOURCES		USES	
AI Tech Funds	\$300,000	Purchase	\$700,000
Bank Financing	1,050,828	Renovations, soft costs, engineering, and architecture	800,920
Owner's Equity	140,092	Closing Costs	25,000
Sellers Note	35,000		
Total	\$1,525,920	Total	\$1,525,920

NBT is offering Fallon Wellness Pharmacy a \$250,000 SBA Express LOC as part of the transaction.

Erika Fallon is in the process of buying the Pharmacy from her father Peter Fallon for

[REDACTED]



COLLATERAL: Collateral will be a second mortgage lien behind NBT Bank, not to exceed \$1,050,828. Second UCC lien on the Business Assets of Fallon Wellness Pharmacy and Collateral Assignment of Life Insurance on Erika Fallon in the full amount of the Loan.

GUARANTORS: Loan will require the unlimited personal guarantee of Erika Fallon and the unlimited corporate guarantee of the operating company (assuming the RE Holding Company will be the Borrower).

Background Investigation – Erika Fallon

<p>[REDACTED]</p>	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
<p>[REDACTED]</p>	<p>[REDACTED] FS provided by Borrower.</p>
<p>Liens</p>	<p>No Records Found</p>
<p>Judgments</p>	<p>No Records Found</p>

BACKGROUND:

What is a compound Pharmacy: (from WEBMD)

When we are prescribed medication, your doctor will probably prescribe a premade one that's FDA-approved. But sometimes, they may want you to go on a compounded medicine — one specifically made for your needs.

About 1% to 3% of prescriptions in the U.S. are for compounded drugs.

These medicines may be free of certain allergens or have a dosage that's different than the preset dosages available. They may change the formula for an existing medicine to meet your specific needs.

The risks of compounded medicines are different so the laws that govern compounding pharmacies and compounded drugs differ from a traditional drug manufacturer or pharmacy.

How Is a Compounding Pharmacy Different from a Regular Pharmacy?

Compounding pharmacies sell custom-made medicines. Retail or hospital pharmacies (also known as community pharmacies) sell medicines made by manufacturers, but they can still offer certain compounded drugs. They just may not offer all the exact mixtures you need, especially if what you need must be made in a special setting to ensure safety. In that case, you may need to go to a compounding pharmacy, specifically.

There are about 56,000 community-based pharmacies in the U.S. Of them, about 7,500 pharmacies offer compounding services. Some estimates say that more than 32,000 pharmacies in the country offer some kind of compounding. About 40% of people who can compound drugs work in pharmacies that solely compound drugs.

What Are the Different Kinds of Compounded Medicines?

There are two kinds of medicines made at compounding pharmacies.

- **Sterile compounds** are drugs that are injected into your tissue or blood or put into your eyes. They have a higher risk for contamination than traditional pharmacies.
- **Non-sterile compounds** come in capsules, creams, and ointments.

Compounding pharmacies have to use pure, pharmaceutical-grade ingredients when they mix up a compounded drug. These must be made at a facility that's registered with the FDA.

There are differences in how compound and traditional drugs are labeled, too. Compounded medicine labels don't follow a format like FDA-approved drugs do. They aren't regulated the same, either.

Different Types of Compounding Pharmacies?

There are two types of compounding pharmacies:

503A compounding pharmacies. They can create a medication for you based on your doctor's prescription. The compounding can't be done by someone under supervision of a pharmacist. They're mostly managed by individual states.

503B compounding pharmacies. These are outsourcing facilities, which can make a medicine based off a prescription. They can also create large amounts of medicines and sell them to medical offices. The FDA manages most of these. They have stricter labeling rules than 503A pharmacies in an effort to avoid confusion.

What Governs Compounded Drugs and Compounding Pharmacies?

Although the FDA has approved the medicines used in a compounding pharmacy, it doesn't approve compounded drugs like they do with traditional prescription drugs, such

as the dosages The FDA can't confirm if a compounded drug is safe or effective the way that they do with manufactured drugs.

State pharmacy boards manage compounding pharmacies in the U.S. But the FDA can oversee the safety of drugs used in compounding. The Drug Enforcement Administration (DEA) can do the same for controlled substances that are put into compounded drugs. Federal and state authorities can manage the labs and equipment used, too.

Compounded drugs have to follow industry standards, and the United States Pharmacopeia (USP) Convention sets those. If they're made in an outsourcing facility, they have to follow good manufacturing practice (CGMP) rules that cover how they're made, processed, and packed.

In addition to licensed doctors, a licensed pharmacist, or someone supervised by one, can create a compounded drug.

They can be made in a pharmacy or outsourcing facility. The FDA and state pharmacy boards can inspect those facilities.

FWP is a non-sterile compounding pharmacy and a 503A facility.

History and Future of Fallon Wellness:

Erika Fallon, soon to be 100% owner of Fallon Wellness Pharmacy (FWP) is a 2008 graduate of the Albany College of Pharmacy. Erika Fallon specializes in non-sterile compounding, hazardous compounding and regulatory compliance. Mrs. Fallon has been the supervising pharmacist at FWP since 2010. She is currently working with her father Peter Fallon to purchase his shares of FWP.

FWP has 4 distinct profit centers, CBD Sales (6.4%), Veterinary Medications (26.3%), Human Medications (40%) and Wellness products (27.3%) including vitamins, minerals and other cures.

FWP offers 29 different CBD products, including gummies, chews, tinctures and creams with prices ranging from \$30 up to \$180 depending on the mg dosage.

Non-sterile compounding for veterinary patients is about more than just creating customized medications – it's about improving the quality of life for your pets. By developing personalized solutions that cater to their specific needs, non-sterile compounding can reduce stress in your pet when administering the medication; Improve compliance, meaning the pet is more likely to take / accept the medication and supports optimal pet health by customizing the prescription to the pet's ailments.

Non-sterile compounding for veterinary patients is about more than just creating customized medications – it's about improving the quality of life for your pets. By developing personalized solutions that cater to their specific needs, non-sterile compounding can:

Non-sterile compounding refers to pharmacy personnel's preparation of customized medications such as oral products, creams, ointments, and suppositories. The compounding process refers to the manipulation and combining of medications to create specific formulations for individual patient needs. For pharmacy technicians, this practice requires specialized training and adherence to quality control measures set by the United States Pharmacopeia (USP) to ensure the safety, efficacy, and stability of the compounded products.

FWP largest revenue center is compounding for people. The areas FWP focuses on include but are not limited to dermatology treatments; Low dose naltrexone (LDN) is used for conditions such as fibromyalgia, Crohn's disease, multiple sclerosis, and complex regional pain syndrome, as it may work as an anti-inflammatory agent in the central nervous system. Use of low dose naltrexone is an off-label use and is not FDA-approved for these conditions; pain management programs; pediatric and allergen friendly treatments; and treatments for sexual dysfunction.

The fourth profit center is wellness which consists of vitamins, minerals, herbal remedies, and other health-based remedies. A wellness pharmacist uniquely focuses on patient quality of life and personalized care to help patients achieve optimum health beyond their prescriptions alone.

In speaking with Erika Fallon, Supervising Pharmacist, FWP three most popular treatments are Vet care, medication for fissures and hormone therapies.

Non-allergen and dye free compounds are a growing segment of the pharmacy, this is due to allergies in children and many parents avoid red dye (no necessary) in their childrens' medications. Corn is a new allergen that many medications have as an ingredient.

FWP compounds on average 60+ prescriptions a day, where the average pharmacy may compound 1 – 5 a day. The closest competitor doing what Fallon's is producing is an hour south in Kingston NY.

95% of their clients are cash payers verse insurance reimbursement.

Building - 303 Troy-Schenectady Road, Latham:

FWP is under contract to purchase 303 Troy-Schenectady Road in Latham. The property consists of two buildings, a single-story brick retail building, approximately 1784 sq ft and a one and a half story residential building, approximately 1,170 sq ft. between the two structures is a detached 2 car garage that will be attached to the retail space utilizing a to be built addition.

The purchase price is \$700,000, construction costs are estimated at \$800,920 (including a \$51,720 contingency, engineering, architecture and soft costs) and closing costs are estimated at \$25,000 for a total budget of \$1,525,920.

FINANCIALS:

See attached financial information:

ECONOMIC IMPACT: Al Tech will be providing a loan to the owners of the business that will occupy the space. Owner-occupied real estate will allow the owners to build equity and control the location as they currently rent their space. Additionally, there are tax advantages to owning real estate.

By the time the transaction begins, Erika Fallon will own 100% of the business and real estate holding company. Erika is buying out her father Peter Fallon for \$370,000. Peter will hold the sellers note.

FWP will be a women-owned business, they currently have 5 FT and 4 PT. Erika feels that she will need to add 1 additional FT pharmacist and 2 PT support staff.

As Erika and her staff started exploring new locations, they did look outside of Albany County, this loan would be considered a retention of jobs in the County.

STRENGTHS

- There is sufficient cash flow to support the purchase, renovations and occupancy of 303 Troy Schenectady Road, Latham
- Fits the mission of the fund to support and MWBE
- Healthcare is part of the county's strategic plan; Fallon Wellness Pharmacy is one of the only compound pharmacies located in Albany County and the entire Capital Region.
- The new location is 3.7 miles east of their current location, on the same road.

WEAKNESS:

- Significant renovations are required to make the property suitable for their new pharmacy.
- Limited liquidity of the owner, Erika Fallon

OTHER TERMS AND CONDITIONS

- Assignment of life insurance on the life of Erika Fallon in the amount of the loan
- Real estate appraisal on property located at 303 Troy-Schenectady Road, Latham, NY, ACBDC Financing not to exceed 90% LTV.
- Environmental report on the property located at 303 Troy-Schenectady Road, Latham, NY (following NBT Guidelines)
- Al Tech to fund at the end of construction, upon receipt of CO.

Section 2. Notes Payable to Banks and Others. (Use attachments if necessary. Each attachment must be identified as part of this statement and signed.)

Names and Addresses of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as part of this statement and signed.)

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

Section 4. Real Estate Owned. (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)

	Property A	Property B	Property C
Type of Real Estate (e.g. Primary Residence, Other Residence, Rental Property, Land, etc.)	Primary Residence		
Address	9 [REDACTED]		
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

Section 5. Other Personal Property and Other Assets. (Describe, and, if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and, if delinquent, describe delinquency.)

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Section 6. Unpaid Taxes. (Describe in detail as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)

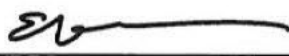
Section 7. Other Liabilities. (Describe in detail.)

Section 8. Life Insurance Held. (Give face amount and cash surrender value of policies – name of insurance company and Beneficiaries.)

I authorize the SBA/Lender/Surety Company to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness.

CERTIFICATION: (to be completed by each person submitting the information requested on this form and the spouse of any 20% or more owner when spousal assets are included)

By signing this form, I certify under penalty of criminal prosecution that all information on this form and any additional supporting information submitted with this form is true and complete to the best of my knowledge. I understand that SBA or its participating Lenders or Certified Development Companies or Surety Companies will rely on this information when making decisions regarding an application for a loan, surety bond, or participation in the WOSB or 8(a) BD program. I further certify that I have read the attached statements required by law and executive order.-

Signature 

Date 05/08/2024

Print Name Erika Fallon

Social Security No. 

Signature _____

Date _____

Print Name _____

Social Security No. _____



ADVANCE ENGINEERING & SURVEYING, P.L.C.
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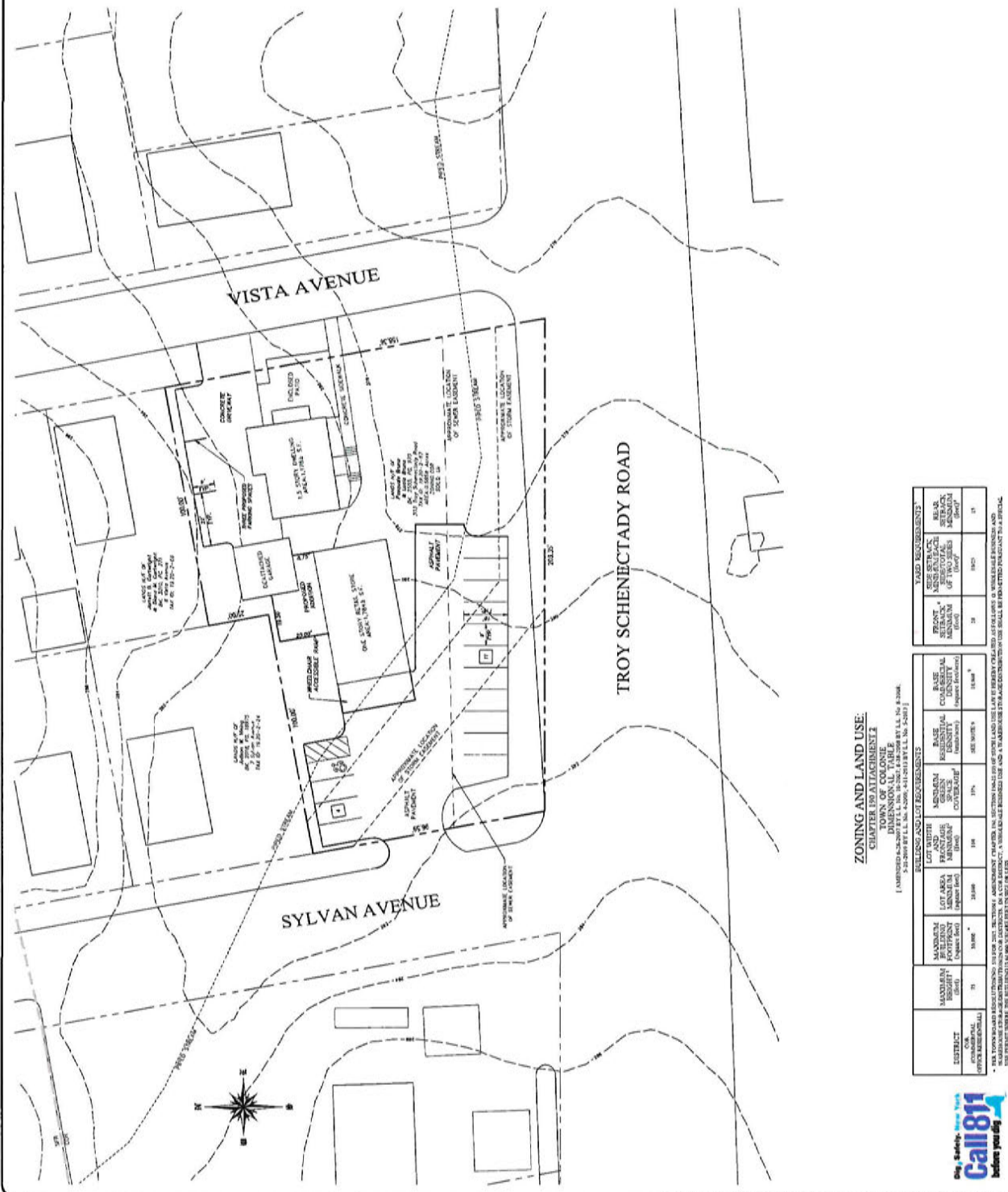
NO.	REVISION	DATE
01	ISSUED FOR PERMITS REVIEW	12/27/23
02		
03		

THIS IS A PRELIMINARY SKETCH
 AND DOES NOT CONSTITUTE A FINAL
 ENGINEERING OR SURVEYING PLAN.



SITE STATISTICS

EXISTING	1 CON	PROPOSED	2 CON
100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.
100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.
100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.
100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.
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100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.
100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.



ZONING AND LAND USE:
 CHAPTER 150 ATTACHMENT 2
 TOWN OF COLONIE
 DEVELOPMENT CODE, ARTICLE 150, SECTION 150.1, 150.2, 150.3, 150.4, 150.5, 150.6, 150.7, 150.8, 150.9, 150.10, 150.11, 150.12, 150.13, 150.14, 150.15, 150.16, 150.17, 150.18, 150.19, 150.20, 150.21, 150.22, 150.23, 150.24, 150.25, 150.26, 150.27, 150.28, 150.29, 150.30, 150.31, 150.32, 150.33, 150.34, 150.35, 150.36, 150.37, 150.38, 150.39, 150.40, 150.41, 150.42, 150.43, 150.44, 150.45, 150.46, 150.47, 150.48, 150.49, 150.50, 150.51, 150.52, 150.53, 150.54, 150.55, 150.56, 150.57, 150.58, 150.59, 150.60, 150.61, 150.62, 150.63, 150.64, 150.65, 150.66, 150.67, 150.68, 150.69, 150.70, 150.71, 150.72, 150.73, 150.74, 150.75, 150.76, 150.77, 150.78, 150.79, 150.80, 150.81, 150.82, 150.83, 150.84, 150.85, 150.86, 150.87, 150.88, 150.89, 150.90, 150.91, 150.92, 150.93, 150.94, 150.95, 150.96, 150.97, 150.98, 150.99, 150.100

EXISTING	PROPOSED	MAXIMUM POTENTIAL (Sqr. Ft.)	MINIMUM POTENTIAL (Sqr. Ft.)	LOT AREA (Sqr. Ft.)	MINIMUM LOT AREA (Sqr. Ft.)	MINIMUM LOT WIDTH (Feet)	MINIMUM LOT DEPTH (Feet)	MINIMUM FRONT YARD SETBACK (Feet)	MINIMUM SIDE YARD SETBACK (Feet)	MINIMUM REAR YARD SETBACK (Feet)	MINIMUM FRONT SETBACK (Feet)	MINIMUM REAR SETBACK (Feet)	MINIMUM SIDE SETBACK (Feet)
100	100	100	100	100	100	100	100	100	100	100	100	100	100



**ALBANY COUNTY BUSINESS DEVELOPMENT CORPORATION
BOARD OF DIRECTORS**

RESOLUTION

APPROVING 219 WAREHOUSE GRILL, LLC LOAN FORBEARANCE

WHEREAS, Albany County Business Development Corporation (“**ACBDC**”) administers a revolving business loan fund for the purpose of creating and retaining jobs in Albany County; and

WHEREAS, 219 Warehouse Grill, LLC (the “**Borrower**”), Mezzanotte LLC, Stellare LLC, Connie Ware, and Mitchell Ware (collectively the “**Guarantors**”) are obligated to Lender pursuant to, among other documents:

(a) That certain Promissory Note dated January 20, 2016, made by the Borrower in favor of ACBDC in the original principal amount of \$250,000.00 (the “**Note**” or the “**Loan**”);

(b) That certain Security Agreement dated January 20, 2016, made by Borrower in favor of ACBDC (the “**Security Agreement**”), pursuant to which the Borrower granted to the ACBDC a security interest in and to all of the Borrower’s personal property and fixtures (collectively, the “**Collateral**”), in order to secure repayment of the Loan;

(c) Those certain Guaranties dated as of January 20, 2016, each made by the respective Guarantors in favor of ACBDC (collectively, the “**Guaranties**”); and

(d) Any and all other documents evidencing, securing or otherwise relating to the Loan (such documents, together with the documents referenced in (a) through (c) above, being hereinafter collectively referred to as the “**Loan Documents**”); and

WHEREAS, ACBDC is the owner and holder of the Note, the Security Agreement, the Guaranties and all of the other Loan Documents, and there remains outstanding on the Loan the unpaid principal balance of \$ _____; and

WHEREAS, the Borrower and the Guarantors have requested that Lender forbear from exercising its rights, recourses and remedies under the Loan Documents, at law and in equity, and Lender is willing to conditionally so forbear for a six-month period of time commencing on _____, 2024 (the “**Forbearance Period**”);

NOW, THEREFORE, BE IT RESOLVED, that this Board agrees to forbear from exercising its rights under the Loan Documents during the Forbearance Period on the condition that (a) Borrower timely makes all interest payments as and when due under the Loan Documents; and (b) Borrower and Guarantors shall satisfy all other conditions which legal counsel for ACBDC deems reasonably appropriate to the circumstances; and be it further

RESOLVED, that the appropriate representative of the Advance Albany County Alliance Local Development Corporation, as agent of ACBDC, be and hereby is authorized to execute and deliver such agreements and documents as may be necessary to bring the foregoing into effect.

MEMORANDUM

To: ACBDC Board of Directors

From: Kevin Catalano – Director of Commercial Lending

Date: May 16, 2024

RE: 219 Warehouse Grill – Interest only payments for 6-Months

Original Loan Amount:	\$250,000, Funded on Jan 20, 2016
Renewed:	\$146,042.98 on March 22, 2022
Maturity Date:	February 1, 2027
Collateral:	A second position UCC lien on all assets of 219 Warehouse Grill, LLC
Guarantors:	The loan will require the personal guarantees of Connie Ware and Mitchell Ware, along with the corporate guarantee of 219 Warehouse Grill, LLC, the corporate guarantee of Mezzanotte
Current Balance:	\$93,029.45

To date, all payments have been made as agreed.

Due to the downturn in business following the Covid pandemic, 219 Warehouse Grill was forced to close Warehouse Grill & BBQ. Operating losses were approaching \$25,000 a month and it was no longer financially viable to keep it open.

The owners immediately began looking for a tenant to sublease the space so that they might be able to generate some income to offset the amount of principle they still owe on the debt.

At the beginning of this year, the owners received a letter of intent from a local restaurateur and have been negotiating a lease for a sublease on the property. That sublease would run concurrent with the current lease term which runs until November 2035, with two options to renew at the end of those terms.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The owner's intent is to liquidate funds from their personal retirement funds to pay down a large portion of the outstanding principles of the current loans so that the rent received from the sub-tenant will be enough to cover the monthly payments on the property.

At this time, the owners are expecting to start receiving rent in full, from the new tenant on October 1st of 2024. During this entire time since the restaurant closed in October of last year, the owners have continued to pay their debt obligations, rent, utilities and insurance payments.

The owners have asked Pursuit/Key Bank for a period of interest only payments in December of 2023, they agreed to a 3-month term beginning in March of this year, with the possible option of adding another 3-month period after that.

The owners are requesting a 6-month period of interest only payments from AI Tech with full payments to coincide with our receipt of rent from the new tenant.

The sublease includes most of the equipment and fixtures currently in the restaurant. Regarding any FF& E that will not be used by the new tenant, the owners would like to liquidate everything utilizing Collar City Auctions with all proceeds to be applied to the loan principles currently outstanding.

Regarding our tax returns for 2022 & 2023 we have been in communication with our accountant and hope to receive both returns shortly.